

IN THE SUPREME COURT OF THE STATE OF DELAWARE

AIR BASE CARPET MART, INC.,	§
a Delaware corporation,	§ No. 2, 2012
	§
Defendant Below-	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§ in and for New Castle County
	§ C.A. No. 10C-07-075
JOSEPH STAEDT and MARIE	§
STAEDT,	§
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: January 4, 2012

Decided: January 12, 2012

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 12th day of January 2012, it appears to the Court that:

(1) The defendant-appellant, Air Base Carpet Mart, Inc., has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated December 6, 2011, which denied Air Base’s motion for summary judgment.

(2) Air Base filed its application for certification to take an interlocutory appeal in the Superior Court on December 14, 2011. On January 3, 2012, the Superior Court denied the application for certification

on the ground that its decision neither determines a substantial issue nor establishes a legal right, as required under Supreme Court Rule 42.

(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 Air Base'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/ Myron T. Steele
Chief Justice