

IN THE SUPREME COURT OF THE STATE OF DELAWARE

MITCHELL H. GOLD, RICHARD F.	§
HAMM, GREGORY T. SCHIFFMAN,	§
MARK W. FROHLICH, SUSAN B. BAYH,	§ No. 40, 2014
RICHARD B. BREWER, GERARDO	§
CANET, BOGDAN DZIURZYNSKI,	§
DAVID L. URDAL, and DOUGLAS G.	§
WATSON,	§
Defendants Below-	§ Court Below—Court of Chancery
Appellants,	§ of the State of Delaware,
	§ C.A. No. 7646
and	§
	§
DENDREON CORPORATION,	§
	§
Nominal Defendant Below-	§
Appellant,	§
	§
v.	§
	§
HERBERT SILVERBERG, derivatively on	§
behalf of Dendreon Corporation,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: February 5, 2014
Decided: February 12, 2014

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

ORDER

This 12th day of February 2014, it appears to the Court that:

(1) The defendants-appellants have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from an interlocutory order of the Court of Chancery, dated December 31, 2013, which denied their motion to dismiss the plaintiff's complaint for lack of demand futility.

(2) The defendants filed their application for certification to take an interlocutory appeal in the Court of Chancery on January 10, 2014. The Court of Chancery denied the certification application on February 4, 2014.

(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 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 be REFUSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice