IN THE SUPREME COURT OF THE STATE OF DELAWARE

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§ No. 210, 2006 §
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§ Court Below—Superior Court
§ of the State of Delaware,
§ in and for New Castle County
§ C.A. No. 05C-05-177
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Submitted: April 27, 2006 Decided: May 18, 2006

Before STEELE, Chief Justice, HOLLAND and BERGER, Justices.

<u>ORDER</u>

This 18th day of May 2006, it appears to the Court that:

(1) The plaintiff-appellant, Keystone Insurance Company, has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court, dated March 28, 2006, denying Keystone's motion for summary judgment. (2) Keystone filed its application for certification to take an interlocutory appeal in the Superior Court on April 7, 2006. The Superior Court denied the certification application on April 26, 2006.

(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 fails to 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/ Randy J. Holland Justice