

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HOWARD DERDIGER, on behalf	§	
of himself and all others similarly	§	
situated,	§	No. 395, 2000
	§	
Plaintiff Below,	§	
Appellant,	§	
	§	
v.	§	
	§	
JOSEPH P. TALLMAN, JOHN R.	§	
DURANT, M.D., KINNEY L.	§	
JOHNSON, RICHARD C. MILLER,	§	
FRANK G. WASHINGTON and	§	
HBO & COMPANY,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: August 15, 2000
Decided: August 29, 2000

ORDER

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

This 29th day of August 2000, it appears to the Court that:

(1) The plaintiff-appellant, Howard Derdiger, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Court of Chancery's July 20, 2000 interlocutory Memorandum Opinion and Order granting the defendant-appellees' motion to stay.

(2) On August 14, 2000, the Court of Chancery refused to certify an interlocutory appeal to this Court pursuant to Rule 42.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.* We have examined the Court of Chancery's July 20, 2000 decision according to the criteria set forth in Rule 42. We agree with the Court of Chancery's analysis of August 14, 2000 in refusing to certify this interlocutory appeal. In the exercise of its discretion, this Court has concluded that exceptional circumstances do not exist in this case to merit interlocutory review of the decision of the Court of Chancery.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal be, and the same hereby is, REFUSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

* Supr. Ct. R. 42(b).