IN THE SUPREME COURT OF THE STATE OF DELAWARE

CASSANDRA GANNON,[1]	§	
	§	No. 208, 2013
Petitioner Below-	§	
Appellant,	§	
	§	Court Below—Family Court
v.	§	of the State of Delaware
	§	in and for New Castle County
JARED GANNON,	§	File No. CN11-02274
	§	Petition No. 11-13322
Respondent Below-	§	
Appellee.	§	

Submitted: November 19, 2013
Decided: December 5, 2013

Before **HOLLAND**, **BERGER** and **JACOBS**, Justices

O R D E R

This 5th day of December 2013, upon consideration of the briefs of the parties and the record below, it appears to the Court that:

(1) The petitioner-appellant, Cassandra Gannon ("Cassandra"), filed an appeal from the Family Court's rulings on the issue of alimony in its March 20, 2013 order.[2] We find no merit to the appeal. Accordingly, we affirm.

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[1] The Court *sua sponte* assigned pseudonyms to the parties by Order dated April 23, 2013. Supr. Ct. R. 7(d).

[2] Although Cassandra's notice of appeal purported to appeal from several other orders of the Family Court, her November 19, 2013 response to this Court's notice to show cause limits her appeal to the Family Court's March 20, 2013 order.

(2) The record before us reflects that Cassandra and the respondent-appellee, Jared Gannon ("Jared"), were married in January 2004 and divorced by order of the Family Court dated July 27, 2011. The Family Court retained jurisdiction over, among other things, the ancillary matter of alimony. On June 26, 2012, there was a hearing in the Family Court regarding Cassandra's request for alimony. On December 7, 2012, the Family Court issued its final order in that matter.

(3) Both parties filed motions for reargument. On January 30, 2013, the Family Court issued its order on the motions. Cassandra's motion was denied as untimely. Jared's motion was granted on the ground that an error had been made in calculating his child support obligation. Based upon the Family Court's recalculations, Jared was no longer obligated to pay alimony to Cassandra.

(4) On February 21, 2013, the Family Court held a hearing on custody and visitation regarding the parties' minor child. The transcript reflects that, at the beginning of the hearing, the issue of the Family Court's previous ruling on alimony was re-opened by the judge for the limited purpose of addressing Cassandra's December 21, 2012 motion to correct her previous motion for reargument. Cassandra stated that she believed Jared's 401K account was undervalued, that she had previously neglected to bring

her childcare expenses to the court's attention and that the parties' rent should be adjusted. Jared objected to the Court's consideration of Cassandra's claims.

(5) On March 20, 2013, the Family Court issued its order memorializing the rulings on custody and visitation that were made at the hearing. In the order, the Family Court also denied Cassandra's request for reargument regarding the value of Jared's 401K account, reiterated its previous denial of her request for alimony and its previous ruling that her motion for reargument of its December 7, 2012 order was untimely and denied her motion to "correct" her motion for reargument.

(6) In her appeal, Cassandra claims that the Family Court erred and/or abused its discretion when it denied her request for alimony.

(7) When reviewing a Family Court's order, our standard and scope of review involves a review of the facts and the law, as well as the inferences and deductions made by the Family Court.[3] To the extent that the issues on appeal implicate rulings of law, we conduct a *de novo* review.[4] To the extent that the issues on appeal implicate rulings of fact, we conduct a limited review of the factual findings of the Family Court to assure that they

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[3] *Powell v. Dept. of Services for Children, Youth & their Families*, 963 A.2d 724, 730 (Del. 2008).
[4] *Id*. at 730-31.

are sufficiently supported by the record and are not clearly wrong.[5] We will not disturb inferences and deductions that are supported by the record and are the product of an orderly and logical deductive process.[6] If the Family Court has correctly applied the law, our review is limited to abuse of discretion.[7]

(8) The Family Court Civil Procedure Rules provide that a motion for reargument must be filed within ten days after the filing of the Family Court's opinion or decision.[8] Moreover, this Court has ruled that the Family Court has no jurisdiction to consider an untimely motion for reargument.[9] Because, as the record reflects, Cassandra's motion for reargument of the Family Court's December 7, 2012 order regarding alimony was not filed until December 21, 2012, it clearly was untimely and the Family Court correctly so ruled.[10] Moreover, the Family Court correctly reiterated the basis for that ruling in its March 20, 2013 order.

(9) To the extent that Cassandra claims that the Family Court either erred or abused its discretion in its March 20, 2013 order when it refused to allow her to "correct" her untimely motion for reargument by presenting

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[5] *Id*. at 731.
[6] *Id*.
[7] *Id*.
[8] Fam. Ct. Civ. Proc. R. 59(e).
[9] *Owens v. Owens*, 2011 WL 181410 (Del. 2011).
[10] The record reflects that the order was both signed and docketed on December 7, 2012.

additional facts and argument not previously raised, we find no basis in the record for any such claim. Therefore, in the absence of any error or abuse of discretion on the part of the Family Court, we conclude that the Family Court's judgment should be affirmed.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland
Justice