

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

**MAYOR JAMES H. SILLS, THE CITY)
WILMINGTON,)**

Plaintiffs,)

5.)

C.A. No.: 99C-09-283-FSS

SMITH & WESSON CORP., STURM)
RUGER & COMPANY, INC., BERETTA)
U.S.A., COLT'S MANUFACTURING)
CO., GLOCK, INC., TAURUS)
INTERNATIONAL MANUFACTURING,)
INC., SIGARMS, INC., BRYCO ARMS,)
B.L. JENNINGS, INC., B.L. JENNINGS,)
INC., PHOENIX ARMS, HI-POINT)
FIREARMS, AMERICAN SHOOTING)
SPORTS COUNCIL, INC., NATIONAL)
SHOOTING SPORTS FOUNDATION,)
INC., and SPORTING ARMS AND)
AMMUNITION MANUFACTURERS)
INSTITUTE, INC., NAVEGAR, INC.,)
(D/B/A "INTRATEC"),)

Defendants.)

Submitted: February 22, 2001
Decided: February 27, 2001

ORDER

Upon All Parties' Applications for Certification of Interlocutory Appeal—***DENIED***

On December 1, 2000 the Court decided all Defendants' initial, dispositive motions. The Court dismissed part of the complaint, but it left most of Plaintiffs' claims pending. In response to

the parties' requests for clarification or reargument, the Court issued a short order on January 23, 2001.

On February 8 and 9, 2001, all parties filed applications for certification of an interlocutory appeal. Each side wants the Supreme Court to reverse the interlocutory order insofar as the order disagrees with its position. Each party firmly agrees with the interlocutory order in so far as the order supports its position.

The Court recognizes that its interlocutory order will precipitate time-consuming and expensive discovery. Moreover, it probably will generate another round of dispositive motions. Nevertheless, this is important litigation. Similar cases are pending in several other jurisdictions. Accordingly, while discovery in Delaware will add to Defendants' overall expenses, the added cost attributable to litigation in Delaware should not be prohibitive. Meanwhile, the Court will benefit from the opportunity to resolve this case finally **after more extensive discovery. Moreover, the Court will continue to benefit from precedents established in other jurisdictions.**

In terms of the Court's interlocutory order, itself, the order does not determine a substantial issue, present an original question of law or otherwise meet Supreme Court Rule 42(b)'s criteria. Other than their financial concerns, the parties' contentions overstate the interlocutory order's import.

For the foregoing reasons, the Court declines to certify an interlocutory appeal from the December 1, 2000 Order and its January 23, 2001 clarification.

IT IS SO ORDERED.

Date

Judge

oc: Prothonotary (Civil Division)
pc: Diane Clarke Streett, Esquire
Cathy A. Jenkins, Esquire
Arthur D. Kuhl, Esquire
William J. Cattie, III, Esquire
Barbara Fruehauf, Esquire
Richard D. Abrams, Esquire
James F. Bailey, Jr., Esquire
John E. James, Esquire
Richard L. Horwitz, Esquire
Stephen P. Casarino, Esquire
P. Clarkson Collins, Jr., Esquire
Allen M. Terrell, Jr., Esquire
Chad Shandler, Esquire