

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAMIAN AARON BAKER, <sup>1</sup>	§
	§ No. 259, 2011
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STEPHANIE MADISON IVORY,	§ File No. CN95-10271
	§ Petition No. 08-20087
Respondent Below-	§
Appellee.	§

Submitted: June 3, 2011

Decided: June 13, 2011

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

**ORDER**

This 13<sup>th</sup> day of June 2011, it appears to the Court that:

(1) On May 19, 2011, the petitioner-appellant, Damian Aaron Baker, filed a notice of appeal from the Family Court’s April 27, 2011 order denying his motion for emergency *ex parte* relief. On May 19, 2011, the Clerk of the Court issued a notice directing Baker to show cause why his appeal should not be dismissed for failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.<sup>2</sup> Baker

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<sup>1</sup> The Court *sua sponte* assigned pseudonyms to the parties by Order dated May 19, 2011. Supr. Ct. R. 7(d).

<sup>2</sup> Supr. Ct. R. 29(b).

filed a response on June 3, 2011, but did not address the issue of his failure to comply with Rule 42.

(2) The Family Court's April 27, 2011 order is an interlocutory, and not a final, order.<sup>3</sup> Absent compliance with Rule 42, this Court has no jurisdiction to review an interlocutory order of the Family Court.<sup>4</sup> Because the Court does not have jurisdiction over this matter, the appeal must be dismissed.

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

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>3</sup> *Stroud v. Milliken Enterprises, Inc.*, 552 A.2d 476, 481-82 (Del. 1989).

<sup>4</sup> *Showell Poultry v. Delmarva Poultry Corp.*, 146 A.2d 794, 795-96 (Del. 1958).