

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|-------------------------|------------------------------|
| ALEXANDER C. TSIPOURAS, | § |
| | § No. 343, 2010 |
| Plaintiff Below- | § |
| Appellant, | § |
| | § Court Below—Superior Court |
| v. | § of the State of Delaware |
| | § in and for Kent County |
| MARK D. SISK, ESQUIRE, | § C.A. No. 09C-05-038 |
| | § |
| Defendant Below- | § |
| Appellee. | § |

Submitted: November 4, 2010

Decided: November 24, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices

ORDER

This 24th day of November 2010, it appears to the Court that:

(1) On June 10, 2010, the Court received the appellant's notice of appeal from the Superior Court's order dated June 3, 2010, which granted summary judgment to the appellee. On October 22, 2010, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed for his failure to comply with Rule 42 when taking an appeal from an apparent interlocutory order.

(2) The appellant responded to the notice to show cause on November 4, 2010. In the response, he requests that, if the Court determines

that the appeal is interlocutory, he be permitted to re-file the appeal without paying the filing fee.

(3) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final orders of trial courts.¹ An order is deemed to be “final” only if the trial court has clearly declared its intention that the order be the court’s “final act” in the case.²

(4) The Superior Court docket reflects that, at the time the appellant filed his notice of appeal, there were additional defendants remaining in the case. Because not all of the parties’ claims have been disposed of by the Superior Court, the order being appealed from is not the Superior Court’s “final act.” Accordingly, any appeal from the Superior Court to this Court is premature absent compliance with the requirements for taking an interlocutory appeal under Rule 42.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED.³

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

¹ *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

² *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

³ The record reflects that the appellant was granted IFP status with respect to the Supreme Court filing fee. The appellant’s motion to amend the notice of appeal and the appellee’s motion to affirm or dismiss are hereby denied as moot.