

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEBRA BENNETT and WILLIAM BENNETT,	§
	§
	§ No. 110, 2014
Plaintiffs Below-	§
Appellants,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
USAA CASUALTY INSURANCE COMPANY,	§ in and for Sussex County
	§ C.A. No. S10C-02-010
	§
Defendant Below-	§
Appellee.	§

Submitted: March 3, 2014

Decided: March 6, 2014

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

ORDER

This 6th day of March 2014, it appears to the Court that:

(1) The plaintiffs-appellants, Debra and William Bennett, have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Superior Court dated December 13, 2013. The trial court's order denied defendant USAA's motion for partial summary judgment. In denying USAA's motion, the Superior Court noted that the Bennetts did not contest USAA's interpretation of the policy provisions, including the policy limits. The Bennetts sought reargument, contending that the Superior Court's decision

effectively eliminated their claim for consequential damages. The Superior Court denied reargument on February 5, 2014.

(2) The Bennetts filed their application for certification to take an interlocutory appeal in the Superior Court on February 14, 2014. The Superior Court denied the certification application on February 26, 2014, noting that the Bennetts misinterpreted the trial court's denial of USAA's motion for partial summary judgment as a complete denial of their claim for consequential damages.

(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