

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KEN-CREST SERVICES, INC., a	§
Pennsylvania corporation,	§
	§ No. 89, 2001
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
DANIEL SHIVELY and KURT	§ in and for New Castle County
SHIVELY, SR.,	§ C.A. No. 96C-05-316
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: February 27, 2001

Decided: March 14, 2001

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

ORDER

This 14th day of March 2001, it appears to the Court that:

(1) The defendant below, Ken-Crest Services, Inc., has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated January 26, 2001. The Superior Court's ruling denied Ken-Crest's motion for summary judgment. Among other things, the Superior Court held that Ken-Crest, which provides residential facilities and support services to mentally impaired residents, owed a duty to the plaintiffs to take reasonable measures to protect them from a dangerous resident in Ken-

Crest's facility and to warn them of that resident's reasonably foreseeable dangerous propensities.

(2) On February 23, 2001, the Superior Court refused 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/ Randy J. Holland
Justice