

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STATE FARM MUTUAL	§
AUTOMOBILE INSURANCE	§
COMPANY,	§ No. 197, 2000
	§
Defendant Below-	§
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
TONYA FUSSELL and DIANE	§ in and for New Castle County
FUSSELL,	§ C.A. No. 97C-07-175
	§
Plaintiffs Below-	§
Appellee.	§

Submitted: April 25, 2000

Decided: May 16, 2000

Before **HOLLAND, HARTNETT**, and **BERGER**, Justices.

ORDER

This 16th day of May 2000, it appears to the Court that:

(1) The appellant, State Farm Mutual Automobile Insurance Company (“State Farm”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court entered on March 29, 2000. The Superior Court’s order denied State Farm’s motion for summary judgment and granted, in part, the appellees’ cross-motion for partial summary judgment.

(2) On April 24, 2000, the Superior Court denied State Farm’s request

to certify its application to take an interlocutory appeal.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, this Court has concluded that the application for interlocutory review should be refused.

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

BY THE COURT:

/s/Maurice A. Hartnett, III

Justice

