IN THE SUPREME COURT OF THE STATE OF DELAWARE

ERRICK M. WRIGHT,	§	
	§	No. 553, 2012
Plaintiff Below-	§	
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	in and for New Castle County
REYBOLD VENTURE GROUP	§	C.A. No. N12C-07-181
XXV, LLC,	§	
	§	
Defendant Below-	§	
Appellee.	§	

Submitted: November 28, 2012
Decided: December 7, 2012

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

O R D E R

This 7th day of December 2012, upon consideration of the notice to show cause and the appellant's response thereto, it appears to the Court that:

(1) The plaintiff-appellant, Errick M. Wright, filed an appeal from the Superior Court's October 1, 2012 order entering a default judgment against him on the counterclaim of the defendant-appellee, Reybold Venture Group XXV, LLC ("Reybold"). The Superior Court docket reflects that Wright's claims against Reybold have not yet been adjudicated by the Superior Court.[1] Nor has the

[1] Reybold's counsel claims that he intended to file a motion for summary judgment with respect to those claims, but that the instant appeal was filed before he could do so.

Superior Court directed the entry of a final judgment on Reybold's counterclaim against Wright in accordance with Superior Court Civil Rule 54(b).

(2) On October 24, 2012, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Wright to show cause why the appeal should not be dismissed for his failure to comply with Rule 42 when taking an appeal from an apparent interlocutory order. In his response, Wright states that he believed the Superior Court's October 1, 2012 order was a final order. He asks that the Court consider his appeal as a properly-filed interlocutory appeal.

(3) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final judgments of trial courts.[2] An order is deemed to be final if the trial court has clearly declared its intention that the order be the court's "final act" in the case.[3] At the time Wright filed his appeal in this Court, his claims against Reybold had not yet been adjudicated by the Superior Court.

(4) Until the Superior Court addresses, and finally decides, Wright's claims against Reybold, its judgment of October 1, 2012 is not final. Accordingly, this appeal is premature absent Wright's compliance with the requirements for taking an interlocutory appeal in accordance with Rule 42. The appeal, therefore, must be dismissed.

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[2] *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).
[3] *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

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

BY THE COURT:

/s/ Henry duPont Ridgely
Justice