



Healthcare & Rehabilitation Center and Nationwide Healthcare Services (together, “Regal Heights”). Because Supreme Court Rule 6 provides that a civil appeal must be filed within thirty days of the lower court’s order,<sup>1</sup> a timely notice of appeal was due on or before October 6, 2023.

(2) The Senior Court Clerk issued a notice directing Robinson to show cause why her appeal should not be dismissed as untimely filed. The Court directed Robinson to file a response to the notice to show cause by October 19, 2023. In his untimely response to the notice to show cause filed on October 23, 2023, Robinson’s attorney claims that a member of his support staff “attempted to file a notice of appeal” on October 5, 2023. According to Robinson’s attorney, his support staff member “is still unsure of what went wrong as she sincerely thought she had filed the [notice of appeal].” Regal Heights argues that this appeal should be dismissed because its untimeliness cannot be excused.

(3) Time is a jurisdictional requirement.<sup>2</sup> A notice of appeal must be received by the Court within the applicable time period to be effective.<sup>3</sup> Unless an appellant can demonstrate that her failure to file a timely notice of appeal is attributable to court-related personnel, the appeal cannot be considered.<sup>4</sup>

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<sup>1</sup> Del. Supr. Ct. R. 6(a)(i).

<sup>2</sup> *Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

<sup>3</sup> Del. Supr. Ct. R. 10(a).

<sup>4</sup> *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

(4) As Regal Heights correctly observed in its response to the notice to show cause, Robinson's attorney concedes that his failure to file a timely notice of appeal in this case is not attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal, and this appeal must be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court Rule 29(b), that the appeal be DISMISSED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice