

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DOUG RICHARDS, ¹	§
	§ No. 247, 2014
Respondent Below-	§
Appellant,	§
	§
v.	§ Court Below—Family Court
	§ of the State of Delaware,
SARAH WILLIAMS,	§ in and for New Castle County
	§ File No. CN13-03580
Petitioner Below-	§ Petition No. 13-19197
Appellee.	§

Submitted: June 2, 2014

Decided: June 4, 2014

Before **STRINE**, Chief Justice, **BERGER** and **RIDGELY**, Justices.

ORDER

This 4th day of June 2014, it appears to the Court that:

(1) On May 15, 2014, the appellant, Doug Richards, filed a notice of appeal from an April 15, 2014 Family Court order permitting the appellee, Sarah Williams, to testify by telephone at future proceedings in Delaware involving the parties' child.

(2) On May 16, 2014, the Senior Court Clerk issued a Supreme Court Rule 29(b) notice directing Richards to show cause why the appeal should not be dismissed for his failure to comply with Rule 42 in taking an appeal from an apparent interlocutory order.

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

(3) On June 2, 2014, Richards filed a response to the notice to show cause. Richards's response reflects that Williams dismissed the custody petition underlying her motion to testify telephonically on March 18, 2014 and the Family Court cancelled the May 6, 2014 custody hearing on April 1, 2014. Richards does not indicate that Williams has testified telephonically pursuant to the April 15, 2014 Family Court order in a hearing that resulted in a decision adverse to him. At this time, it is unknown if such an event will ever occur.² In the absence of an actual, live controversy between the parties, Richards's appeal should be dismissed.³

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court Rule 29, that the within appeal is DISMISSED.

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

² If another petition is filed, Williams is permitted to testify telephonically over Richards' objection, and an adverse final order is entered against Richards, then Richards can appeal at that time.

³ *Stroud v. Dixon*, 552 A.2d 476, 479-80 (Del. 1989).