

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JERRY LEE ALSTON,	§	
	§	No. 559, 2001
Plaintiff Below,	§	
Appellant,	§	Court Below–Superior Court
	§	of the State of Delaware, in
v.	§	and for Kent County in C.A.
	§	No. 01C-07-050.
NICHOLAS A. DIPASQUALE,	§	
DELAWARE DEPT. OF	§	
NATURAL RESOURCES AS AN	§	
ENTITY; KENT COUNTY	§	
PLANNING OFFICE;	§	
and LAWRENCE S. FOLEY	§	
and MARY FRANCIS FOLEY,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: November 26, 2001

Decided: December 17, 2001

Before **VEASEY**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 17th day of December 2001, it appears to the Court that:

(1) On November 7, 2001, the Court received the appellant’s formal notice of appeal from the Superior Court’s order of October 19, 2001, that granted the motions to dismiss of the defendants Kent County Planning Office and Lawrence S. and Mary Francis Foley. A motion to dismiss on behalf of the remaining

defendants, Nicholas A. DiPasquale and the Department of Natural Resources, is scheduled to be heard on January 4, 2002, in the Superior Court.

(2) On November 7, 2001, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) that directed the appellant to show cause why the appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. On November 26, 2001, the appellant filed an answer to the notice to show cause. The appellant also filed a “Motion for Sixty-Day Stay of Proceedings” and a motion to proceed *in forma pauperis*.

(3) The appellant’s answer to the notice to show cause does not respond to the issue raised in the notice. His “Motion for Sixty-Day Stay of Proceedings” requests an extension of time in which to obtain the transcript of the Superior Court proceedings.

(4) When, as here, a civil action involves multiple claims and/or multiple parties, a judgment regarding any claim or any party does *not* become final until the entry of the *last* judgment that resolves *all* claims as to all parties, *unless* an interlocutory ruling as to a claim or party is certified pursuant to Superior Court Civil Rule 54(b).¹ In this case, the Superior Court’s order of October 19, that

¹*Harrison, et al. v. Ramunno*, Del. Supr., 730 A.2d 653, 654 (1999).

dismissed the case only as to defendants Kent County Planning Office and Lawrence S. and Mary Francis Foley, was not entered pursuant to Superior Court Civil Rule 54(b). Consequently, the October 19 dismissal is an interlocutory order.

(5) This Court’s exercise of its jurisdiction to hear and determine appeals in civil cases from interlocutory orders is exercised solely in accordance with the provisions of Supreme Court Rule 42. There has been no meaningful attempt by the appellant in this appeal to comply with Supreme Court Rule 42.² Accordingly, this Court lacks jurisdiction to entertain the appeal.³

NOW, THEREFORE IT IS ORDERED that this appeal is DISMISSED pursuant to Supreme Court Rules 29(b) and 42. The “Motion for Sixty-Day Stay of Proceedings” and the motion to proceed *in forma pauperis* are moot.

BY THE COURT:

/s/ Randy J. Holland
Justice

²By Order dated December 6, 2001, the Superior Court denied the appellant’s November 26 letter request to certify an interlocutory appeal.

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