

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EMIL LEWIS LESKO, TRUSTEE	§	
UNDER REVOCABLE TRUST	§	No. 670, 2015
AGREEMENT OF EMIL LEWIS	§	
LESKO, DATED JUNE 4, 2003; AND	§	Court Below—Superior Court of
7835.1765 SQUARE FEET OF LAND	§	the State of Delaware, in and for
(PERMANENT EASEMENT); AND	§	Sussex County
458.4545 SQUARE FEET OF LAND	§	
(TEMPORARY CONSTRUCTION	§	C.A. No. S13C-01-032
EASEMENTS),	§	
	§	
Defendants Below,	§	
Appellants,	§	
	§	
v.	§	
	§	
STATE OF DELAWARE, UPON THE	§	
RELATION OF THE SECRETARY	§	
OF THE DEPARTMENT OF	§	
TRANSPORTATION,	§	
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: December 10, 2015

Decided: December 14, 2015

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

**ORDER**

This 14<sup>th</sup> day of December 2015, having considered the notice of appeal from interlocutory order, it appears to the Court that:

(1) Emil Lewis Lesko has petitioned this Court, under Supreme Court Rule 42, to accept an appeal from an interlocutory order entered by the Superior

Court in a condemnation action. Lesko seeks review of the Superior Court's November 18, 2015 memorandum opinion granting a motion *in limine* filed by the State of Delaware Department of Transportation.

(2) By order dated December 4, 2015, the Superior Court denied Lesko's application for certification of an interlocutory appeal. The court determined that interlocutory review of the November 18 memorandum opinion was not warranted.

(3) The Court agrees with the Superior Court's analysis. The Rule 42(b) principles and criteria do not weigh in favor of interlocutory review of the November 18 memorandum opinion.

(4) Applications for interlocutory review are addressed to the sound discretion of the Court. In this case, the Court concludes that interlocutory review of the November 18 memorandum opinion should be refused.

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.  
Justice