

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEADFAST INSURANCE	§	
COMPANY,	§	No. 322, 2019
	§	
Plaintiff Below–	§	Court Below – Superior Court
Appellant,	§	of the State of Delaware
	§	
v.	§	C.A. No. N18C-03-291
	§	
DBI SERVICES, LLC,	§	
	§	
Defendant Below–	§	
Appellee.	§	

Submitted: July 25, 2019

Decided: July 31, 2019

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

ORDER

Upon consideration of the notice of interlocutory appeal, the supplemental notice of appeal, and the documents attached thereto, it appears to the Court that:

(1) The plaintiff below, Steadfast Insurance Co. (“Steadfast”), has petitioned this Court under Supreme Court Rule 42 to accept an interlocutory appeal from a June 24, 2019 Superior Court order. The Superior Court’s decision granted the partial motion for summary judgment filed by DBI Services, LLC (“DBI Services”), and denied the cross-motion for summary judgment filed by Steadfast. On July 3, 2019, Steadfast filed an application for certification to take an interlocutory appeal in the Superior Court. DBI Services opposed the

application. The Superior Court refused the application in a detailed order dated July 25, 2019, explaining why interlocutory review of its decision, which involved issues of contract interpretation, was not warranted under the principles and criteria of Supreme Court Rule 42(b).

(2) Applications for interlocutory review are addressed to the sound discretion of the Court.¹ In the exercise of its discretion and giving great weight to the trial court's review, this Court has concluded that the application for interlocutory review does not meet the strict standards for certification under Supreme Court Rule 42(b). Exceptional circumstances that would merit interlocutory review of the Superior Court's decision do not exist in this case,² and the potential benefits of interlocutory review do not outweigh the inefficiency, disruption, and probable costs caused by an interlocutory appeal.³

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

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice

¹ Del. Supr. Ct. R. 42(d)(v).

² Del. Supr. Ct. R. 42(b)(ii).

³ Del. Supr. Ct. R. 42(b)(iii).