

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RAND INTERNATIONAL LEISURE PRODUCTS, LTD. t/a Ross Bicycles, USA Ltd., a foreign corporation,	§	
	§	No. 121, 2003
	§	
	§	
Third Party Defendant Below-Appellant,	§	
	§	
	§	
v.	§	
	§	
JAMES HYATT and DWANA HYATT,	§	
	§	Court Below—Superior Court
	§	of the State of Delaware,
Plaintiffs Below-Appellees,	§	in and for New Castle County
	§	C.A. No. 99C-12-152
	§	
and	§	
	§	
TOYS “R” US, Inc.,	§	
	§	
	§	
Defendant Below-Appellee.	§	
	§	

Submitted: March 18, 2003
Decided: March 24, 2003

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

ORDER

This 24th day of March 2003, it appears to the Court that:

(1) On March 5, 2003, third-party defendant Rand International petitioned this Court to accept an appeal from two interlocutory orders of the Superior Court. The first order, dated February 4, 2003, denied Rand’s motion for directed verdict. The second order, dated February 6, 2003, declared a mistrial. On March 7, 2003,

defendant Toys “R” Us, Inc. filed a petition seeking to cross-appeal from the same two Superior Court orders.

(2) The Court directed plaintiffs, the Hyatts, to file a response to the notice of interlocutory appeal and notice of cross appeal. The Hyatts oppose certification of an interlocutory appeal. In the alternative, they seek to file their own interlocutory cross-appeal from a Superior Court order dated January 31, 2003.

(3) On March 11, 2003, the Superior Court refused to certify an interlocutory appeal on the ground that neither of its orders determined a substantial issue or established a legal right.

(4) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(5) In the exercise of its discretion, this Court has concluded that the applications for interlocutory review do 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/ Carolyn Berger
Justice