

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LYNN TILTON,	§	
	§	No. 161, 2017
Defendant Below,	§	
Appellant,	§	Court Below—Court of Chancery of
	§	the State of Delaware
v.	§	
	§	C.A. No. 12946
ZOHAR II 2005–1, LIMITED and	§	
ZOHAR III, LIMITED,	§	
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: April 18, 2017

Decided: April 19, 2017

Before **VALIHURA, VAUGHN**, and **SEITZ**, Justices.

ORDER

This 19th day of April 2017, having considered the appellant’s notice and supplemental notice of appeal from interlocutory order and related motions for stay and to expedite, and the appellees’ motion to strike, it appears to the Court that:

(1) In a pending action filed under 8 *Del. C.* §§ 225 and 221, the defendant-appellant, Lynn Tilton, has petitioned this Court, under Supreme Court Rule 42, to accept an interlocutory appeal and to stay the proceedings in the Court of Chancery. The interlocutory order on appeal is an April 4, 2017 bench ruling that denied Tilton’s motion to sever or stay certain equity ownership issues from

the issues to be tried in the summary proceeding. Tilton contends that the issues are complex and beyond the bounds of such a proceeding.

(2) The plaintiffs-appellees filed an opposition to Tilton's application for certification and for a stay of the proceeding. By order dated April 17, 2017 and docketed on April 18, 2017, the Court of Chancery denied Tilton's application for certification and motion for stay.

(3) Applications for interlocutory review are addressed to the sound discretion of the Court¹ and are granted only in exceptional circumstances.² In this case, the Court agrees with the Court of Chancery's denial of Tilton's application for certification of an interlocutory appeal. The principles and criteria of Rule 42 do not weigh in favor of interlocutory review of the April 4 bench ruling denying Tilton's motion to stay or sever.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED. The motion to stay and motion to strike are moot.

BY THE COURT:

/s/ Karen L. Valihura
Justice

¹ Del. Supr. Ct. R. 42(d)(v).

² *Id.* (b)(i)–(iii).