



(2) To invoke this Court’s appellate jurisdiction, a notice of appeal in a civil case must be received by the Clerk “[w]ithin 30 days after entry upon the docket” of the order sought to be reviewed.<sup>2</sup> The jurisdictional defect created by the untimely filing of an appeal cannot be excused unless the appellant can demonstrate that the delay in filing the appeal is attributable to court-related personnel.<sup>3</sup>

(3) The Clerk issued a notice directing Pinnavaia to show cause why the appeal should not be dismissed as untimely filed. In response, Pinnavaia claims that the Court of Chancery first notified him of the September 11 opinion on October 30, 2015. He asserts that the appeal is timely filed because he filed the notice of appeal on November 24, 2015, within thirty days of October 30, 2015.

(4) Pinnavaia’s assertion is unavailing. The record reflects that the Court of Chancery sent the opinion to Pinnavaia by U.S. mail on September 14, 2015.<sup>4</sup> The record does not support a finding that Pinnavaia’s delay in filing the notice of appeal is attributable to court personnel. This case does

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<sup>2</sup> Del. Supr. Ct. R. 6(a)(i). *Fisher v. Biggs*, 284 A.2d 117, 118 (Del. 1971).

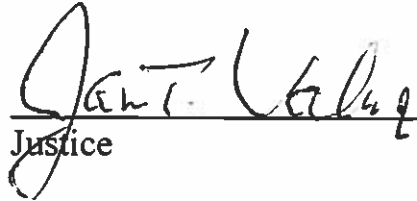
<sup>3</sup> *McMillan v. State*, 2013 WL 5974110 (Del. Nov. 7, 2013) (citing *Bey v. State*, 402 A.2d 362, 363 (Del. 1979)).

<sup>4</sup> The delivery method and date are reflected in the Court of Chancery case docket.

not fall within the exception to the general rule that mandates the timely filing of a notice of appeal.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rules 6 and 29(b), that the appeal is DISMISSED.

BY THE COURT:

  
Justice