

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LEROY INGRAM, JR, ¹	§
	§
Respondent Below- Appellant,	§ No. 438, 2013
	§
v.	§
	§ Court Below—Family Court
	§ of the State of Delaware,
LAUREN CHAMBERS,	§ in and for New Castle County
	§ File No. CN13-01822
Petitioner Below- Appellee.	§ Pet. No. 13-07474
	§

Submitted: October 25, 2013
Decided: November 19, 2013

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

ORDER

This 19th day of November 2013, upon consideration of the parties' briefs and the record on appeal, it appears to the Court that:

(1) The appellant, Leroy Ingram (Husband), filed this appeal from the Family Court's default judgment dividing the parties' assets and debts ancillary to their divorce. We find no basis to overturn the Family Court's judgment. Accordingly, we affirm.

(2) The record reflects that Husband file a petition for divorce on March 6, 2013. Lauren Chambers (Wife) answered the petition and requested the Family Court to retain ancillary jurisdiction to resolve property

¹ The Court previously assigned pseudonyms to the parties.

division issues. Wife filled out the required Rule 16(c) financial report in May 2013. After Husband failed to timely complete his Rule 16(c) financial report, the Family Court informed Husband that if he failed to file the report by August 16, 2013, Wife would be entitled to move for a default judgment in her favor. Husband filed his financial report on July 29, 2013.

(3) On July 31, 2013, the parties were informed that a telephone hearing on the ancillary matters would be held on August 14, 2013. The parties were directed to provide the Family Court with a phone number where they could be reached. Wife participated in the telephone conference. Husband did not. At the conclusion of the hearing, the Family Court entered a default judgment ordering the parties to divide their credit card debt equally between them and dividing the only marital asset, a 2003 Honda motorcycle, equally between them. Husband did not move to reargue or reopen the default judgment but, instead, filed this appeal.

(4) In his opening brief on appeal, Husband contends that there were other marital assets—appliances—that the parties had agreed to sell and use the proceeds to pay down the credit card debt, which Wife failed to do. Husband also contends that the motorcycle was not marital property. He further contends that, because of the nature of his job, he is not permitted

to have a cell phone at his work and thus he could not call in at the appointed time for the telephone hearing.

(5) Husband, however, did not file a motion to reopen the Family Court's judgment.² Instead, he appealed directly to this Court. Husband's explanation for his failure to participate in the Family Court hearing and the allegations that he makes concerning the parties' assets and debts are outside of the record on appeal and, therefore, cannot properly be considered this Court.³ Accordingly, we find no basis to overturn the Family Court's judgment.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² See Fam. Ct. Civ. R. 60(b) (2013).

³ See Del. Supr. Ct. R. 9; *Delaware Elec. Co-op., Inc. v. Duphily*, 703 A.2d 1202, 1207 (Del. 1997) (holding that materials not offered into evidence and considered by the trial court are not part of the record on appeal).