

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CMC HEARTLAND PARTNERS,	§
	§ No. 343, 2003
Plaintiff Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
EDWIN JACOBSON,	§ in and for New Castle County
	§ C.A. No. 03C-02-215
Defendant Below-	§
Appellee.	§

Submitted: July 10, 2003

Decided: July 28, 2003

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

ORDER

This 28th day of July 2003, it appears to the Court that:

(1) The plaintiff below, CMC Heartland Partners, has petitioned this Court to appeal from an interlocutory order of the Superior Court dated July 8, 2003. The Superior Court's order granted defendant Edwin Jacobson's motion to stay the Delaware Superior Court action in favor of a pending Illinois action.

(2) On July 8, 2003, the Superior Court denied CMC's application to certify an interlocutory appeal to this Court on the ground that the application failed to meet the criteria of Supreme Court Rule 42.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in extraordinary cases.

(4) In the exercise of its discretion, this Court has concluded that the application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Carolyn Berger
Justice