

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| KIMBERLY HECKSHER,              | § |                                 |
|                                 | § | No. 134, 2014                   |
| Plaintiff Below,                | § |                                 |
| Appellant,                      | § | Court Below — Superior Court    |
|                                 | § | of the State of Delaware in and |
| v.                              | § | for New Castle County           |
|                                 | § |                                 |
| FAIRWINDS BAPTIST CHURCH,       | § | C.A. No. 09C-06-236             |
| INC., a Delaware corporation,   | § |                                 |
| FAIRWINDS CHRISTIAN             | § |                                 |
| SCHOOL, a Ministry of Fairwinds | § |                                 |
| Baptist Church, Inc.,           | § |                                 |
|                                 | § |                                 |
| Defendants Below,               | § |                                 |
| Appellees.                      | § |                                 |

Submitted: March 25, 2014

Decided: April 30, 2014

Before **HOLLAND, JACOBS** and **RIDGELY**, Justices.

**ORDER**

This 30<sup>th</sup> day of April 2014, it appears to the Court that:

(1) The plaintiff/appellant seeks to appeal the Superior Court's February 28, 2013 order granting the defendants/appellees' motion for summary judgment.<sup>1</sup> The appellees have moved to dismiss the appeal on the basis that a motion for sanctions remains pending in the Superior Court. The

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<sup>1</sup> *Hecksher v. Fairwinds Baptist Church*, 2013 WL 1561564 (Del. Super. Ct. Feb. 28, 2013).

Clerk issued a notice pursuant to Supreme Court Rule 29(b) (“Rule 29(b)”) directing the appellant to show cause why the appeal should not be dismissed for failure to comply with Supreme Court Rule 42 (“Rule 42”) when taking an appeal from an apparent interlocutory order.

(2) In her response to the motion to dismiss and notice to show cause, the appellant agrees that a motion for sanctions is pending in the Superior Court. Nonetheless, she opposes dismissal of the appeal, arguing that the Superior Court’s February 28, 2013 order is final because a decision on the pending motion for sanctions “will not alter, moot, or revise the summary judgment decision.”

(3) Having carefully considered the parties’ positions, the Court concludes that the appeal must be dismissed as premature. Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final judgments of trial courts.<sup>2</sup> “The policy underlying the final judgment rule is one of efficient use of judicial resources through disposition of cases as a whole, rather than piecemeal.”<sup>3</sup> The policy against piecemeal litigation applies to this ongoing litigation.

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<sup>2</sup> *Julian v. State ex rel. Sec’y of Dep’t of Transp.*, 440 A.2d 990, 991 (Del. 1982).

<sup>3</sup> *Tyson Foods, Inc. v. Aetos Corp.* 809 A.2d 575, 580 (Del. 2002).

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED pursuant to Rules 29(b) and 42. The filing fee paid by the appellant shall be applied to any future appeal filed by her from the final order entered in the case.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice