

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SARAH ANGELINA	§
DELAGOSTTI and DEBORAH	§ No. 588, 2006
HIRT,	§
	§
Defendants Below,	§
Appellants,	§
	§ Court Below—Court of Chancery
v.	§ of the State of Delaware,
	§ in and for New Castle County
MARK LEITSTEIN and JOAN	§ C.A. No. 1469-N
LEITSTEIN,	§
	§
Plaintiffs Below,	§
Appellees.	§

**ORDER**

This 27<sup>th</sup> day of November 2006, it appears to the Court that, on November 6, 2006, the appellees filed a motion to dismiss this appeal as interlocutory because the damages aspect of the lawsuit is scheduled to be tried on November 28, 2006. The appellants have failed to respond to the motion to dismiss within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b)(2)(a) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice