

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE                   §  
PETITION OF DAVID Q. WEBB       § No. 7, 2014  
FOR A WRIT OF MANDAMUS       §

Submitted: January 29, 2014  
Decided: February 18, 2014

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

**ORDER**

This 18<sup>th</sup> day of February 2014, upon consideration of the petition of David Q. Webb for a writ of mandamus, it appears to the Court that:

(1) The petitioner, David Webb, seeks to invoke the original jurisdiction of this Court, pursuant to Supreme Court Rule 43, to issue a writ of mandamus: (i) directing the Court of Chancery to dismiss any claims by the respondents challenging Webb's status as the biological son of John L. Webb; and (ii) directing the Register of Wills to appoint an administrator to handle the probate of John L. Webb's estate. We find that Webb's petition manifestly fails to invoke this Court's original jurisdiction. Accordingly, the petition must be dismissed.

(2) A writ of mandamus is designed to compel a lower court to perform a duty if it is shown that: the complainant has a clear right to the performance of the duty; that no other adequate remedy is available; and that the trial court has arbitrarily

failed or refused to perform its duty.<sup>1</sup> A writ of mandamus will not be issued “to compel a trial court to perform a particular judicial function, to decide a matter in a particular way, or to dictate the control of its docket.”<sup>2</sup>

(3) A writ of mandamus is not warranted under the present circumstances because Webb cannot establish that the Court of Chancery has arbitrarily refused to perform a duty owed to him. In June 2011, the Master in Chancery held that Webb presumptively had a right to be considered among the group of heirs to John L. Webb’s estate. The matter was remanded to the Register of Wills to determine who would serve as administrator of the estate. To date, no one has stepped forward requesting to serve in that capacity. Under the circumstances, Webb cannot show any arbitrary refusal to act by the Court of Chancery.

NOW, THEREFORE, IT IS ORDERED that the petition for the issuance of an extraordinary writ of mandamus is DENIED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice

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<sup>1</sup>*In re Bordley*, 545 A.2d 619, 620 (Del. 1988).

<sup>2</sup> *Id.*