

IN THE SUPREME COURT OF THE STATE OF DELAWARE

RICHARD HUDOME,	§
	§ No. 382, 2006
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
MAIN STREET GALLERIA, LLC,	§ C.A. No. 03C-03-131
et al.,	§
	§
Plaintiffs Below-	§
Appellees.	§

Submitted: November 13, 2007

Decided: November 20, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 20th day of November 2007, it appears to the Court that:

(1) This is an appeal from the Superior Court’s June 27, 2006 order entering a default judgment against the defendant-appellant, Richard Hudome. On November 16, 2006, the Clerk of the Court advised Hudome that his opening brief had not been filed by the due date of November 13, 2006 and afforded him an additional 7 days in which to file his opening brief.

(2) On December 14, 2006, the Clerk of the Court issued a notice to Hudome directing him to show cause why his appeal should not be

dismissed for failure to file his opening brief and appendix. The notice stated that, if there was no response within 10 days, dismissal of the appeal would be deemed to be unopposed.

(3) On January 30, 2007, the Clerk received a letter from Hudome's attorney confirming that Hudome had filed a notice of bankruptcy and that the automatic stay was in effect. On February 2, 2007, the Clerk issued a letter stating that the appeal had been stayed and directing Hudome to file a status report with the Court by August 2, 2007. On October 8, 2007, the Clerk received a letter from Hudome's attorney stating that Hudome had been discharged from bankruptcy on April 20, 2007 and enclosing the discharge notice from the United States Bankruptcy Court in and for the District of Maryland.

(4) On October 11, 2007, the Clerk sent a letter to Hudome notifying him that his opening brief and appendix were due to be filed in the Court no later than November 13, 2007 and that failure to file the papers by that date would result in the dismissal of his appeal. The Supreme Court docket reflects that Hudome has failed to file his opening brief and appendix as of the date of this Order and, therefore, his appeal will be dismissed.

NOW, THEREFORE, IT IS ORDERED that the within appeal is
DISMISSED.

BY THE COURT:

/s/Henry dupont Ridgely
Justice