

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF DAVID QUINTIN § No. 173, 2013
WEBB FOR A WRIT OF §
PROHIBITION §

Submitted: April 24, 2013

Decided: May 2, 2013

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 2nd day of May 2013, upon consideration of the petition of David Quintin Webb for a writ of prohibition and the response and motion to dismiss, it appears to the Court that:

(1) The petitioner, David Webb, seeks to invoke the original jurisdiction of this Court, pursuant to Supreme Court Rule 43, to issue a writ of prohibition directing the Court of Chancery to review the Master in Chancery's report dated June 29, 2011. The respondent, the Estate of John L. Webb, has filed a motion to dismiss. After careful consideration of the parties' respective positions, we conclude that Webb's petition manifestly fails to invoke this Court's original jurisdiction. Accordingly, the petition must be dismissed.

(2) A writ of prohibition is legally equivalent to an injunction.¹ Its purpose is to prevent a lower court from exceeding the limits of its jurisdiction

¹ *In re Barbee*, 693 A.2d 317, 318 (Del. 1997).

and to keep the administration of justice in orderly channels.² Because it is an extraordinary remedy, it cannot be used as a substitute for an appeal and will only be issued if the trial court's lack of jurisdiction is manifest on the record.³

(3) In this case, Webb has provided no evidence that the Master in Chancery exceeded her jurisdiction when she issued her June 2011 report. Moreover, Webb had a right to seek review of the Master's report by a judge in the Court of Chancery. Under these circumstances, Webb's petition fails to invoke this Court's original jurisdiction to issue an extraordinary writ of prohibition.

NOW, THEREFORE, IT IS ORDERED that the petition for a writ of prohibition is DENIED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

² *Matushefske v. Herlihy*, 214 A.2d 883, 885 (Del. 1965).

³ *In re Hovey*, 545 A.2d 626, 628 (Del. 1988).