

IN THE SUPREME COURT OF THE STATE OF DELAWARE

OBLATES OF ST. FRANCIS DE	§	
SALES, INCORPORATED, a	§	
Delaware corporation;	§	
SALESIANUM SCHOOL, INC., a	§	Nos. 211, 212 & 219, 2007
Delaware corporation; REV.	§	
ROBERT D. KENNEY, O.S.F.S.,	§	Court Below—Superior Court of
REV. JOSEPH G. MORRISSEY,	§	the State of Delaware in and for
O.S.F.S., and REV. LOUIS S.	§	New Castle County
FIGRELLI, O.S.F.S.,	§	
	§	
Defendants Below,	§	
Appellants,	§	
	§	
and	§	
	§	
REV. JAMES W. O’NEILL, O.S.F.S.,	§	
	§	
Defendant Below,	§	
Appellant,	§	
	§	
and	§	
	§	
CATHOLIC DIOCESE OF	§	
WILMINGTON, INC.,	§	
	§	
Defendant Below,	§	
Appellant,	§	
	§	
v.	§	
	§	
ERIC EDEN,	§	
	§	
Plaintiff Below,	§	C.A. No. 04C-01-069
Appellee.	§	

Submitted: May 4, 2007  
Decided: May 24, 2007

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

**ORDER**

This 24<sup>th</sup> day of May 2007, it appears to the Court that:

(1) On April 27, 2007, defendants-below/appellants Oblates of St. Francis de Sales, Inc., Salesianum School, Inc., Rev. Robert D. Kenney, O.S.F.S., Rev. Joseph G. Morrissey, O.S.F.S. and Rev. Louis S. Fiorelli, petitioned this Court to accept an interlocutory appeal from a Superior Court decision dated December 4, 2006 and filed on December 6, 2006 (“the Superior Court decision”). By separate notice filed on the same day, defendant-below/appellant Rev. James W. O’Neill, O.S.F.S., petitioned the Court to accept an interlocutory appeal from the Superior Court decision. On April 30, 2007, defendant-below/appellant Catholic Diocese of Wilmington, Inc., petitioned the Court to accept an interlocutory appeal from the Superior Court decision. In the interest of judicial economy, the Court has consolidated the appeals for decision.<sup>1</sup>

(2) Applications for interlocutory review are addressed to the sound discretion of this Court.<sup>2</sup> The Court has considered the parties’ submissions and the Superior Court’s April 27, 2007 denial of the parties’ applications to certify an interlocutory appeal.<sup>3</sup> The

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<sup>1</sup>The Superior Court decision dated December 4, 2006 granted in part and denied in part the defendants’ motion to dismiss or in the alternative, for summary judgment. By decision dated March 30, 2007, the Superior Court denied the defendants’ motions for reconsideration, clarification or reargument.

<sup>2</sup>See Del. Supr. Ct. R. 42(d)(v) (2007) (providing that Court shall determine in its discretion whether to accept or refuse interlocutory appeal).

<sup>3</sup>It appears that defendant-below/appellant Catholic Diocese of Wilmington, Inc. joined in the application for certification filed by defendants-below/appellants Oblates of St. Francis De Sales, Inc., Salesianum School, Inc., Rev. Robert D. Kenney, Rev. Joseph G. Morrissey, and Rev. Louis S. Fiorelli.

Court concludes, in the exercise of discretion, that the Superior Court decision does not satisfy the criteria for accepting an interlocutory appeal.<sup>4</sup>

NOW, THEREFORE, IT IS ORDERED that Nos. 211, 212 and 219, 2007 are CONSOLIDATED for decision, and the interlocutory appeals are REFUSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>4</sup>See Del. Supr. Ct. R. 42(b) (listing criteria for determining acceptance of interlocutory appeal).