

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PHILIP R. SHAWE and SHIRLEY SHAWE,	§ § No. 498, 2015 §
Respondents Below, Appellants,	§ Court Below—Court of Chancery § of the State of Delaware §
v.	§ C.A. Nos. 9700 and 10449-CB §
ELIZABETH ELTING,	§ §
Petitioner Below, Appellee.	§ § §

Submitted: September 25, 2015
Decided: September 28, 2015

Before **STRINE**, Chief Justice; **HOLLAND** and **VALIHURA**, Justices.

ORDER

This 28th day of September 2015, having considered the notice of appeal from interlocutory order, the supplemental notice of appeal from interlocutory order, and the motion to stay pending appeal, it appears to the Court that:

(1) The respondents-below/appellants, Philip R. Shawe and Shirley Shawe (“the Shawes”), have petitioned this Court under Supreme Court Rule 42 to accept an appeal from the Court of Chancery’s August 13, 2015 opinion granting the petitioner-below/appellee’s petitions for dissolution and the

court's August 13, 2015 order appointing a custodian. The Shawes have filed a motion to stay pending appeal.

(2) On August 24, 2015, the Shawes filed a "motion for entry of judgment [under Court of Chancery Rule 54(b)] or certification of an interlocutory appeal and motion for a stay pending appeal." By order dated September 15, 2015, the Court of Chancery denied the application for certification after considering each of the eight criteria in Rule 42(b)(iii)(A)-(H). Having considered the September 15 order, the Court agrees with the Court of Chancery's analysis and denial of certification. The Court concludes that interlocutory review of the August 13, 2015 opinion and the order appointing a custodian will not terminate the litigation or otherwise serve the considerations of justice.

(3) Applications for interlocutory review are addressed to the sound discretion of the Court. In the exercise of discretion, the Court has concluded that the application for interlocutory review should be refused.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED. The motion to stay pending appeal is MOOT.

BY THE COURT:



Justice