

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JENNIE SARDO,	§
	§ No. 552, 2002
Respondent Below,	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware,
	§ in and for New Castle County
JOSEPH SARDO,	§ File No. F-8248
	§
Petitioner Below,	§
Appellee.	§

Submitted: October 30, 2002
Decided: November 25, 2002

Before **HOLLAND**, **BERGER**, and **STEELE**, Justices.

ORDER

This 25th day of November 2002, upon consideration of the motion to dismiss and response thereto, it appears to the Court that:

(1) The appellant, Jennie Sardo (“Mother”), filed this appeal from a Family Court order dated August 27, 2002. The Family Court’s order modified, in part, an earlier order of a Family Court Commissioner and directed the appellee, Joseph Sardo (“Father”), to provide a copy of his 2002 tax return by April 30, 2003 instead of August 30, 2002. Father has filed a motion to dismiss this appeal on the ground that it is an appeal from an interlocutory order and was not filed in compliance with Supreme Court Rule 42. We agree.

(2) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of the final judgment of a trial court.¹ An order is deemed final if the trial court has clearly declared its intention that the order be the court's "final act" in the case.² It is clear that the discovery ruling which Mother seeks to appeal is an interlocutory ruling because the Family Court has not rendered a final judgment on the underlying child support matter.

(3) The proceedings before the Family Court are ongoing. Accordingly, an appeal from the Family Court to this Court is premature absent compliance with the requirements for taking an interlocutory appeal in accordance with Rule 42. Mother has not attempted to comply with this Rule.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED. The docketing fee Mother paid to this Court may be applied to any appeal she may file later from the Family Court's final judgment in this matter.

BY THE COURT:

/s/ Carolyn Berger
Justice

¹ *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

² *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).