

IN THE SUPREME COURT OF THE STATE OF DELAWARE

TIMOTHY M. GORDON,

Petitioner Below-
Appellant,

v.

ELLEN M. GORDON,

Respondent Below-
Appellee.

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No. 46, 2005

Court Below---Family Court
of the State of Delaware,
in and for New Castle County
File No. CN02-06300

Submitted: February 22, 2005

Decided: March 8, 2005

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER¹

This 8th day of March 2005, it appears to the Court that:

(1) The petitioner-appellant, Timothy M. Gordon, has petitioned this Court, pursuant to Supreme Court Rule 42, to appeal from the Family Court's interlocutory order dated November 17, 2004, which affirmed a commissioner's order denying appellant's motion for interim visitation and the Family Court's January 4, 2005 order denying reargument.

(2) On February 9, 2005, the Family Court denied appellant's motion to certify an interlocutory appeal to this Court pursuant to Rule 42.

¹ The Court has sua sponte assigned pseudonyms to the parties. Supr. Ct. R. 7(d).

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances.² We have examined the Family Court's November 17, 2004 and January 4, 2005 orders 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 orders of the Family Court.

NOW, THEREFORE, IT IS ORDERED that the within interlocutory appeal is REFUSED.³

BY THE COURT:

/s/ Carolyn Berger
Justice

² Supr. Ct. R. 42(b).

³ The appellant's February 2, 2005 motion for expedited stay and injunction in this matter also is hereby denied.