

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOHN H. CRIBB, ROBERT A.	§
GOODMAN, RAJ REDDY, FRANK	§ No. 9, 2002
BRICK, and NORTON ROSE,	§
	§
Defendants Below-	§ Court Below—Court of Chancery
Appellants,	§ of the State of Delaware,
	§ in and for New Castle County
v.	§ C.A. No. 17706
	§
TELXON CORPORATION,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: January 7, 2002

Decided: January 17, 2002

Before VEASEY, Chief Justice, BERGER, and STEELE, Justices.

ORDER

This 17<sup>th</sup> day of January 2002, it appears to the Court that:

(1) The defendants-appellants have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Court of Chancery dated December 6, 2001. The Court of Chancery's decision denied the defendants' motion to dismiss an amended complaint filed by the plaintiff-appellee, Telxon Corporation.

(2) The defendants filed their application for certification to take an interlocutory appeal in the Court of Chancery on December 17, 2001. The Court

of Chancery found that the application for certification did not meet the requirements of Supreme Court Rule 42 and denied certification.

(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 denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within interlocutory appeal be REFUSED.

BY THE COURT:

/s/ Myron T. Steele  
Justice

oc: Clerk of the Court  
c: Henry E. Gallagher, Jr.  
Joseph A. Rosenthal  
Martin P. Tully  
Court's Distribution List