

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN M. MERVINE, SR.,	§
	§
Defendant Below-	§ No. 65, 2003
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware,
	§ in and for Sussex County
JOHN W. LOGAN and SANDRA M.	§ C.A. No. 02C-08-007
LOGAN,	§
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: February 6, 2003
Decided: February 13, 2003

Before **VEASEY**, Chief Justice, **BERGER**, and **STEELE**, Justices.

ORDER

This 13th day of February 2003, it appears to the Court that:

(1) The defendant below, John M. Mervine, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory ruling of the Superior Court dated January 7, 2003. The Superior Court's ruling denied Mervine's motion to dismiss the plaintiffs' complaint on the ground of res judicata.

(2) On February 5, 2003, the Superior Court denied Mervine's application to certify an interlocutory appeal to this Court.

(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