

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AMEC E & I, INC., f/k/a MACTEC	§
ENGINEERING AND	§ No. 232, 2012
CONSULTING, INC.,	§
	§
Defendant Below,	§ Court Below—Superior Court
Appellant,	§ of the State of Delaware, in and
	§ for Sussex County
v.	§ C.A. No. S11C-01-031
	§
STATE OF DELAWARE	§
DEPARTMENT OF	§
TRANSPORTATION,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: April 30, 2012

Decided: May 7, 2012

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 7th day of May 2012, it appears to the Court that:

(1) The defendant-appellant, AMEC E & I, Inc. (the “appellant”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated March 29, 2012, which denied the appellant’s motion to dismiss the complaint filed by the Delaware Department of Transportation on statute of limitations grounds.

(2) The appellant filed its application for certification to take an interlocutory appeal in the Superior Court on April 5, 2012. On April 24, 2012, the Superior Court denied the certification application on the ground that the requirements of Supreme Court Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellant's application for interlocutory review fails to meet the requirements of Supreme Court Rule 42 and, therefore, should be refused.

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

BY THE COURT:

/s/ Jack B. Jacobs
Justice