

IN THE SUPREME COURT OF THE STATE OF DELAWARE

INDEPENDENCE MALL, INC., a	§
Delaware corporation,	§
	§ No. 70, 2013
Plaintiff Below,	§
Appellant,	§
	§
v.	§
	§ Court Below—Superior Court
MICHAEL J. WAHL, individually,	§ of the State of Delaware,
and WAHL FAMILY DENTISTRY,	§ in and for New Castle County
P.A., a Delaware corporation as	§
successor-in-interest to Dr. Mervin H.	§ C.A. No. N10C-12-031 FSS
Wahl, P.A.,	§
	§
Defendants Below,	§
Appellees.	

Submitted: February 18, 2013

Decided: February 21, 2013

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

**ORDER**

This 21<sup>st</sup> day of February 2013, it appears to the Court that:

(1) The plaintiff-appellant, Independence Mall, Inc., has filed an interlocutory appeal, pursuant to Supreme Court Rule 42, from an interlocutory order of the Superior Court dated January 17, 2013. The Superior Court order denied plaintiff's motion to reargue, or alternatively to amend, a prior order of the Superior Court dated December 31, 2012 that denied plaintiff's motion for

summary judgment and granted, in part, defendant's motion for partial summary judgment.

(2) The plaintiff filed its application for certification to take an interlocutory appeal in the Superior Court on January 28, 2013. The Superior Court denied the certification application on February 7, 2013.

(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 appeal does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal is hereby REFUSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice