

IN THE SUPREME COURT OF THE STATE OF DELAWARE

CHARLES LEATHERBURY,	§	
	§	No. 310, 2006
Plaintiff Below,	§	
Appellant,	§	Court Below: Superior Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
BERTRAM GREENSPUN, M.D.,	§	C. A. No. 05C-08-059
	§	
Defendant Below,	§	
Appellee.	§	

Submitted: November 15, 2006  
Decided: November 20, 2006

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 20<sup>th</sup> day of November, 2006, having considered the briefs and arguments of the parties, it appears to the Court that:

1) This is an appeal from an order of the Superior Court dismissing one of two defendants in a medical malpractice action.

2) “At common law a judgment dismissing [an] action against one of several defendants jointly liable [is] not a final judgment.”<sup>1</sup>

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<sup>1</sup>*Lightburn v. Delaware Power & Light Company*, 158 A.2d 919, 922 (Del. 1960).

3) Appellant has made no attempt to comply with Supreme Court Rule 42, governing appeals from interlocutory orders. Accordingly, this Court lacks jurisdiction to consider this appeal.<sup>2</sup>

NOW, THEREFORE, IT IS ORDERED that the above-captioned action be, and the same hereby is, DISMISSED.

BY THE COURT:

/s/ Carolyn Berger  
Justice

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<sup>2</sup>*Wilson v. Ritz Craft Corp.*, 1992 WL 115159 (Del. Supr.)