

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER A. MCKNIGHT and JANIS	§
K. MCNIGHT, on behalf of	§
themselves and all others similarly	§ No. 161, 2005
situated,	§
	§
Plaintiffs Below-	§
Appellants,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
USAA CASUALTY INSURANCE	§ C.A. No. 04C-09-134
COMPANY,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: May 6, 2005  
Decided: May 16, 2005

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 16<sup>th</sup> day of May 2005, it appears to the Court that:

(1) The plaintiffs below, Peter and Janis McKnight, have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated March 22, 2005. The Superior Court's ruling denied the McKnights' motion for partial summary judgment and granted USAA Casualty Insurance Company's motion for partial summary judgment.

(2) On April 19, 2005, the Superior Court denied the McKnight's application to certify an interlocutory appeal to this Court. The Superior Court

found that, while the particular exclusion at issue has not previously been interpreted in Delaware, the trial court applied well-established principles of contract interpretation and thus the case did not involve a matter of first impression. This Court permitted the parties to respond to the Superior Court's order denying certification.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(4) In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

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

BY THE COURT:

/s/Henry duPont Ridgely  
Justice