

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ARGO GLOBAL CAPITAL, LLC,	§	
GSM CAPITAL LIMITED	§	
PARTNERSHIP, and ARGC II, LLC,	§	No. 494, 2004
	§	
Defendants/Counterclaim and	§	
Third Party Claim	§	
Plaintiffs Below-	§	
Appellants,	§	
	§	
v.	§	
	§	
WATCHMARK CORP., a Delaware	§	
corporation,	§	Court Below—Court of Chancery
	§	of the State of Delaware,
Plaintiff/Counterclaim	§	in and for New Castle County
Defendant Below-	§	C.A. No. 711-N
Appellee,	§	
	§	
and	§	
	§	
WATCHMARK ACQUISITION	§	
CORP., a Delaware corporation, JOHN	§	
HANSEN, GERALD POCH, RALPH	§	
FAISON, and T. MARK MAYBELL,	§	
	§	
Third Party Claim Defendants	§	
Below-	§	
Appellees.	§	

Submitted: November 16, 2004

Decided: November 23, 2004

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

## ORDER

This 23rd day of November 2004, it appears to the Court that:

(1) The defendants below, ARGO Global Capital, LLC, GSM Capital Ltd. Partnership, and ARGC II, LLC (collectively, "ARGO"), have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Court of Chancery dated November 4, 2004. The Court of Chancery's ruling refused ARGO's petition to enjoin plaintiff WatchMark's merger with Watchmark Acquisition Corp. (WAC) and also granted summary judgment against ARGO on four of its five counterclaims.

(2) On November 15, 2004, the Court of Chancery denied ARGO's petition 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/ Henry duPont Ridgely  
Justice

oc: Clerk (+3)  
xc: Hon. William Chandler  
Kurt M. Heyman, Esq.  
Peter B. Ladig, Esq.  
Patricia L. Enerio, Esq.  
Justices (8)  
D. Collins  
P. Naylor  
Law Clerk  
File/Notebook