

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMERICAN CAPITAL LTD.,	§
	§ No. 469, 2012
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
	§ in and for New Castle County
WP DEVON ASSOCIATES, L.P.,	§ C.A. No. N11C-02-216
	§
Plaintiff Below-	§
Appellee.	§

Submitted: September 6, 2012  
Decided: September 12, 2012

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

**ORDER**

This 12<sup>th</sup> day of September 2012, it appears to the Court that:

(1) The defendant below, American Capital Ltd. (ACL), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated July 26, 2012. The Superior Court's order granted in part and denied in part ACL's motion to dismiss the plaintiff's second amended complaint.

(2) ACL filed its application for certification to take an interlocutory appeal in the Superior Court on August 6, 2012. The Superior Court denied the certification application on September 4, 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 ORDERED that the within interlocutory appeal is hereby REFUSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice