

IN THE SUPREME COURT OF THE STATE OF DELAWARE

FUQI INTERNATIONAL, INC.,	§	
	§	No. 592, 2012
Defendant Below,	§	
Appellant,	§	Court Below–Court of
	§	Chancery of the State of
v.	§	Delaware
	§	
GEORGE RICH, JR.,	§	
	§	
Plaintiff Below,	§	C.A. No. 5653
Appellee.	§	

Submitted: November 6, 2012

Decided: November 9, 2012

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

O R D E R

This 9th day of November 2012, it appears to the Court that:

(1) The defendant-appellant, Fuqi International, Inc. (“Fuqi”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Court of Chancery. Fuqi has also filed a motion for stay pending appeal and a motion to expedite the proceedings on appeal. The Court of Chancery order, which was entered on October 10, 2012, requires that Fuqi hold its annual meeting on or before December 17, 2012 and distribute proxy materials thirty days prior to the meeting.

(2) On October 22, 2012, Fuqi filed its application for certification or, in the alternative, a motion for entry of a partial final judgment under Court of Chancery Rule 54(b), and a motion for stay. On October 26, 2012, the plaintiff-appellee, George Rich, Jr., filed a brief in opposition to Fuqi's application and motions. By memorandum opinion dated November 5, 2012, the Court of Chancery denied Fuqi's application for certification and motion for entry of a partial final judgment under Rule 54(b).

(3) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. In the exercise of our discretion, the Court has concluded that Fuqi's application for interlocutory review does not meet the requirements of Supreme Court Rule 42(b) and should be refused.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED. Fuqi's motions for stay and to expedite are denied as MOOT.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice