

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GABRIEL G. ATAMIAN, MD, JD,	§
	§ No. 369, 2005
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
LINDA NGUYEN, DDS,	§ C.A. No. 04C-07-034
	§
Defendant Below-	§
Appellee.	§

Submitted: August 17, 2005  
Decided: October 18, 2005

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices.

**ORDER**

This 18<sup>th</sup> day of October 2005, it appears to the Court that the appellee filed a motion to dismiss this appeal on the ground that the appeal is interlocutory because a motion to amend the complaint remains pending in the Superior Court. The appellant did not file a response to the motion to dismiss.<sup>1</sup> The motion, therefore, is deemed to be unopposed.<sup>2</sup>

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<sup>1</sup> The appellant filed his opening brief and appendix, but did not address the arguments made in the motion to dismiss.

<sup>2</sup> Supr. Ct. R. 3(b) (2).

NOW, THEREFORE, IT IS ORDERED that the within appeal is  
DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice