

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SPRING REAL ESTATE, LLC, d/b/a	§
SPRING CAPITAL GROUP.	§ No. 65, 2014
	§
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Court of Chancery
v.	§ of the State of Delaware,
	§ C.A. No. 7994
ECHO/RT HOLDINGS, LLC and	§
ECHO GLOBAL LOGISTICS, INC.,	§
<i>et al.</i> ,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: March 31, 2014

Decided: April 3, 2014

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

ORDER

This 3rd day of April 2014, upon consideration of the notice to show cause, the appellant’s response, and the appellees’ reply thereto, it appears to the Court that:

(1) The appellant, Spring Real Estate, LLC (“Spring”), filed this appeal from orders of the Court of Chancery, dated December 31, 2013 and January 24, 2014, which dismissed Spring’s causes of action against the appellees (collectively, “Echo”). The Court of Chancery’s orders did not address cross-claims filed by nominal defendant RayTrans Holdings, Inc.

(2) On March 11, 2014, the Clerk of this Court issued a rule to show cause why the appeal should not be dismissed for Spring's failure to comply with Supreme Court Rule 42 when appealing an apparent interlocutory order. Spring asserts that it filed its notice of appeal out of an abundance of caution in the event the Court of Chancery is divested of jurisdiction in the case under applicable bankruptcy law.

(3) Echo filed a reply contending that the Court of Chancery's order dismissing Spring's claims is not a final order because the cross-claims remain pending below. Echo contends that the appeal must be dismissed for Spring's failure to comply with Supreme Court Rule 42 in seeking to appeal an interlocutory order.

(4) We agree. An order is deemed final and appealable if the trial court has declared its intention that the order be the court's "final act" in disposing of all justiciable matters within its jurisdiction.¹ The ruling from which the appeal is taken is interlocutory in nature because it did not finally determine and terminate the cause below.² Furthermore, Spring has failed to

¹ *J.I. Kislak Mortgage Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

² *See Julian v. State*, 440 A.2d 990 (Del. 1982).

comply with the requirements of Rule 42 in seeking to appeal from an interlocutory order.

NOW, THEREFORE, IT IS ORDERED that this appeal is hereby DISMISSED.

BY THE COURT:

/s/ Carolyn Berger
Justice