

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HEATHER SIMONE,	§
	§ No. 464, 2010
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
EVAN D. SIMONE,	§ File No. CN88-8682
	§ Petition No. 09-41643
Respondent Below-	§
Appellee.	§

Submitted: October 15, 2010  
Decided: October 19<sup>th</sup>, 2010

**ORDER**

This 19<sup>th</sup> day of October 2010, it appears to the Court that, on September 21, 2010, the Clerk issued a notice to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to diligently prosecute the appeal by failing to pay the court filing fees and transcript costs. The appellant has failed to respond to the notice to show cause within the required 10-day period. Therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:  
/s/ Myron T. Steele  
Chief Justice