

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CATHY D. BROOKS-MCCOLLUM	§
	§ No. 335, 2004
Plaintiff Below,	§
Appellant,	§
	§
v.	§
	§ Court Below—Court of Chancery
KENNETH SHAREEF, RENFORD	§ of the State of Delaware,
BREVETT, MAUDY MELVILLE,	§ in and for New Castle County
VALERIE LONGHURST,	§ C.A. No. 147-N
	§
Defendants Below,	§
Appellees.	§

Submitted: August 25, 2004

Decided: September 30, 2004

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

**ORDER**

This 30th day of September 2004, it appears to the Court that:

(1) The plaintiff below, Cathy Brooks-McCollum, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from interlocutory rulings of the Court of Chancery dated March 29, 2004, June 24, 2004, and July 29, 2004. The Court of Chancery denied Brooks-McCollum's motion to compel advancement of costs in pursuing her claims against the defendants who are members of the board of directors of Emerald Ridge Service Corporation and denied as premature Brooks-McCollum's request for a declaration that she is entitled to indemnification. Brooks-McCollum also simultaneously filed an

application to this Court for certification of questions of law pursuant to Supreme Court Rule 41.

(2) With respect to her application for certification of questions of law, this Court will only accept certification from the state and federal courts specified in Rule 41. Accordingly, Brooks-McCollum has no right to request certification under Rule 41, and her application for certification shall be stricken as a nonconforming document.

(3) With respect to her application for certification to take an interlocutory appeal, it appears from the Court of Chancery docket that Brooks-McCollum did not file her application to certify an interlocutory appeal until August 13, which failed to comply with the ten-day time period set forth in Supreme Court Rule 42(c).

(4) The Court of Chancery, however, did not address the timeliness of Brooks-McCollum's application because it decided to stay any further proceedings below in light of Brooks-McCollum's attempt to transfer the case to federal district court. Accordingly, no action has been taken on Brooks-McCollum's application.

(5) Ordinarily, this Court would await action by the trial court on a petitioner's application to certify an interlocutory appeal. We do not find it

necessary in this case, however, because we find it apparent that Brooks-McCollum's application fails on its face to satisfy the procedural or substantive requirements of Supreme Court Rule 42(b). Accordingly, in the exercise of our sound discretion, we have determined that the application should be refused

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for certification of questions of law under Rule 41 is STRICKEN. Alternatively, the notice of interlocutory appeal under Rule 42 is REFUSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice