

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KENNETH A. MILLER, JR. and	§
SANGAY MILLER, his wife,	§
	§ No. 638, 2001
Plaintiffs Below-	§
Appellants,	§
	§ Court Below—Superior Court
and	§ of the State of Delaware,
	§ in and for New Castle County
BELL ATLANTIC-	§ C.A. No. 97C-05-054
DELAWARE, INC.,	§
	§
Plaintiff Below-	§
Appellee,	§
	§
v.	§
	§
PATRELL Y. PURCELL, et al.,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: January 4, 2002

Decided: April 11, 2002

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices

**ORDER**

This 11<sup>th</sup> day of April 2002, it appears to the Court that:

(1) Plaintiffs-appellants, Kenneth A. Miller, Jr. and Sangay Miller, filed an appeal from the November 15, 2001 order of the Superior Court granting the

motion of plaintiff-appellee, Bell Atlantic-Delaware, Inc., to enforce a worker's compensation lien.

(2) On December 19, 2001, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellants to show cause why the appeal should not be dismissed because it is from an interlocutory, and not a final, order. On January 4, 2002,<sup>1</sup> the appellants filed a response to the notice to show cause. In the response, the appellants concede that the Superior Court's November 15, 2001 order was not certified as a final order pursuant to Superior Court Civil Rule 54(b).

(3) When a civil action involves multiple claims and multiple parties, a judgment regarding any claim or any party does not become final until the entry of the last judgment that resolves all claims as to all parties unless an interlocutory ruling as to a claim or party is certified pursuant to Superior Court Civil Rule 54(b).<sup>2</sup> There has been no such certification here.

(4) The Court has concluded that the Superior Court's November 15, 2001 order is an interlocutory, and not a final, order.<sup>3</sup> The appellants have failed

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<sup>1</sup>Beyond the 10-day deadline set forth in the notice.

<sup>2</sup>*Harrison v. Ramunno*, 730 A.2d 653, 654 (Del. 1999).

<sup>3</sup>*Showell Poultry v. Delmarva Poultry Corp.*, 146 A.2d 794, 795-96 (Del. 1958). *See also Miller v. Suburban Propane Gas Corp.*, 565 A.2d 913, 914 (Del. 1989).

to comply with the procedural requirements of Supreme Court Rule 42(c) and (d) and, absent compliance, this Court must decline to exercise its appellate jurisdiction.<sup>4</sup>

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

BY THE COURT:

/s/ Myron T. Steele  
Justice

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<sup>4</sup>*Stroud v. Milliken Enterprises, Inc.*, 552 A.2d 476, 481-82 (Del. 1989).