

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEYBANC CAPITAL MARKETS, INC.,	§ § §	No. 545, 2010
Defendant Below, Appellant,	§ § §	Court Below—Court of Chancery of the State of Delaware
v.	§	
CHAD J. SHANDLER, CREDITOR TRUSTEE OF INSILCO TECHNOLOGIES, INC.,	§ § § §	
Plaintiff Below, Appellee.	§ §	C.A. No. 4797

Submitted: September 3, 2010  
Decided: September 14, 2010

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

**ORDER**

This 14<sup>th</sup> day of September 2010, it appears to the Court that:

(1) Defendant Below/Appellant, Keybank Capital Markets, Inc., has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Court of Chancery's memorandum opinion of July 26, 2010 that, in pertinent part, denied the appellant's motion to dismiss the aiding and abetting breach of fiduciary duty claim. By order dated September 3, 2010, the Court of Chancery denied the appellant's application for certification of the interlocutory appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the Court of Chancery's July 26, 2010 memorandum opinion according to the criteria set forth in Supreme Court Rule 42 and have concluded that exceptional circumstances as would merit review of the decision do not exist in this case.

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

BY THE COURT:

/s/ Jack B. Jacobs  
Justice