

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HERCULES, INC., a Delaware	§	
corporation, and THOMAS	§	
GOSSAGE,	§	
	§	No. 114, 2003
Defendants Below,	§	
Appellants	§	Court Below – Superior Court
	§	of the State of Delaware,
v.	§	in and for New Castle County
	§	C.A. No. 01C-08-291-WCC
DOUGLAS C. SMITH, Individually	§	
and on Behalf of All Others Similarly	§	
Situated,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

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

ORDER

This 20th day of March 2003, it appears to the Court that:

(1) The appellants of the above captioned cause of action have filed an application for this Court to accept their case for interlocutory review.

(2) The Superior Court declined to certify the case for interlocutory review. This Court has considered the memorandum opinion of the Superior Court on the merits, the order of the Superior Court declining to certify the matter for interlocutory review, and the submissions to this Court by the parties.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are accepted only in extraordinary circumstances. 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 and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the application for interlocutory review in this matter be, and the same is hereby REFUSED.

BY THE COURT:

/s/ Randy J. Holland
Justice