

IN THE SUPREME COURT OF THE STATE OF DELAWARE

|                                 |   |                          |
|---------------------------------|---|--------------------------|
| VINCENT J. BRANSON,             | § |                          |
|                                 | § | No. 576, 2013            |
| Petitioner Below,               | § |                          |
| Appellant,                      | § | Court Below — Court of   |
|                                 | § | Chancery of the State of |
| v.                              | § | Delaware                 |
|                                 | § |                          |
| DAVID BRANSON, Executor of      | § |                          |
| the Estate of Dorothea Branson, | § |                          |
|                                 | § |                          |
| Respondent Below,               | § | ROW No. 260-S            |
| Appellee.                       | § |                          |

Submitted: February 7, 2014

Decided: March 18, 2014

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

**O R D E R**

This 18<sup>th</sup> day of March 2014, it appears to the Court that:

(1) The appellant, Vincent J. Branson, seeks to appeal the Court of Chancery's bench ruling on April 30, 2013, which concluded that he lacked standing to file exceptions in an estate matter. Upon receipt of the notice of appeal, the Clerk issued a notice directing Branson to show cause why the appeal should not be dismissed as untimely filed.<sup>1</sup> Branson filed a response

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<sup>1</sup> See Del. Supr. Ct. R. 6(a)(ii) (providing that a notice of appeal must be filed within 30 days after entry upon the docket of the order from which the appeal is taken).

to the notice to show cause, the appellee filed an answer to the response, and Branson filed a reply.

(2) Having reviewed the trial court docket, which was filed on February 7, 2014, it appears to the Court that the Court of Chancery has not ruled upon a fee application that was filed by the appellee on May 3, 2013. This Court has consistently held that an order is not final and appealable until the trial court has ruled on an outstanding application for attorney's fees.<sup>2</sup>

(3) This appeal must be dismissed because it was taken from an unappealable interlocutory order. Absent compliance with Supreme Court Rule 42, the Court has no jurisdiction to hear this interlocutory appeal.<sup>3</sup>

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED. The filing fee paid by the appellant, Vincent J. Branson, shall be applied to any future appeal filed by him from a final order entered in the case.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>2</sup> *Lipson v. Lipson*, 799 A.2d 345, 348 (Del. 2001).

<sup>3</sup> *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).