

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALAN T. BROOKS,	§
	§
Plaintiff Below-	§ No. 207, 2002
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
SAMUEL L. GUY,	§ in and for New Castle County
	§ C.A. No. 95C-07-232
Defendant Below-	§
Appellee.	§

Submitted: November 12, 2002

Decided: November 20, 2002

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

ORDER

This 20th day of November 2002, it appears to the Court that:

(1) The plaintiff-appellant, Alan T. Brooks, filed an appeal from the Superior Court's March 15, 2002 order dismissing his civil complaint against defendant-appellant, Samuel L. Guy. On September 23, 2002, we remanded this matter to the Superior Court for clarification of its orders dated March 15, 2002 and March 25, 2002. The orders appeared to be inconsistent with an earlier Superior Court order dated May 13, 1988 and created uncertainty as to whether the dismissal was with or without prejudice. We also asked the Superior Court

to review Brooks' previous requests for sanctions against Guy for failing to abide by orders of the Superior Court.

(2) On October 22, 2002, the Superior Court issued its report following remand. The report reflects that Guy appeared in the Superior Court on October 22, 2002 pursuant to a rule to show cause and offered no explanation as to why he had failed to abide by orders of the Superior Court. Noting that Brooks continued to be incarcerated in Pennsylvania and was unable to appear personally to prosecute his case, the Superior Court ordered Guy to pay \$400 for failing to comply with its previous orders, vacated its orders dismissing Brooks' complaint and ordered Brooks to contact the Superior Court upon his release from incarceration in Pennsylvania so that he might appear in Delaware to prosecute his complaint.

(3) The Superior Court's October 22, 2002 order satisfies this Court's requests and, therefore, the Superior Court's judgment must be affirmed.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

s/ Joseph T. Walsh
Justice