

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LORETTA JACKSON,	§
	§
Plaintiff Below,	§ No. 427, 2017
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
DELAWARE OFFICE OF ANIMAL	§ C.A. No. N16C-11-005
WELFARE and JOSEPH BARLA,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: January 16, 2018

Decided: January 22, 2018

Before **STRINE**, Chief Justice; **SEITZ** and **TRAYNOR**, Justices.

ORDER

This 22nd day of January 2018, upon consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Loretta Jackson, filed this appeal from a Superior Court order, dated September 14, 2017, dismissing her complaint. On November 8, 2017, after the Prothonotary informed the Court that Jackson had failed to pay the Superior Court preparation fee, the Senior Court Clerk advised Jackson, by letter, to pay the fee by November 27, 2017. The Senior Court Clerk also warned Jackson that a notice to show cause why the appeal should not be dismissed would issue if the fee was not paid by November 27, 2017.

(2) On November 27, 2017, the Prothonotary informed the Court that the preparation fee remained unpaid. The Senior Court Clerk issued a notice directing Jackson to show cause why the appeal should not be dismissed for her failure to pay the Superior Court preparation fee. On December 12, 2017, Jackson was granted an extension until January 15, 2018 to respond to the notice to show cause.

(3) Jackson filed her response to the notice to show cause on January 16, 2018. In her untimely response, Jackson argues the merits of her appeal, but does not address or explain her failure to pay the Superior Court preparation fee. Under Supreme Court Rule 9(aa), “[e]very appellant is required to pay the record preparation and transmittal fee within the time limit imposed by the trial court unless the trial court waives its fee....”¹ If the appellant fails to pay the record preparation fee, this Court may dismiss the appeal.² The appellant failed to pay the fee and the Superior Court did not waive the fee. The Court cannot proceed without the record on appeal.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED under Supreme Court Rules 9(aa) and 29(b).

BY THE COURT:

/s/ Gary F. Traynor
Justice

¹ Supr. Ct. R. 9(aa).

² *Id.*