

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GREAT AMERICAN INSURANCE	§
COMPANY,	§
	§ No. 329, 2026
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ C.A. No. N25C-07-046
BIG V CAPITAL LLC, BIG V	§
ACQUISITIONS LLC, BIG V	§
EQUITY LLC, and JEFFREY	§
ROSENBERG,	§
	§
Plaintiffs Below,	§
Appellees.	§

Submitted: August 18, 2026

Decided: August 31, 2026

Before **SEITZ**, Chief Justice; **TRAYNOR** and **GRIFFITHS**, Justices.

ORDER

After consideration of the notice and supplemental notices of appeal from an interlocutory order and the exhibits, it appears to the Court that:

(1) In a memorandum opinion issued June 30, 2026, the Superior Court held that a derivative action initiated in 2024 was covered under an insurance policy that the plaintiffs-appellees purchased from Great American Insurance Company. Great American filed an application for certification of an interlocutory appeal from the memorandum opinion on July 15 and a notice of interlocutory appeal on July 30. The plaintiffs-appellees opposed certification.

(2) The Superior Court denied the application. The court found that the application was untimely under Supreme Court Rule 42(c)(i), and Great American had not sought an extension nor shown good cause for the delay.

(3) We conclude that the interlocutory appeal should be refused. An application for certification of an interlocutory appeal must be 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.”¹ The deadline for Great American to file its application was July 10, 2026,² and Great American did not establish good cause to excuse its untimely application.³

¹ DEL. SUPR. CT. R. 42(c)(1).

² See *id.* R. 42(a) (“The Court’s jurisdiction to hear and determine appeals in civil cases from interlocutory orders of a trial court . . . shall be exercised in accordance with this rule as to certification and acceptance of interlocutory appeals. All time periods under this rule should be calculated under Supreme Court Rule 11.”); *id.* R. 11(a) (“In computing any period of time prescribed or allowed by these Rules . . . the day of the act, event or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or Sunday, or other legal holiday, or other day on which the office of the Clerk is closed, in which event the period shall run until the end of the next day on which the office of the Clerk is open. When the period of time prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and other legal holidays shall be excluded in the computation.”).

³ See *Ahmed v. JP Morgan Chase & Co.*, 2026 WL 2137628 (Del. July 24, 2026) (refusing interlocutory appeal in which certification application was filed three days late); *BankUnited, N.A. v. Shulick*, 2026 WL 905107 (Del. Apr. 1, 2026) (refusing interlocutory appeal in which certification application was filed four days late because counsel calculated the filing deadline under the Court of Chancery rules instead of the Supreme Court rules); *Cullen v. Michaels*, 2025 WL 3056476 (Del. Oct. 30, 2025) (dismissing interlocutory appeal in which *pro se* appellant filed certification application late); *Lampert v. Cannon Square, LLC*, 2025 WL 1203048 (Del. Apr. 25, 2025) (refusing interlocutory appeal in which certification application was filed three days late); *D&D Mfg., LLC v. Envirokare Composite Corp.*, 2024 WL 2270612 (Del. May 20, 2024) (refusing interlocutory appeal because the “application for certification was untimely because it was filed more than ten days after the [interlocutory] ruling, and the appellants did not establish good cause to excuse their untimely application”).

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

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Chief Justice