

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LUIS A. IRIZARRY,	§
	§
Plaintiff Below-	§ No. 197, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
ERICA QUINONES,	§ in and for New Castle County
	§ C.A. No. 00C-12-247
Defendant Below-	§
Appellee.	§

Submitted: April 25, 2002

Decided: May 10, 2002

Before **WALSH, HOLLAND** and **BERGER**, Justices

ORDER

This 10th day of May 2002, it appears to the Court that:

(1) On April 11, 2002, the Court received the appellant's notice of appeal from the Superior Court's March 15, 2002 order vacating a default judgment in favor of the appellant and against the appellee and ordering that the appellee file an answer to the appellant's complaint.

(2) On April 16, 2002, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order.

The appellant filed his response to the notice to show cause on April 25, 2002. The appellant states that the Superior Court abused its discretion by vacating the default judgment.

(3) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final judgments of trial courts.¹ An order of a trial court is deemed to be final if the trial court has clearly declared its intention that the order be the court's "final act" in the case.² The Superior Court docket sheet reflects that the appellee has filed an answer to the appellant's complaint and the matter is currently proceeding in the Superior Court. Because the Superior Court's March 15, 2002 order does not constitute its "final act" in the case, this appeal is interlocutory and must be dismissed.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
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).