IN THE SUPREME COURT OF THE STATE OF DELAWARE

| ALBERT AIELLO, JR., FRED | § |
|---------------------------------------|---------------------------------|
| CORRADO, RICHARD L. | § |
| CRANDALL, GARY G. GREENFIELD, | § No. 22, 2013 |
| JUDITH H. HAMILTON, RONALD W. | § |
| HOVSEPIAN, PATRICK S. JONES, | § |
| RICHARD L. NOLAN, and JOHN W. | § |
| PODUSKA, SR., | § |
| | § Court Below—Court of Chancery |
| Defendants Below- | § of the State of Delaware, |
| Appellants, | § C.A. No. 6032 |
| | § |
| v. | § |
| | § |
| OKLAHOMA FIREFIGHTERS | § |
| PENSION AND RETIREMENT | § |
| SYSTEM, LOUISIANA MUNICIPAL | § |
| POLICE EMPLOYEES' RETIREMENT | |
| SYSTEM, OPERATING ENGINEERS | § |
| CONSTRUCTION INDUSTRY AND | § |
| MISCELLANEOUS PENSION FUND, | § |
| and ROBERT NORMAN, individually | § |
| and on behalf of all others similarly | § |
| situated, | § |
| | |
| Plaintiffs Below- | § |
| Appellees. | § |

Submitted: February 7, 2013 Decided: February 12, 2013

Before HOLLAND, BERGER, and JACOBS, Justices.

ORDER

This 12th day of February 2013, 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 January 3, 2013. The trial court's order granted in part

and denied in part the defendants' motion to dismiss plaintiffs' complaint.

(2) The defendants filed their application for certification to take an

interlocutory appeal in the Court of Chancery on January 14, 2013. The Court of

Chancery denied the certification application on February 4, 2013.

(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 does not meet the requirements of

Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the within

interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Carolyn Berger

Justice

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