

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PRISON HEALTH SERVICES, INC. and AMERICA SERVICE GROUP, INC.,	§ § § No. 312, 2001 § § §
Defendants Below- Appellants,	§ § § Court Below—Court of Chancery
v.	§ of the State of Delaware, § in and for New Castle County
BCE EMERGIS CORPORATION and UP&UP HEALTH SERVICES, INC.,	§ C.A. No. 18826-NC § § §
Plaintiffs Below- Appellees.	§ §

Submitted: July 6, 2001
Decided: July 12, 2001

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

ORDER

This 12th day of July 2001, it appears to the Court that:

(1) The defendants below, Prison Health Services, Inc. and America Service Group, Inc. (collectively “PHS”), have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Court of Chancery dated June 8, 2001. The Court of Chancery’s ruling denied PHS’s motion to dismiss the plaintiffs’ complaint for lack of subject matter jurisdiction.

(2) On July 3, 2001, the Court of Chancery granted PHS’s application to certify an interlocutory appeal to this Court.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(4) 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