

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DCV HOLDINGS, INC.,	§
	§ No. 239, 2002
Plaintiff Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
CONAGRA, INC., E.I. DUPONT de	§ in and for New Castle County
NEMOURS and CO., and DUPONT	§ C.A. No. 98C-06-301
CHEMICAL & ENERGY	§
OPERATIONS, INC.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: May 3, 2002
Decided: May 13, 2002

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

ORDER

This 13th day of May 2002, it appears to the Court that:

(1) The plaintiff-below, DCV Holdings, Inc. (DCV), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated April 1, 2002. The Superior Court's decision granted the defendants-appellees' motions for summary judgment and denied DCV's motion for summary judgment on the issues of fraud and indemnification.

(2) DCV filed a motion for entry of judgment under Superior Court Civil Rule 54(b) or, alternatively, requested certification to take an interlocutory appeal. The Superior Court denied both requests.

(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 should be denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal be REFUSED.

BY THE COURT:

/s/ Randy J. Holland
Justice