

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                                  |                                |
|----------------------------------|--------------------------------|
| SHIPLEY MANOR HEALTH CARE        | §                              |
| & SUNRISE SENIOR LIVING, INC.,   | §                              |
|                                  | § No. 162, 2005                |
| Defendants Below-                | §                              |
| Appellants,                      | §                              |
|                                  | §                              |
| v.                               | § Court Below—Superior Court   |
|                                  | § of the State of Delaware,    |
| GILBERT MCBRIDE, individually    | § in and for New Castle County |
| and as executor of the estate of | § C.A. No. 04C-06-291          |
| HELEN MCBRIDE,                   | §                              |
|                                  | §                              |
| Plaintiffs Below-                | §                              |
| Appellees.                       | §                              |

Submitted: May 5, 2005

Decided: May 18, 2005

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

**ORDER**

This 18<sup>th</sup> day of May 2005, it appears to the Court that:

(1) The defendants below, Shipley Manor Health Care and Sunrise Senior Living, Inc. (collectively, “Shipley Manor”), have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated March 23, 2005. The Superior Court’s ruling denied Shipley Manor’s motion to dismiss and allowed plaintiffs three weeks to file an Affidavit of Merit under 18 Del. C. § 6853.

(2) On April 22, 2005, the Superior Court denied Shipley Manor's application to certify an interlocutory appeal to this Court.

(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