

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IAC/INTERACTIVE CORP.	§	
f/k/a USA NETWORKS, INC.,	§	No. 531, 2009
	§	
Defendant Below,	§	Court Below—Court of
Appellant,	§	Chancery of the State of
	§	Delaware in and for New
v.	§	Castle County
	§	
WESLEY T. O'BRIEN,	§	
	§	
Plaintiff Below,	§	C.A. No. 3892
Appellee.	§	

Submitted: September 15, 2009

Decided: September 18, 2009

Before **HOLLAND, BERGER** and **JACOBS**, Justices.

**ORDER**

This 18<sup>th</sup> day of September 2009, it appears to the Court that:

(1) On September 9, 2009, defendant-appellant, IAC/Interactive Corp. (“IAC”), petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to appeal from an interlocutory order in the Court of Chancery for indemnification and advancement. The Court of Chancery’s memorandum opinion and order entered on August 14, 2009, denied IAC’s motion for summary judgment and granted a motion for partial summary judgment filed by plaintiff-appellee, Wesley T. O’Brien (“O’Brien”).

(2) On September 3, 2009, O'Brien filed a response opposing IAC's application for certification. By order dated September 14, 2009, the Court of Chancery denied IAC's application for certification of the interlocutory appeal.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.\* In the exercise of its discretion, the Court has concluded that exceptional circumstances as would merit interlocutory review of the Court of Chancery's memorandum opinion and order do not exist in this case.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice

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\* Del. Supr. Ct. R. 42(b), (d)(v).