

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PATRICIA KOSTYSHYN,	§
	§
Defendant Below,	§ No. 312, 2023
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§
NEW CASTLE COUNTY,	§ C.A. No. N22J-02872
	§
Plaintiff Below	§
Appellee.	§

Submitted: November 6, 2023

Decided: November 7, 2023

Before **VALIHURA, TRAYNOR, GRIFFITHS**, Justices.

**ORDER**

After consideration of the notice to show cause and the appellant’s response, it appears to the Court that:

(1) The appellant, Patricia Kostyshyn, filed this appeal from a monition action in the Superior Court. On August 30, 2023 and September 26, 2023, the Clerk’s office sent letters advising Kostyshyn to pay the filing fee or file a motion to proceed *in forma pauperis*, first by September 14, 2023 and then by October 10, 2023. The Clerk’s Office warned Kostyshyn that if she failed to do so a notice to show cause would issue. The Clerk’s office sent the letters to the addresses provided by Kostyshyn and her brother, Peter Kostyshyn, who had filed the same documents.

(2) On September 27, 2023, the Deputy Prothonotary submitted a letter stating that Kostyshyn had not paid the Superior Court's appeal preparation fee. The Clerk's office sent Kostyshyn a letter withdrawing the record deadline and directing her to pay the Superior Court appeal preparation fee by October 10, 2023, or a notice to show cause would issue. Kostyshyn did not pay this Court's filing fee or the Superior Court's appeal preparation fee. She also failed to file a motion to proceed *in forma pauperis*.

(3) On October 11, 2023 and October 12, 2023, the Clerk's office issued notices, by certified mail, directing Kostyshyn to show cause why this appeal should not be dismissed for her failure to pay this Court's filing fee and the Superior Court's appeal preparation fee. Postal records show that the October 11, 2023 notice to show cause was delivered on October 12, 2023 and the October 12, 2023 notice to show cause was returned with the notation "return to sender, vacant, unable to forward." On October 23, 2023, the Clerk's office reissued the notices to show cause by first class mail. The Court's correspondence and notices to show cause were sent to the addresses that the Kostyshyns provided, and continue to provide, to this Court.

(4) On October 25, 2023, November 3, 2023, and November 6, 2023, Kostyshyn filed documents that are deemed to be her response to the notice to show cause. The documents do not address her failure to pay this Court's filing fee or the

Superior Court's appeal preparation fee. In light of Kostyshyn's failure to pay those fees or file a motion to proceed *in forma pauperis*, this appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that this appeal is DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice