

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILMINGTON TRUST, N.A., AS	§
SECURITIES INTERMEDIARY,	§
	§ No. 242, 2018
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ C.A. No. N17C-08-301
LINCOLN BENEFIT LIFE	§
COMPANY,	§
	§
Plaintiff Below,	§
Appellee.	§

Submitted: May 4, 2018

Decided: May 8, 2018

Before **VAUGHN, SEITZ**, and **TRAYNOR**, Justices.

**ORDER**

This 8<sup>th</sup> day of May 2018, having considered the notice of appeal from an interlocutory order under Supreme Court Rule 42, it appears to the Court that:

(1) This interlocutory appeal arises from a Superior Court opinion denying the motion to dismiss for *forum non conveniens* filed by the defendant below-appellant, Wilmington Trust, N.A., as Securities Intermediary.<sup>1</sup> On April 13, 2018, Wilmington Trust filed an application for certification to take an interlocutory appeal. The plaintiff below-appellee, Lincoln Benefit Life Company, opposed the

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<sup>1</sup> *Lincoln Benefit Life Co. v. Wilmington Trust, N.A.*, 2018 WL 1638871 (Del. Super. Ct. Apr. 5, 2018).

application. On April 30, 2018, the Superior Court denied the application after determining certification was not warranted under the principles and criteria of Supreme Court Rule 42(b).<sup>2</sup>

(2) Applications for interlocutory review are addressed to the sound discretion of the Court.<sup>3</sup> In the exercise of our discretion, we have concluded that the application for interlocutory review does not meet the strict standards for certification under Rule 42(b) and should be refused.

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Justice

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<sup>2</sup> *Lincoln Benefit Life Co. v. Wilmington Trust, N.A.*, 2018 WL 2074713 (Del. Super. Ct. Apr. 30, 2018).

<sup>3</sup> Supr. Ct. R. 42(d)(v).