

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH D. PIRESTANI,	§	
	§	
Respondent Below-	§	No. 165, 2004
Appellant,	§	
	§	
v.	§	Court Below---Family Court
	§	of the State of Delaware,
	§	in and for New Castle County
DEBORAH A. REAGAN,	§	File No. CN96-10583
	§	Petition No. 98-24863
Petitioner Below-	§	
Appellee.	§	

Submitted: June 13, 2005

Decided: July 18, 2005

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

ORDER

This 18th day of July 2005, upon consideration of the Family Court's report following remand, the appellant's response thereto, the notice to show cause issued by the Clerk, and the appellant's response thereto, it appears to the Court that:

(1) Petitioner-appellee, Deborah A. Reagan, filed a petition for divorce from respondent-appellant, Joseph D. Pirestani, which was granted by the Family Court. Pirestani filed an appeal from the Family Court's order. On January 18, 2005, this Court remanded the matter to the Family Court for consideration of the parties' joint request that the Family Court vacate the divorce decree and dismiss Reagan's divorce petition.

(2) On May 11, 2005, the Family Court issued its report following remand. The Family Court had held a hearing on April 15, 2005, which was attended by both Pirestani and Reagan. Both parties testified that, while there had been problems in the marriage, they wanted to remain married and did not want to proceed with any further matters in the Family Court.¹ Moreover, Reagan testified that her decision to reconcile with Pirestani was made freely and voluntarily. On the basis of the testimony presented, the Family Court vacated its divorce decree and dismissed Reagan's divorce petition.²

(3) On May 16, 2005, the Clerk issued a notice to show cause why this appeal should not be dismissed as moot in view of the Family Court's disposition on remand. Pirestani responded to the notice to show cause, arguing that there were various errors in the Family Court proceedings that he would like to have corrected.

(4) Pirestani has received the relief he requested in his appeal to this Court. We are not persuaded by Pirestani's argument that alleged errors in the Family Court proceedings should prevent the dismissal of this matter on the ground of mootness.

¹ The parties filed a Stipulation to Vacate the Divorce Decree and a Stipulation of Voluntary Dismissal of Divorce Petition on March 28, 2005, which Reagan testified she voluntarily executed in the presence of Family Court staff.

² Fam. Ct. Civ. R. 60(b) (permitting relief from a final judgment, order or proceeding of the Family Court).

NOW, THEREFORE, IT IS ORDERED that Pirestani's appeal is
DISMISSED AS MOOT.

BY THE COURT:

/s/ Carolyn Berger
Justice