

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLOTTE E. STANLEY, ¹	§	
	§	No. 336, 2011
Respondent Below,	§	
Appellant,	§	Court Below—Family Court
	§	of the State of Delaware in and
v.	§	for New Castle County
	§	
DAVID J. REED,	§	
	§	
Petitioner Below	§	File No. CN09-04138.
Appellee.	§	

Submitted: August 23, 2011
Decided: September 20, 2011

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

O R D E R

This 20th day of September 2011, upon consideration of the appellant’s notice of interlocutory appeal (“this appeal”), the Clerk’s notice to show cause, and the appellant’s response, it appears to the Court that:

(1) On May 19, 2011, the appellant, Charlotte E. Stanley (“Mother”), filed an appeal from the Family Court’s April 12, 2011 order granting sole custody of the parties’ children to the appellee, David J. Reed (“Father”) (“Mother’s prior appeal”). In Mother’s prior appeal, the Family Court docket revealed that Mother had timely filed a motion for new trial on

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

April 25, 2011, which served to toll the finality of the April 12, 2011 order as well as the time period for filing an appeal.

(2) By Order dated June 22, 2011, the Court dismissed Mother's prior appeal for her failure to comply with Supreme Court Rule 42 when filing an interlocutory appeal.² In our June 22, 2011 Order, we explained that Mother "may refile her appeal, if necessary, after the Family Court rules upon her motion for new trial."³

(3) On July 6, 2011, Mother filed this appeal, *i.e.*, a notice of interlocutory appeal from the Family Court's order of April 12, 2011. A review of the docket revealed that the Family Court had not yet ruled on Mother's motion for new trial. Therefore, the Clerk issued a notice to show cause directing that Mother show cause why this appeal should not be dismissed for failure to comply with Supreme Court Rule 42.

(4) Mother filed a response to the notice to show cause. In her response, Mother argued the merit of her position on the April 12, 2011 order awarding sole custody to Father. Mother also complained that the Family Court had not yet ruled on her motion for new trial.⁴

² See Del. Supr. Ct. R. 42 (governing interlocutory appeals).

³ *Stanley v. Reed*, 2011 WL 2473663 (Del. Supr.).

⁴ Mother has filed a "request for stay" of the April 12, 2011 order and two "motions to dismiss." Mother's first motion sought to dismiss the entire custody matter on the basis that the Family Court had failed to rule on her motion for new trial. Mother's second

(5) Mother's response to the notice to show cause in this appeal is unavailing. As we indicated in our Order of June 22, 2011 dismissing Mother's prior appeal, absent compliance with Supreme Court Rule 42, this Court lacks jurisdiction to consider an interlocutory appeal.⁵

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 29(c) and 42, that this appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

motion sought to dismiss the entire custody matter on the basis that the Family Court had ruled on her motion for new trial but failed to send her a copy of the decision.

⁵ Given our lack of jurisdiction to hear this appeal, the Court has not considered any of the issues raised in Mother's various motions.