

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SAFETY NATIONAL	§
CASUALTY COMPANY,	§
	§ No. 91, 2000
Defendant Below-	§
Appellant,	§
	§ Court Below— Superior Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
WITCO CORPORATION,	§ C.A. No. 95C-06-030
	§
Plaintiff Below-	§
Appellee,	§
	§
and	§
	§
GIBRALTAR CASUALTY	§
COMPANY et al.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: March 20, 2000

Decided: April 13, 2000

Before **WALSH, HOLLAND** and **HARTNETT**, Justices

ORDER

This 13th day of April 2000, it appears to the Court that:

(1) The defendant-appellant, Safety National Casualty Company, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Superior Court's interlocutory order dated January 31, 2000,

which granted the motion of plaintiff-appellee, Witco Corporation, to withdraw its notice of dismissal of Safety National. This is an insurance coverage case that was filed in June, 1995. On May 6, 1996, Witco filed a notice of dismissal without prejudice dismissing Safety National from the litigation. On September 22, 1999, Witco filed a motion requesting that it be permitted to withdraw the notice of dismissal and that Safety National be required to respond to the complaint within 20 days.

(2) On March 3, 2000, the Superior Court certified 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.¹ We have examined the Superior Court's January 31, 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 Superior Court.

¹Supr. Ct. R. 42(b).

NOW, THEREFORE, IT IS ORDERED that the within
interlocutory appeal be, and the same hereby is, REFUSED.

BY THE COURT:

Randy J. Holland
Justice