

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WELLINGTON HOMES, INC.,	§	No. 463, 2003
a Delaware corporation,	§	
WELLINGTON HOMES, L.L.C., a	§	Court Below – Superior Court
Delaware limited liability corporation,	§	of the State of Delaware,
397 PROPERTIES, L.L.C.,	§	in and for New Castle County
CHRISTIANA VENTURES, INC.,	§	C.A. No. 99C-09-168
a Delaware corporation, ALBERT	§	
A. VIETRI, TINA MARIE VIETRI,	§	
JOSEPH L. CAPANO, II, and	§	
JOSEPH L. CAPANO,	§	
	§	
Defendants Below,	§	
Appellant,	§	
	§	
v.	§	
	§	
THE STATE OF DELAWARE,	§	
<i>ex rel.</i> , M. JANE BRADY,	§	
ATTORNEY GENERAL OF THE	§	
STATE OF DELAWARE,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: September 21, 2003

Decided: September 26, 2003

Before **VEASEY**, Chief Justice, **HOLLAND** and **STEELE**, Justices.

ORDER

This 26th day of September 2003, it appears to the Court that:

- 1) The defendants-appellants, Wellington Homes, Inc., Wellington Homes, L.L.C., Christiana Ventures, Inc., 397 Properties, L.L.C., Albert A.

Vietri, Tina Marie Vietri, Joseph L. Capano, II and Joseph L. Capano, have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court entered on August 20, 2003. The Superior Court order denied appellants' motion.

2) The Superior Court, by order dated September 16, 2003, refused to certify the appellants' interlocutory appeal to this Court.

3) Applications for interlocutory review are addressed to the sound discretion of this Court and are accepted only in extraordinary circumstances consistent with the criteria set forth in Supreme Court rule 42(b). 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 within interlocutory appeal be, and the same hereby is, REFUSED.

BY THE COURT:

/s/ Randy J. Holland
Justice