

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALLEN FAMILY FOODS, INC., a	§
Delaware corporation,	§ No. 270, 2013
	§
Defendant Below-	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§ in and for New Castle County
	§ C.A. No. 10C-06-005
AMANDA L. MITCHELL,	§
Individually and as Administratrix of	§
the Estate of HERBERT L.	§
MITCHELL, deceased, STACIE L.	§
MITCHELL and SARA A.	§
MITCHELL,	§
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: May 22, 2013
Decided: May 29, 2013

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices

ORDER

This 29th day of May 2013, it appears to the Court that:

(1) The defendant-appellant, Allen Family Foods, Inc., has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated April 24, 2013, which ruled that Herbert L. Mitchell, deceased, was not an employee of Allen Family Foods at the time of the incident leading to his death and

that, therefore, his administratrix could proceed with a tort action against Allen Family Foods.

(2) The appellant filed its application for certification to take an interlocutory appeal in the Superior Court on May 6, 2013. On May 21, 2013, the Superior Court denied the certification application on the ground that the requirements of Supreme Court Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellant's application for interlocutory review does not meet the requirements of Supreme Court Rule 42 and, therefore, should be refused.

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

BY THE COURT:

/s/ Randy J. Holland
Justice