

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANGUS M. DUTHIE, MARK D.	§	
LERDAL, GERALD R. ALDERSON	§	
and CHARLES CHRISTENSON,	§	No. 412, 2000
	§	
Defendants Below,	§	
Appellants,	§	
	§	
and	§	
	§	
KENETECH CORPORATION,	§	
	§	
Nominal Defendant Below,	§	
Appellant,	§	
	§	
v.	§	
	§	
ROBERT L. KOHLS and	§	
LOUISE A. KOHLS,	§	
	§	
Plaintiffs Below,	§	
Appellees.	§	

Submitted: August 24, 2000  
Decided: August 29, 2000

**ORDER**

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

This 29<sup>th</sup> day of August 2000, it appears to the Court that:

(1) The defendants-appellants, Angus M. Duthie, Mark D. Lerdal, Gerald R. Alderson, Charles Christenson, and Kenetech Corporation, have petitioned this Court, pursuant to Supreme Court Rule 42. They seek to appeal from the Court of Chancery's July 26, 2000 interlocutory

Memorandum Opinion and Order denying the defendants-appellants' motion to dismiss.

(2) On August 23, 2000, the Court of Chancery refused to certify an interlocutory appeal to this Court pursuant to Rule 42.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.\*

(4) We have examined the Court of Chancery's July 26, 2000 decision according to the criteria set forth in Rule 42. In the exercise of its discretion, this Court has concluded that exceptional circumstances do not exist in this case to merit interlocutory review of the decision of the Court of Chancery.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal be, and the same hereby is, REFUSED. The motion to stay is moot.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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\* Supr. Ct. R. 42(b).