

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KENNETH GUINN,	§	
	§	No. 301, 2001
Plaintiff Below,	§	
Appellant,	§	Court Below: Superior
	§	Court of the State of
v.	§	Delaware, in and for
	§	New Castle County
PRISON HEALTH SERVICES,	§	C.A. No. 00C-02-246.
INC.,	§	
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: July 5, 2001
Decided: July 12, 2001

Before **HOLLAND, BERGER** and **STEELE**, Justices.

ORDER

This 12th day of July 2001, it appears to the Court that:

1) On June 28, 2001, the Clerk issued a notice directing the appellant, Kenneth Guinn, to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. It appears that Guinn is trying to appeal from the defendant's demand for a trial de novo following an arbitrator's ruling in Guinn's favor. On July 5, 2001, Guinn filed a response to the notice to show cause.

2) Guinn states that he is unfamiliar with Supreme Court Rules 29(b) and 42 and requests that this not be held against him. Guinn further requests the appointment of counsel. Guinn's other arguments are considered non-responsive since they appear to address the merits of the appeal.

3) The test for whether an order is final and therefore ripe for appeal is whether the trial court has clearly declared its intention that the order be the court's "final act" in a case. *J.I. Kislak Mortgage Corporation of Delaware v. William Matthews, Builder, Inc.*, Del. Supr., 303 A.2d 648, 650 (1973). At the time Guinn filed this appeal in this Court, the Superior Court had just issued a case scheduling order setting deadlines for discovery, dispositive motions and status conferences. The Superior Court has the last status conference scheduled for February 21, 2002. Clearly, no final order has been entered in Guinn's case.

4) This Court's exercise of its jurisdiction to hear and determine appeals in civil cases from interlocutory orders shall be exercised solely in accordance with the provisions of Supreme Court Rule 42. There has been no meaningful attempt by Guinn to comply with Supreme Court Rule 42. Accordingly, this Court lacks jurisdiction to entertain the appeal. *Stroud v. Milliken Enterprises, Inc.*, Del. Supr., 552 A.2d 476, 481-82 (1989).

NOW, THEREFORE, IT IS ORDERED, that the appellant's request for the appointment of counsel is moot, and the appeal is DISMISSED pursuant to Supreme Court Rules 29(b) and 42.*

BY THE COURT:

/s/ Carolyn Berger
Justice

*Of course, the dismissal of this appeal does not preclude Guinn from filing a notice of appeal once a final order has issued from the Superior Court.