IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

)	
JOELI A. McCAMBRIDGE,)	
Plaintiff,)	
)	
v.)	CA. No.: 09C-02-030 FSS
)	E-FILED
SHIRLEY BISHOP and)	
ROMIE DAVID BISHOP,)	
Defendants.)	
)	

Submitted: October 19, 2009 Decided: October 23, 2009

ORDER

Upon Application for a Second Certification of an Interlocutory Appeal – **CERTIFICATION REFUSED**

- 1. On October 6, 2009, the court accepted the findings and recommendations set out in a Commissioner's Opinion and Order, dated September 23, 2009.
- 2. The commissioner granted Appellant's motion to dismiss the harassment claim in the pending complaint against Appellant. The commissioner, however, denied dismissal as to the rest of the complaint. The commissioner also allowed Defendant's Motion to Amend his answer in order to allow him to assert counterclaims.

3. Appellant, *pro se*, filed a timely appeal of the commissioner's findings of fact and recommendations, which the court denied, as mentioned above.

4. Now, Appellant has applied for certification of an interlocutory appeal. This is the second interlocutory order for which Appellant has sought review. In the first application, Appellant challenged scheduling orders. Now, Appellant challenges the denial of his motion to dismiss on the pleadings.

5. As it was for Appellant's first application for interlocutory appeal, Appellant has not addressed any of Supreme Court Rule 42's criteria.

6. In this instance, the commissioner's findings and recommendation rest, in part, on matters of law. Accordingly, in that limited sense, the decision touches on a legal right. Nevertheless, no matter what happens, an interlocutory appeal is unlikely to refine the issues, much less resolve this case. For example, Appellant now has pending counterclaims.

For the foregoing reasons, the court **REFUSES** to certify the interlocutory appeal.

IT IS SO ORDERED.

_____/s/ Fred S. Silverman
Judge

oc: Prothonotary (civil)

cc: Joeli McCambridge, *pro se* (via US Mail) Shirley Bishop, *pro se* (via US Mail) Romie Bishop, *pro se* (via US Mail) Louis J. Rizzo, Esquire (via Lexis E-file)