

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAN HARMON,<sup>1</sup>

Respondent Below-  
Appellant,

v.

ALLISON WILSON,

Petitioner Below-  
Appellee.

§

§

§ No. 332, 2007

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§ Court Below—Family Court

§ of the State of Delaware,

§ in and for Kent County

§ File No. CK06-24598

§

§

Submitted: July 19, 2007

Decided: October 15, 2007

Before **STEELE**, Chief Justice, **HOLLAND**, and **BERGER**, Justices.

**ORDER**

This 15th day of October 2007, it appears to the Court that:

(1) On July 5, 2007, the Court received appellant Dan Harmon's notice of appeal from a Family Court order dated May 30, 2007. The Family Court's order denied appellant's request for certification of questions of law to this Court pursuant to Supreme Court Rule 41.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing appellant to show cause why the appeal should not be dismissed as interlocutory. Appellant filed a response to the notice to show cause on July 19, 2007. His response acknowledges the interlocutory nature

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<sup>1</sup> Pseudonyms were assigned to the parties pursuant to Supr. Ct. R. 7(d).

of the appeal and essentially is a request for this Court to stay the time for filing an interlocutory appeal under Supreme Court Rule 42 until the Family Court, in his opinion, adequately explains why it denied certification under Rule 41.

(3) The procedures for seeking certification of questions of law from a trial court are set forth in Supreme Court Rule 41. The procedures for taking an interlocutory appeal are set forth in Supreme Court Rule 42. Appellant's notice of appeal, which was filed on July 5 from the Family Court's May 30 order, fails to comply, procedurally or substantively, with either rule. Most importantly, the notice of appeal was not filed within 30 days of the order from which the appeal is sought.<sup>2</sup> Thus, the Court has no jurisdiction to hear this appeal.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>2</sup> Del. Code Ann. tit. 10, § 143 (1999).

<sup>3</sup> *Dixon v. Delaware Olds, Inc.*, 396 A.2d 963, 964 (Del. 1978).