

IN THE SUPREME COURT OF THE STATE OF DELAWARE

NEXT LEVEL COMMUNICATIONS, §  
INC., a Delaware corporation, NEXT §  
LEVEL PARTNERS, LLC, a Delaware § No. 106, 2003  
limited liability company, SPENCER §  
SEGURA, and JACQUELINE SEGURA, §

Plaintiffs Below, §  
Appellants, §

v. §

MOTOROLA, INC., a Delaware §  
corporation, §

Defendant Below, §  
Appellee. §

---

BARRY FELDMAN, ROBERT §  
BRUCKNER, FISHOFF FAMILY §  
FOUNDATION, and MARY GORTON, § No. 107, 2003

Plaintiffs Below, §  
Appellants, §

v. §

J. MICHAEL NORRIS, GRAY BENOIST, §  
WALTER CLAY, EUGENE DELANEY, §  
ALEX GOOD, CRAIG KORNBLAUE, §  
PAUL LATCHFORD, MOTOROLA, §  
INC., and NEXT LEVEL §  
COMMUNICATIONS, INC., §

Defendants Below, §  
Appellants. §

Before **WALSH, HOLLAND** and **BERGER**, Justices.

## O R D E R

This 27th day of February 2003, it appears to the Court that:

1) The appellants in each of the above-captioned causes of action have filed applications for this Court to accept each case for interlocutory review on an expedited basis.

2) The Court of Chancery declined to certify either case for interlocutory review. This Court has considered the consolidated opinion of the Court of Chancery on the merits, the bench ruling of the Court of Chancery declining to certify either matter for interlocutory review, and the submissions to this Court by the parties.

3) Applications for interlocutory review are addressed to the sound discretion of this Court and are accepted only in extraordinary circumstances. In the exercise of its discretion, this Court has concluded that the applications for interlocutory review do not meet the requirements of Supreme Court Rule 42 and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that both applications for interlocutory review in this matter be, and the same are hereby, REFUSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice