

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SUBURBAN MEDICAL, d/b/a	§
NEIGHBORCARE KING OF	§
PRUSSIA PHARMACY,	§ No. 416, 2010
	§
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
TILTON TERRACE OF	§ C.A. No. 07C-07-197
DELAWARE, LLC,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: July 13, 2010

Decided: July 15, 2010

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

ORDER

This 15th day of July 2010, it appears to the Court that:

(1) The plaintiff-appellant, Suburban Medical d/b/a Neighborcare King of Prussia Pharmacy, has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated June 10, 2010. The trial court's order granted a motion to open a default judgment filed by the defendant-appellee, Tilton Terrace of Delaware, LLC.

(2) Plaintiff filed its application for certification to take an interlocutory appeal in the Superior Court on June 18, 2010. The Superior Court denied the certification application on July 12, 2010.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. 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) and should be refused.

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

BY THE COURT:

/s/ Carolyn Berger
Justice