

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EUROPEAN PERFORMANCE, INC.,	§
	§
Defendant Below-	§ No. 263, 2012
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
RICHARD E. DEVINCENTIS,	§ in and for New Castle County
	§ C.A. No. N10C-08-069
Plaintiff Below-	§
Appellee.	§

Submitted: May 17, 2012
Decided: May 24, 2012

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

ORDER

This 24th day of May 2012, it appears to the Court that:

(1) The defendant-appellant, European Performance, Inc., has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated April 17, 2012. The trial court's order denied European Performance's motions for summary judgment or partial summary judgment.

(2) European Performance filed its application for certification to take an interlocutory appeal in the Superior Court on April 27, 2012. The Superior Court denied the certification application on May 9, 2012.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. 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 be REFUSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice