## IN THE SUPREME COURT OF THE STATE OF DELAWARE

TERESA MATTERO,	§
	§
Defendant Below-	§ No. 370, 2004
Appellant,	§
	§
V.	§
	§
KEITH BIVENS, JACQUELINE	§ Court Below—Superior Court
BIVENS, and GWEN GIBBS,	§ of the State of Delaware,
individually and as next friend of	§ in and for New Castle County
CHANTEL MANN, a minor,	§ C.A. No. 03C-03-159
	§
Plaintiffs Below-	§
Appellees.	ş

Submitted: October 8, 2004 Decided: October 18, 2004

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

## <u>O R D E R</u>

This 18th day of October 2004, it appears to the Court that:

(1) The defendant below, Teresa Mattero, has petitioned this Court,

pursuant to Supreme Court Rule 42, to appeal from an interlocutory opinion of the Superior Court dated July 30, 2004. The Superior Court's ruling denied Mattero's motion for summary judgment on the ground that the statute of limitations had expired. (2) Mattero filed an application for certification in the Superior Court on August 4, 2004. On October 8, 2004, the Superior Court denied Mattero's application 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/ Randy J. Holland Justice