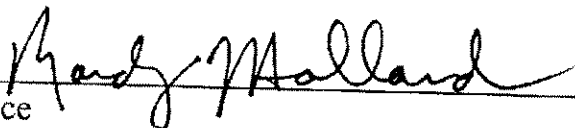


to the Superior Court for certification of the September 18 order.¹ By order dated September 26, 2006, the Superior Court denied Hertz' application for certification. Hertz' supplemental notice of interlocutory appeal followed.²

(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

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).