IN THE SUPREME COURT OF THE STATE OF DELAWARE

THE KENT COUNTY LEVY COURT, the governing body of Kent County, Delaware, P. BROOKS BANTA, ALLAN F. ANGEL, HAROLD BRODE, ERIC BUCKSON, BRADLEY S. EABY and RICHARD E. ENNIS, in their official capacities as members of the Kent County Levy Court,	§ § § § § § § § § § §	No. 351, 2007 Court Below–Court of Chancery of the State of Delaware, in and for Kent County C.A. No. 2678
Respondents Below, Appellants,	§ § §	
v.	§ §	
UPFRONT ENTERPRISES, LLC, a Delaware limited liability company, on its own behalf and on behalf of all others similarly situated,	§ § § § §	
Petitioner Below, Appellee.	§ § §	

Submitted: September 12, 2007
Decided: September 17, 2007

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

<u>O R D E R</u>

This appeal, having been considered by the Court on the briefs and arguments

of the parties, and the Court having determined that appellants' adoption of

Ordinance 07-24 moots the issue on appeal,

IT IS HEREBY ORDERED that the above-captioned appeal be, and the same hereby is DISMISSED as moot.[1]

BY THE COURT:

/s/ Carolyn Berger
Justice

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[1] The Court announced its decision at oral argument, stating that acceptance of this interlocutory appeal was improvidently granted in light of the enactment of the new moratorium ordinance. In fact, the trial court entered a final judgment without deciding all claims pursuant to Ch. Ct. R. 54(b). Thus, appellants filed this appeal without resort to Supr. Ct. R. 42, governing interlocutory appeals. We note, however, that "the policy underlying the final judgment rule is one of efficient use of judicial resources through disposition of cases as a whole, rather than piecemeal." *Tyson Foods, Inc. v. Aetos Corp.*, 809 A.2d 575, 580 (Del. 2002). But for the entry of a Rule 54(b) final judgment, this would be an interlocutory appeal, as numerous issues relating to the moratorium and appellee's attempts to develop certain property remain to be decided by the trial court. The policy against piecemeal litigation applies forcefully to this ongoing and evolving litigation.