

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE: JOHN Q. HAMMONS	§	
HOTELS, INC. SHAREHOLDER	§	No. 642, 2009
LITIGATION	§	
_____	§	
	§	Court Below—Court of
	§	Chancery of Delaware in
JOHN Q. HAMMONS, DONALD H.	§	C.A. No. 758
DEMPSEY, JACQUELINE ANNE	§	
DOWDY, DANIEL L. EARLEY,	§	
WILLIAM J. HART, JOHN E.	§	
LOPEZ-ONA, JAMES F. MOORE,	§	
DAVID C. SULLIVAN, JQH	§	
ACQUISITION LLC, JQH MERGER	§	
CORPORATION, and JOHN Q.	§	
HAMMONS HOTELS, INC.,	§	
	§	
Defendants Below,	§	
Appellants,	§	
	§	
v.	§	
	§	
JOLLY ROGER FUND, LP, JOLLY	§	
ROGER OFFSHORE FUND, LTD.,	§	
and LEMON BAY PARTNERS,	§	
individually and on behalf of all	§	
others similarly situated,	§	
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: November 3, 2009

Decided: November 23, 2009

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

ORDER

This 23rd day of November 2009, it appears to the Court that:

(1) Defendant-appellant, John Q. Hammons (Hammons), and defendants-appellants, John Q. Hammons Hotels, Inc., JQH Acquisition

LLC, JQH Merger Corporation, John E. Lopez-Ona, Jacqueline Anne Dowdy, Daniel L. Earley, William J. Hart, Donald H. Dempsey, David C. Sullivan and James F. Moore (Other Defendants), have jointly petitioned this Court, pursuant to Supreme Court Rule 42 (“Rule 42”), to appeal from the Court of Chancery’s memorandum opinion of October 2, 2009 and implementing order of October 16, 2009.

(2) By order dated October 30, 2009, the Court of Chancery denied Hammons’ application for certification of an interlocutory appeal and request for a stay. By order dated November 2, 2009, the Court of Chancery denied the Other Defendants’ application for certification of an interlocutory appeal. As to both applications, the Court of Chancery ruled that the criteria of Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the October 2, 2009 memorandum opinion according to the criteria set forth in Rule 42. The Court has concluded that exceptional circumstances as would merit interlocutory review of the memorandum opinion do not exist in this case.

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice