

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|-------------------------------|---|-----------------------------|
| DAG LANDVIK, | § | |
| | § | Nos. 161/162, 2007 |
| Defendant Below, | § | |
| Appellant, | § | Court Below–Superior Court |
| | § | of the State of Delaware in |
| v. | § | and for New Castle County |
| | § | |
| TEMPUR-PEDIC | § | |
| INTERNATIONAL, INC., | § | |
| a corporation of the State of | § | |
| Delaware, | § | |
| | § | |
| Plaintiff Below, | § | C.A. No. 06C-08-134 |
| Appellee. | § | |

Submitted: April 19, 2007

Decided: May 14, 2007

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 14th day of May 2007, it appears to the Court that:

(1) On March 30, 2007, the appellant, Dag Landvik, petitioned this Court, pursuant to Supreme Court Rule 42, to accept an interlocutory appeal from the Superior Court’s February 28, 2007 summary denial of Landvik’s “Renewed Motion to Dismiss or Stay Proceedings, or in the Alternative, to Quash Discovery” (“Landvik’s motion”). By separate notice filed on April 2, 2007, Landvik petitioned the Court to accept an interlocutory appeal from the Superior Court’s March 20, 2007

oral denial of Landvik's motion for reargument. In the interest of judicial economy, the Court has consolidated Landvik's interlocutory appeals for decision.

(2) By memorandum opinion and order dated April 16, 2007, the Superior Court published its rationale for summarily denying Landvik's motion. The Court also published its oral denial of Landvik's motion for reargument. In the same decision, the Superior Court denied Landvik's requests to certify an interlocutory appeal.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court.¹ The Court concludes, in the exercise of discretion, that neither the February 28 nor the March 20 decision, as enunciated in the Superior Court's April 16, 2007 memorandum opinion and order, satisfies the criteria for accepting an interlocutory appeal.²

NOW, THEREFORE, IT IS ORDERED that Nos. 161 and 162, 2007 are CONSOLIDATED for decision, and the interlocutory appeals are REFUSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹See Del. Supr. Ct. R. 42(d)(v) (2007) (providing that Court shall determine in its discretion whether to accept or refuse interlocutory appeal).

²See Del. Supr. Ct. R. 42(b) (listing criteria for determining acceptance of interlocutory appeal).