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Case Number 518,2006 D

IN THE SUPREME COURT OF THE STATE OF DELAWARE

THE HERTZ CORPORATION,	§	
Defendant Below,	§ §	No. 518, 2006
Appellant,	Ş	Court Below-Superior Court
V.	§ §	of the State of Delaware in and for New Castle County
NATIONWIDE GENERAL INSURANCE COMPANY, as subrogee of Gloria Dennis,	& & & &	C.A. No. 05C-12-008
Plaintiff Below, Appellee.	§ § §	

Submitted: September 29, 2006 Decided: October 16, 2006

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

<u>ORDER</u>

This 16th day of October 2006, it appears to the Court that:

- (1) In the underlying Superior Court subrogation action, the defendant, The Hertz Corporation ("Hertz"), filed a motion for summary judgment on the basis that the plaintiff, Nationwide General Insurance Company ("Nationwide"), had initiated the cause of action after the expiration of the three-year statute of limitations. By memorandum opinion and order dated September 18, 2006 ("the September 18 order"), the Superior Court denied Hertz' motion for summary judgment.
- (2) On September 22, 2006, Hertz filed a notice of appeal from interlocutory order pursuant to Supreme Court Rule 42. The notice indicated that Hertz had applied

to the Superior Court for certification of the September 18 order.¹ By order dated September 26, 2006, the Superior Court denied Hertz' application for certification. Hertz' supplemental notice of interlocutory appeal followed.²

(3) Applications for interlocutory review are addressed to the sound discretion of this Court.³ The Court concludes, in the exercise of discretion, that the September 18 order does not fit the requirements and criteria for accepting an interlocutory appeal.⁴

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

BY THE COURT:

Justice Mallard

¹Del. Supr. Ct. R. 42(c) (2006).

²Del. Supr. Ct. R. 42(d)(iii), (iv).

³Del. Supr. Ct. R. 42(d)(v).

⁴Del. Supr. Ct. R. 42(b).