

DAIMLER CHRYSLER
CORPORATION,

Defendant Below-
Appellant,

V.

ROBERT OAKES, JR.,

Plaintiff Below-
Appellee.

No. 138, 2000

Court BelowCSuperior Court
of the State of Delaware,
in and for New Castle County
C.A. No. 99C-03-081

Submitted: April 3, 2000
Decided: April 11, 2000

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

ORDER

This 11th day of April 2000, it appears to the Court that:

(1) The defendant-appellant, Daimler Chrysler Corporation (ADaimler@), has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from an interlocutory oral ruling rendered by the Superior Court on March 2, 2000. The Superior Court's ruling denied the parties' cross-motions for summary judgment. The plaintiff-appellee, Robert Oakes, Jr., agreed with Daimler that leave to file an interlocutory appeal from the Superior Court's ruling should be granted.

(2) On March 30, 2000, the Superior Court granted Daimler's unopposed petition 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