

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FREDERICK H. DIRIENZO,	§
	§ No. 602, 2013
Plaintiff Below-	§
Appellant,	§
	§ Court Below-Court of Chancery
v.	§ of the State of Delaware
	§ C.A. No. 7094
WARREN G. LICHTENSTEIN, et	§
al.,	§
	§
Defendants Below-	§
Appellees,	§
	§
and	§
	§
STEEL PARTNERS HOLDINGS	§
L.P.,	§
	§
Nominal Defendant Below-	§
Nominal Appellee.	§

Submitted: October 31, 2013
Decided: November 5, 2013

Before **HOLLAND, BERGER** and **RIDGELY**, Justices.

ORDER

This 5th day of November 2013, it appears to the Court that:

(1) The plaintiff-appellant, Frederick H. DiRienzo, has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Court of Chancery dated September 30, 2013, which dismissed derivative counts IV-VIII of DiRienzo's complaint for

failure to make demand and dismissed counts I and III as to the special committee for failure to state a claim.

(2) The appellant filed his application for certification to take an interlocutory appeal in the Court of Chancery on October 10, 2013. On October 30, 2013, the Court of Chancery denied the certification application on the ground that the requirements of Supreme Court Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellant's application for interlocutory review fails to meet the requirements of Rule 42 and, therefore, should be refused.

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

BY THE COURT:

/s/ Randy J. Holland
Justice