

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHRISTOPHER A. ABILI and	§
GULNARA ABILI,	§
	§ No. 648, 2007
Plaintiffs Below-	§
Appellants,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
GEMCRAFT HOMES DELAWARE,	§ in and for New Castle County
INC. and CHESAPEAKE	§ C.A. No. 05C-12-11
MORTGAGE, LLC,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: June 16, 2008

Decided: July 2, 2008

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

**ORDER**

This 2<sup>nd</sup> day of July 2008, upon consideration of the Rule to Show Cause and the response and reply thereto, it appears to the Court that:

(1) The appellants filed their notice of appeal in this matter on December 17, 2007. After the withdrawal of their counsel, the Court gave the appellants a new brief schedule with an extended date by which to file their opening brief. After the appellants failed to file their brief in March, a brief delinquency notice issued. The appellants requested and received an additional extension of time to

file their opening brief on or before May 5, 2008. The Court ordered that no further extensions would be granted.

(2) The appellants failed to file their brief by the deadline and failed to communicate with the Court prior to the expiration of the deadline. Accordingly, the Clerk issued a brief delinquency letter directing the appellants to file their brief within seven days or risk dismissal of their appeal. The appellants failed to file their brief or otherwise respond to the Clerk's directive.

(3) Thereafter, the Clerk issued a notice to the appellants to show cause why the appeal should not be dismissed for their failure to prosecute. The appellants responded by requesting an additional extension of time to retain counsel. The appellees have replied to the appellants' request and object to any further extension of time. The appellees request that the appeal be dismissed.

(4) The Court has considered the parties' respective positions carefully. The appellants filed this appeal more than six months ago and have taken no steps to prosecute the appeal any further. Under the circumstances, we conclude that the appeal should be dismissed for lack of prosecution.

NOW, THEREFORE, IT IS ORDERED that the within appeal is  
DISMISSED for the appellants' failure to prosecute.

BY THE COURT:

/s/ Carolyn Berger  
Justice