IN THE SUPREME COURT OF THE STATE OF DELAWARE

THOMAS CAPANO,	§ §
Defendant Below- Appellant,	§ No. 530, 2000 § §
V.	<pre>\$ Court Below—Superior Court \$ of the State of Delaware,</pre>
KATHLEEN FAHEY-HOSEY, individually and as Administratrix of the Estate of Anne Marie Fahey, ROBERT FAHEY, JR., individually and as Administrator of the Estate of Anne Marie Fahey, KEVIN FAHEY, BRIAN FAHEY, and JOHN MARK FAHEY,	 § in and for New Castle County § C.A. No. 98C-06-299 § <
Plaintiffs Below-	
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Appellees.

Submitted: December 20, 2000 December 21, 2000 Decided:

Before VEASEY, Chief Justice, WALSH, and STEELE, Justices.

ORDER

This 21st day of December 2000, it appears to the Court that:

(1) The defendant below, Thomas Capano, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated October 19, 2000. The Superior Court's ruling granted the plaintiffs' motion for summary judgment on the wrongful death count of their complaint based on the doctrine of collateral estoppel. Trial in the case is scheduled

to begin January 8, 2001.

(2) On December 20, 2000, 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/ E. Norman Veasey

Chief Justice

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