

IN THE SUPREME COURT OF THE STATE OF DELAWARE

OFFICER MATTHEW HAZZARD,	§
DETECTIVE KECIA ROSADO, and	§ No. 677, 2015
DETECTIVE BRIAN CONKEY,	§
	§
Defendants Below,	§ Court Below—Superior Court
Appellants,	§ of the State of Delaware
	§
v.	§ C.A. No. N14C-09-034
	§
CHRISTOPHER HARRIS,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: January 5, 2016
Decided: January 22, 2016

Before **STRINE**, Chief Justice; **VAUGHN**, and **SEITZ**, Justices.

ORDER

This 22nd day of January 2016, having considered the notice of appeal from an interlocutory order and the supplemental notice of appeal from an interlocutory order, it appears to the Court that:

(1) The appellants, Officer Matthew Hazzard, Detective Kecia Rosado, and Detective Brian Conkey have petitioned this Court, under Supreme Court Rule 42, to accept an appeal from the Superior Court’s November 17, 2015 order denying their motion for summary judgment. The Superior Court concluded that factual questions precluded entry of judgment as a matter of law. In an order dated

January 4, 2016, the Superior Court found that the appellant's application for certification of an interlocutory appeal was untimely, the appellants did not show good cause for their untimely application, and the application did not satisfy the criteria of Rule 42.

(2) Having considered the Superior Court's November 17, 2015 order, the Court agrees with the Superior Court's order denying the application for certification. The application, which was filed on December 10, 2015, was untimely because it was filed more than ten days after the Superior Court's November 17, 2015 order.¹ The appellants did not establish good cause to excuse their untimely application.

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice

¹ Supr. Ct. R. 42(c) ("Such application shall be served and filed within 10 days of the entry of the order from which the appeal is sought or such longer time as the trial court, in its discretion, may order for good cause shown.").