

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HENRY C. ROHLF & EDGAR K. MITCHELL,	§	
	§	No. 598, 2011
	§	
Respondents Below,	§	
Appellants,	§	Court Below—Court of
	§	Chancery of the State of
v.	§	Delaware
	§	
BNY MELLON TRUST of DELAWARE,	§	
	§	
	§	
Petitioner Below	§	C.A. No. 4464
Appellee.	§	

Submitted: November 28, 2011

Decided: November 30, 2011

ORDER

This 30th day of November 2011, it appears to the Court that:

(1) On November 7, 2011, the Clerk issued a notice directing that the appellants show cause why the above-captioned appeal should not be dismissed as an unauthorized interlocutory appeal. Similarly, on November 11, 2011, the appellee filed a motion to dismiss the appeal “without prejudice” to the filing of an appeal once a final order issued.

(2) On November 28, 2011, the appellants filed a voluntary dismissal conceding that dismissal of this appeal is appropriate. By separate

letter, the appellants requested that the Court apply their filing fee “to a future appeal of the same case.”*

NOW, THEREFORE, pursuant to Supreme Court Rule 29(a), this appeal is voluntarily DISMISSED without prejudice. The notice to show cause and motion to dismiss are moot.

IT IS ORDERED that the appellants’ filing fee in this appeal shall be applied to a future appeal filed by the appellants from the Court of Chancery’s final order.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

* It appears from the docket that the Court of Chancery issued its final order on November 23, 2011. Therefore, if the appellants intend to appeal they must file a new notice of appeal with this Court within thirty days of November 23, 2011. *See* Del. Supr. Ct. R. 6 (governing time for filing appeals).