

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CECIL BROWNE,	§	
	§	
Plaintiff Below,	§	
Appellant,	§	
	§	
v.	§	No. 74, 2001
	§	
ADAMS TWO, INC.,	§	
OWNER-HAROLD	§	
FRIELAND, MANAGER	§	
J.R. GETTIER	§	
ASSOCIATES, INC.,	§	
STANLEY T.	§	
CZAJKOWSKI, BRYANT	§	
HEATH, SECURITY	§	
GUARD,	§	
	§	Court Below: Superior Court
Defendants Below,	§	of the State of Delaware,
Appellees.	§	in and for New Castle
	§	County, C.A. No. 99C-06-069.
	§	
	§	

Submitted: March 9, 2001  
Decided: March 26, 2001

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

O R D E R

This 26<sup>th</sup> day of March 2001, it appears to the Court that:

- 1) On February 23, 2001, the Clerk having issued a notice directing the appellant to show cause why this appeal should not be dismissed pursuant to Supreme Court Rule 29(b) for the appellant's failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory

order. On March 9, 2001, the appellant filed a response to the notice to show cause.

2) The appellant states that he misread the Superior Court order dated January 22, 2001 and that since the appellant is *pro se* he should not be held to the same standards as an attorney.

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 appellant filed this appeal in this Court, Superior Court had yet to schedule this matter for trial. Appellant's right of appeal remains intact until the Superior Court has held a trial and disposed of all matters.

4) Since the requirements of Supreme Court Rule 42 have not been met by the appellant, the appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, that the within appeal be  
and hereby is DISMISSED pursuant to Supreme Court Rules 29(b) and 42.\*

BY THE COURT:

/s/ Randy J. Holland  
Justice

---

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