

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DEMARIUS D. McRAE d/b/a	§	
McRAE ENTERPRISES,	§	No. 459, 2008
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware in and
	§	for Kent County
v.	§	
	§	
CITIZENS BANK OF	§	
PENNSYLVANIA,	§	
	§	
Plaintiff Below,	§	C.A. No. 08C-02-010
Appellee.	§	

Submitted; September 25, 2008

Decided: November 26, 2008

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

ORDER

This 26th day of November 2008, it appears to the Court that:

(1) On September 11, 2008, the defendant-below/appellant filed a notice of appeal from a Superior Court arbitrator's order dated August 12, 2008.¹ On September 12, 2008, the Clerk issued a notice directing that the appellant show cause why the appeal should not be dismissed for this Court's lack of jurisdiction to consider an appeal from an arbitrator's order.²

¹ It appears from the Superior Court docket that the arbitrator's order concerned plaintiff-below/appellee's complaint filed on February 7, 2008.

² See Del. Const. art. IV, § 11 (2007) (providing for jurisdiction of Supreme Court); Super. Ct. Civ. R. 16.1(k)(11)(C) (2007) (providing that an arbitration order shall not be

The appellant's response to the notice to show cause does not address the Court's lack of jurisdiction to consider his appeal.

(2) An arbitrator's order is not a final judgment for purposes of appeal to this Court.³ The sole remedy for any party in an action subject to arbitration is a demand for a trial *de novo*.⁴

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

subject to appeal) (repealed on Feb. 5, 2008, effective in civil actions filed after Mar. 1, 2008).

³ *Redden v. McGill*, 549 A.2d 695, 697-98 (Del. 1988).

⁴ Del. Super. Ct. Civ. R. 16.1(k)(11)(D); *Williams v. Leager*, 2003 WL 1857527 (Del. Supr.) (citing *Redden v. McGill*, 549 A.2d 695, 697-98 (Del. 1988)).