

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FRANK L. SCHADT, III and	§
MARGARET SCHADT,	§
	§ No. 215, 2001
Defendants Below-	§
Appellants,	§ Court Below—Superior Court
	§ of the State of Delaware,
v.	§ in and for New Castle County
	§ C.A. No. 98C-02-170
JANE E. LATCHFORD,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 13, 2001
Decided: June 18, 2001

Before **VEASEY**, Chief Justice, **WALSH**, and **HOLLAND**, Justices.

ORDER

This 18th day of June 2001, it appears to the Court that:

(1) The defendants below, Frank and Margaret Schadt, have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from interlocutory orders entered by the Superior Court on April 11, 2001 and April 23, 2001. The April 11th decision denied the Schadts' motion for partial summary judgment on the issue of strict liability. The April 23rd decision denied the Schadts' motion for summary judgment on the issue of the constitutionality of Section 42-42 of Title 1 of the Wilmington City Code.

(2) On May 31, 2001, the Superior Court granted the Schadts' application

to certify an interlocutory appeal on the issue of strict liability but denied their application to certify an interlocutory appeal on the issue of the constitutionality of Section 42-42.

(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/Joseph T. Walsh
Justice