

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CATAWBA ASSOCIATES-CHRISTIANA,	§
	§
	§ No. 113, 2005
Defendant Below-Appellant,	§
	§
	§
v.	§
	§ Court Below—Superior Court
THE STATE OF DELAWARE, upon	§ of the State of Delaware,
the relation of the Secretary of the	§ in and for New Castle County
Department of Transportation,	§ C.A. No. 97C-03-042
	§
Plaintiff Below-Appellee.	§
	§

Submitted: April 14, 2005  
Decided: May 2, 2005

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

**ORDER**

This 2<sup>nd</sup> day of May 2005, it appears to the Court that:

(1) The defendant below, Catawba Associates-Christiana, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated February 23, 2005. The Superior Court's ruling granted the State's motion in limine to preclude the report and testimony of Catawba's appraisal expert in the pending condemnation action.

(2) On April 11, 2005, the Superior Court denied Catawba'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/ Jack B. Jacobs  
Justice