

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BARBARA J. BEEGHLEY,	§
	§
Respondent Below-	§ No. 215, 2000
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
JOHN L. BEEGHLEY,	§ in and for New Castle County
	§ File No. CN93-07390
Petitioner Below-	§
Appellee.	§

Submitted: July 27, 2000
Decided: August 8, 2000

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

ORDER

This 8TH day of August 2000, it appears to the Court that:

(1) The respondent below, Barbara J. Beeghley (“Wife”), filed a notice of appeal in this matter on May 8, 2000 from a letter order of the Family Court dated April 12, 2000. The Family Court’s letter order noted that Wife’s “proliferation of filing petitions and motions is a flagrant abuse of the court’s processes.” The Family Court, therefore, found that it had no alternative but to enforce, in the future, the provisions of 10 *Del. C.* § 8803(e) against both Wife and Husband.

(2) Section 8803(e) permits a court to enjoin malicious litigation by requiring a litigant, upon filing a petition with any court, to also file a

contemporaneously-sworn affidavit affirming, among other things, that the latest petition raises claims that were not previously raised or disposed of by any court. The Family Court's April 12, 2000 letter order reflected the court's intent to enforce the provisions of Section 8803(e) *in the future* but did not actually apply the provisions of Section 8803(e) to any application presently pending before it.

(3) On May 12, 2000, the Clerk of this Court issued to Wife a Rule to Show Cause why the appeal should not be dismissed for failure to comply with the requirements of Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. After granting Wife several extensions of time to file her response, this Court received Wife's single page response to the Rule to Show Cause on July 27, 2000. Wife's response is entitled "Writ of Certiorari for Notice of Appeal." Wife's document does not attempt to address the issue raised in the Rule to Show Cause but instead requests the Court to clarify "the legal foundation upon which the Notice to Show Cause is based." Wife's "Writ of Certiorari for Notice of Appeal" is non-responsive to the Rule to Show Cause and, therefore, shall be stricken as a non-conforming document. See Supr. Ct. R. 34.

(4) 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 the case. *J.I. Kislak Mortgage Corp. v. William Mathews Builder, Inc.*, Del. Supr., 303 A.2d 648, 650 (1973). It is clear that the Family Court's April 12, 2000 letter order was not a final order because it did not terminate any issues but merely declared the court's intent, in the future, to apply the provisions of 10 *Del. C.* § 8803(e) strictly against both parties. Absent the Family Court's actual rejection of a petition by Wife pursuant to Section 8803(e), there is nothing final or ripe for this Court to review, and the Family Court's April 12, 2000 letter order remains an interlocutory, and hence unappealable, case management order.

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

BY THE COURT:

s/Joseph T. Walsh
Justice