

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES M. CROWHORN, on behalf	§
of himself and all others similarly	§ No. 246, 2002
situated,	§
	§
Plaintiff Below-	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware,
v.	§ in and for Kent County
	§ C.A. No. 00C-06-010
NATIONWIDE MUTUAL	§
INSURANCE COMPANY,	§
	§
Defendant Below-	§
Appellee.	§

Submitted: May 15, 2002
Decided: May 23, 2002

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

ORDER

This 23rd day of May 2002, it appears to the Court that:

(1) The plaintiff-below, James Crowhorn, has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated April 5, 2002. The Superior Court's decision denied Crowhorn's motion to reinstate certain allegations of his complaint.

(2) Crowhorn filed an application seeking certification to take an interlocutory appeal from the Superior Court's April 5, 2002 order. On May

6, 2002, the Superior Court denied certification on the grounds that its April 5, 2002 order failed to meet the criteria for interlocutory review set forth in Supreme Court Rule 42. We permitted Crowhorn to file a response to the Superior Court's May 6 order.

(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 should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal be REFUSED.

BY THE COURT:

/s/ Carolyn Berger
Justice