

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DELAWARE DEPARTMENT OF	§	
INSURANCE,	§	No. 571, 2007
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware in and
	§	for New Castle County
v.	§	
	§	
The AMERICAN INSURANCE	§	
ASSOCIATION and the PROPERTY	§	
AND CASUALTY INSURERS	§	
ASSOCIATION OF AMERICA,	§	C.A. No. 05C-10-309
INC.	§	

Submitted: November 2, 2007

Decided: November 6, 2007

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

ORDER

This 6th day of November 2007, upon consideration of the notice of interlocutory appeal and the supplemental notice of interlocutory appeal, it appears to the Court that:

(1) This interlocutory appeal arises from a Superior Court complaint for declaratory judgment that was filed by The American Insurance Association and the Property and Casualty Insurers Association of America, Inc. (AIA/CIAA). In the underlying case, the Delaware Department of Insurance (DDI) sought to dismiss the complaint on the basis that AIA/CIAA lacked standing to bring the action for declaratory judgment.

By order dated October 3, 2007, the Superior Court determined that AIA/CIAA had standing to seek declaratory judgment. In disposing of the standing issue, the Superior Court modified and effectively rendered moot an earlier ruling that had permitted DDI to take discovery related to AIA/CIAA's standing.

(2) DDI petitioned this Court to accept an interlocutory appeal from the Superior Court's October 3, 2007 order. By order dated November 1, 2007, the Superior Court denied DDI's application for certification of an interlocutory appeal.¹ DDI'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 October 3, 2007 order 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).

² Del. Supr. Ct. R. 42(d)(iii).

³ Del. Supr. Ct. R. 42(d)(v).

⁴ Del. Supr. Ct. R. 42(b).