

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHANNES R. KRAHMER and	§
BETTY P. KRAHMER,	§ No. 301, 2006
	§
Petitioners Below-	§
Appellants,	§ Court Below-Court of Chancery
	§ of the State of Delaware
v.	§ in and for New Castle County
	§ C.A. No. 606-N
CHRISTIE'S, INCORPORATED,	§
	§
Respondent Below-	§
Appellee.	§

Submitted: June 15, 2006

Decided: June 20, 2006

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

ORDER

This 20th day of June 2006, it appears to the Court that:

(1) The petitioners-appellants, Johannes R. Krahmer and Betty P. Krahmer, have petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Court of Chancery's interlocutory ruling on June 2, 2006, which denied the Krahmers' motion to amend their petition for rescission filed against respondent-appellee, Christie's, Incorporated, to add claims of mutual mistake of fact, negligent misrepresentation and/or constructive fraud. The Court of Chancery found that the Krahmers' proposed new causes of action were barred by the applicable statute of limitations and that

the proposed amendment failed to state a claim of negligent misrepresentation as a matter of law.

(2) On June 15, 2006, the Court of Chancery refused to certify an interlocutory appeal to this Court pursuant to Rule 42 on the grounds that its decision to deny the motion to amend did not satisfy the requirements for certification of an interlocutory appeal pursuant to Supreme Court Rules 41 and 42 and, moreover, “would likely result in the piecemeal appeal of factually and legally related issues and would be contrary to the interest of justice and the orderly procession of matters before this court.”

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.* We have examined the Court of Chancery’s June 2, 2006 decision according to the criteria set forth in Rule 42. In the exercise of its discretion, this Court has concluded that exceptional circumstances meriting interlocutory review of the decision of the Court of Chancery do not exist in this case.

* Supr. Ct. R. 42(b).

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice