

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ROBERT HLUDZINSKI, R.R.	§
SEASIDE, INC., R.R. BAYSIDE,	§
INC., R.R. OUTLET MALLS, INC.,	§ No. 511, 2002
and CHARTER OAK PARTNERS,	§
LTD.,	§
	§
Defendants Below-	§
Appellants,	§ Court Below—Superior Court
	§ of the State of Delaware,
v.	§ in and for Kent County
	§ C.A. Nos. 99C-06-030 and
JASON, BRYAN, LOUISE, and	§ 00C-08-042 (Consolidated)
PATRICK PAULEY,	§
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: September 10, 2002

Decided: September 12, 2002

Before **VEASEY**, Chief Justice, **BERGER**, and **STEELE**, Justices.

**ORDER**

This 12<sup>th</sup> day of September 2002, it appears to the Court that:

(1) The defendants below, Robert Hludzinski, R.R. Seaside, Inc., R.R. Bayside, Inc., R.R. Outlet Malls, Inc., and Charter Oak Partners, Ltd. (collectively, “the Outlet Defendants”), have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from two interlocutory orders of the Superior Court dated August 21, 2002 and September 6, 2002. The Superior Court=s August 21, 2002 order granted summary judgment in favor of

defendants Delaware State Police, the State of Delaware, and the Department of Public Safety. The Superior Court's September 6, 2002 order denied the Outlet Defendants' motion for summary judgment. The Outlet Defendants also have filed a motion seeking a stay of the Superior Court trial, which is scheduled to begin on September 17, 2002.

(2) On September 9, 2002, the Superior Court denied the Outlet Defendants' application to certify an interlocutory appeal to this Court from the August 21, 2002 order. The Superior Court also denied the Outlet Defendants' motion for a stay of the trial date. The Superior Court has not yet acted on the Outlet Defendants' second application for certification of an interlocutory appeal and motion for a stay of trial relating to the September 6, 2002 order.

(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) as to either the August 21, 2002 order or the September 6, 2002 order and should be refused. Given our refusal of the

interlocutory appeal, the Outlet Defendants' motion for a stay of the Superior Court proceedings is moot.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED. The motion for a stay is MOOT.

BY THE COURT:

/s/ Myron T. Steele  
Justice