

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANCHOR INVESTMENTS, INC., a	§	
Delaware Corporation,	§	No. 265, 2007
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware in and
	§	for Sussex County
v.	§	
	§	
DAYSTAR SILLS, INC., a Delaware	§	
Corporation,	§	
	§	
Plaintiff Below,	§	C.A. No. 06L-05-026
Appellee.	§	

Submitted: June 4, 2007
Decided: June 21, 2007

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

ORDER

This 21st day of June 2007, it appears to the Court that:

(1) This interlocutory appeal arises from a Superior Court mechanics' lien action filed by plaintiff below/appellee Daystar Sills, Inc. ("Daystar") against defendant below/appellant Anchor Investments, Inc. ("Anchor") and other defendants. In the underlying action, Anchor sought to dismiss the complaint for lack of jurisdiction and venue and for Daystar's failure to comply with statutory requirements. Anchor also sought to dismiss Daystar's claims that were brought under a theory of *quantum meruit*. By decision dated April 12, 2007 and docketed

on April 30, 2007 (“decision”), the Superior Court denied Anchor’s motions to dismiss.

(2) Anchor has petitioned this Court to accept an interlocutory appeal from the Superior Court’s decision. By order dated May 29, 2007, the Superior Court denied Anchor’s application for certification of an interlocutory appeal.¹ Anchor’s supplemental notice of 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 Superior Court’s decision 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:

/s/ Henry duPont Ridgely
Justice

¹ Del. Supr. Ct. R. 42(c) (2007).

² Del. Supr. Ct. R. 42(d)(iii).

³ Del. Supr. Ct. R. 42(d)(v).

⁴ Del. Supr. Ct. R. 42(b).