

IN THE SUPREME COURT OF THE STATE OF DELAWARE

REV. DANNY TICE, Individually	§	
and as Pastor of BAY SHORE	§	No. 565, 2013
COMMUNITY CHURCH, BAY	§	
SHORE COMMUNITY CHURCH,	§	Court Below—Superior Court of
INC., a Delaware Corporation,	§	the State of Delaware in and for
	§	New Castle County
Defendants Below,	§	
Appellants,	§	C.A. No. N13C-04-194
	§	
v.	§	
	§	
The Estate of NICOLE BENNETT,	§	
KEVIN BENNETT, Individually	§	
and as Administrator for the Estate,	§	
and as next friend and Guardian ad	§	
Litem for LAUREN BENNETT,	§	
EMILY BENNETT, and ALLIE	§	
BENNETT, minors,	§	
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: October 17, 2013

Decided: October 24, 2013

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

ORDER

This 24th day of October 2013, upon consideration of the notice of appeal from interlocutory order, it appears to the Court that:

(1) On October 17, 2013, the defendants/appellants, Rev. Danny Tice of Bay Shore Community Church, and Bay Shore Community Church, Inc. (hereinafter “Defendants”), petitioned this Court pursuant to Supreme

Court Rule 42 to accept an interlocutory appeal from the Superior Court's September 18, 2013 order that denied Defendants' motion to dismiss and denied without prejudice Defendants' motion to dismiss when considered as a motion for summary judgment.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. Having examined the transcript of the September 18, 2013 hearing held on Defendants' motion to dismiss, the Superior Court's order of September 18, 2013, and the criteria set forth in Supreme Court Rule 42, we conclude that exceptional circumstances meriting interlocutory review do not exist in this case.

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

BY THE COURT:

/s/ Randy J. Holland
Justice