

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HENRY GREG HUGHES, ¹	§	
	§	No. 349, 2011
Respondent Below,	§	
Appellant,	§	Court Below—Family Court
	§	of the State of Delaware in and
v.	§	for Sussex County
	§	
SANDRA K. PETERSON,	§	
	§	File No. CS08-02897
Petitioner Below	§	Pet. No. 09-07053
Appellee.	§	

Submitted: July 29, 2011

Decided: August 2, 2011

ORDER

This 2nd day of August 2011, upon consideration of the Clerk’s notice to show cause and the appellant’s response to the notice, it appears to the Court that:

(1) By decision dated June 15, 2011, the Family Court decided the parties’ ancillary matters pursuant to their divorce. The Family Court’s June 15, 2011 decision provided that “any requests for attorney’s fees . . . shall be submitted within 15 days from the mailing date of this Order, and any response thereto, shall be submitted within 10 days thereafter.”

¹ By Order dated July 19, 2011, the Court *sua sponte* assigned pseudonyms to the parties. Del. Supr. Ct. R. 7(d).

(2) On June 21, 2011, counsel for Sandra K. Peterson, the petitioner /appellee (hereinafter “Wife”), filed a timely request for attorney’s fees. It does not appear that the *pro se* respondent/appellant, Henry Greg Hughes (hereinafter “Husband”), filed a response to Wife’s request.

(3) On July 15, 2011, notwithstanding Wife’s still-pending request for attorney’s fees in the Family Court, Husband filed this appeal from the Family Court’s June 15, 2011 decision on ancillary matters. Three days later, by order dated July 18, 2011, the Family Court granted Wife’s request for attorney’s fees.

(4) On July 19, 2011, the Clerk issued a notice directing that Husband show cause why this appeal should not be dismissed as an unauthorized interlocutory appeal.² Husband filed a response to the notice on July 29, 2011.

(5) In his response to the notice to show cause, Husband concedes that dismissal of this appeal is appropriate. Husband also understands that, if he intends to appeal the Family Court’s June 15, 2011 decision on ancillary matters and/or the court’s July 18, 2011 order on Wife’s request for

² The June 15, 2011 decision did not finally determine and terminate the cause before the Family Court. *See Julian v. State*, 440 A.2d 990 (Del. 1982) (providing that absent compliance with Supreme Court Rule 42, this Court lacks jurisdiction to consider an appeal from a non-final, *i.e.*, interlocutory, order).

attorney's fees, he must file a new notice of appeal with this Court within thirty days of the July 18, 2011 order.³

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 3(b)(2) and 29(b), that this unauthorized appeal filed by Husband is DISMISSED without prejudice to the filing of a new and timely appeal by Husband from the Family Court's final order of July 18, 2011. The motion to proceed *in forma pauperis* filed by Husband in connection with this unauthorized appeal is moot.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

³ See Del. Supr. Ct. R. 6 (governing time for filing appeals and cross-appeals).