

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MOUNTAIRE FARMS, INC.,	§
	§
Defendant/Appellant Below-	§ No. 316, 2001
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
JESSIE PITTS,	§ in and for Kent County
	§ C.A. No. 01A-04-003
Plaintiff/Appellee Below-	§
Appellee.	§

Submitted: August 9, 2001  
Decided: August 20, 2001

Before **HOLLAND, BERGER** and **STEELE**, Justices

**ORDER**

This 20<sup>th</sup> day of August, 2001, it appears to the Court that:

(1) Appellant Mountaire Farms, Inc. has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Superior Court’s interlocutory order dated June 8, 2001, which denied Mountaire Farms’ motion to stay enforcement of a Court of Common Pleas judgment. The judgment was entered following trial in a case filed by Appellee Jessie Pitts alleging the late payment of workers’ compensation benefits.<sup>1</sup>

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<sup>1</sup>*Huffman v. Oliphant*, Del. Supr., 432 A.2d 1207 (1981).

(2) On August 2, 2001, the Superior Court refused to certify an interlocutory appeal to this Court pursuant to Rule 42 because its June 8, 2001 order did not determine a substantial issue or establish a legal right, and review by this Court was not likely to terminate or substantially reduce further litigation or otherwise serve considerations of justice.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.<sup>2</sup> We have examined the Superior Court's June 8, 2001 order according to the criteria set forth in Rule 42. In the exercise of its discretion, this Court has concluded that exceptional circumstances do not exist in this case to merit interlocutory review of the decision of the Superior Court.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>2</sup>Supr. Ct. R. 42(b).