

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CARL ABRAMOWICZ, M.D., and	§
SOUTHERN DELAWARE	§ No. 223, 2008
IMAGING ASSOCIATES, LLC,	§
	§
Defendants Below-	§ Court Below—Superior Court
Appellants,	§ of the State of Delaware
	§ in and for New Castle County
v.	§ C.A. No. 04C-01-151
	§
KATHLEEN MARIE BARROW,	§
Individually and as the Personal	§
Representative of the Estate of	§
Robert J. Barrow, JAMES	§
GREGORY BARROW, JENNIFER	§
KATHLEEN BARROW,	§
CHRISTINE MARIE BARROW,	§
and NICOLE ELIZABETH	§
KAZENSKE,	§
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: May 21, 2008

Decided: May 23, 2008

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

**ORDER**

This 23rd day of May 2008, it appears to the Court that:

(1) The defendants-appellants, Carl Abramowicz, M.D., and Southern Delaware Imaging Associates, LLC, have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Superior Court’s interlocutory ruling on April 17, 2008 denying their motion for reargument

of the Superior Court's February 4, 2008 order denying in part, and granting in part, their motion to reopen the record.<sup>1</sup>

(2) On May 19, 2008, the Superior Court refused to certify an interlocutory appeal to this Court pursuant to Rule 42 because the issues decided by the Superior Court did not determine a substantial issue or legal right.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.<sup>2</sup> We have examined the Superior Court's April 17, 2008 decision according to the criteria set forth in Rule 42. In the exercise of its discretion, this Court has concluded that such exceptional circumstances as would merit interlocutory review of the decision of the Superior Court do not exist in this case.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>1</sup> This matter was remanded to the Superior Court for a new trial by Order of this Court dated August 7, 2007.

<sup>2</sup> Supr. Ct. R. 42(b).