

IN THE SUPREME COURT OF THE STATE OF DELAWARE

LAWRENCE J. GERRANS, an	§
individual, and HALO	§
MANAGEMENT GROUP, a	§ No. 345, 2024
Nevada Limited Liability Company,	§
	§ Court Below: Court of Chancery
Defendants Below,	§ of the State of Delaware
Appellants,	§
	§ C.A. No. 2020-0993
v.	§
	§
SANOVAS, INC.,	§
	§
Plaintiff Below, Appellee.	§

Submitted: September 24, 2024

Decided: September 30, 2024

Before **VALIHURA, TRAYNOR, and LEGROW**, Justices.

ORDER

After consideration of the notice to show cause and the responses, it appears to the Court that:

(1) On April 9, 2024, the Court of Chancery granted a stipulated final order proposed by the parties. On August 21, 2024, defendant-appellant Lawrence J. Gerrans filed documents in this Court that were deemed to be a notice of appeal from the April 9 judgment. Gerrans purported to be proceeding on behalf of himself and Halo Management Group, LLC. Under Supreme Court Rule 6(a)(i), a timely notice of appeal was due on or before May 9, 2024. The Senior Court Clerk issued a notice

directing Gerrans and Halo to show cause why the appeal should not be dismissed as untimely filed.¹

(2) Gerrans is incarcerated in a federal correctional facility. In response to the notice to show cause, he states that on April 2, 2024, after the Court of Chancery granted the appellee's motion for partial summary judgment and denied Gerrans and Halo's motion to dismiss, Gerrans directed the counsel who represented Gerrans and Halo to file an appeal. He asserts that they did not, so he filed a timely appeal by sending a notice of appeal to the Register in Chancery, which the Register in Chancery received on May 7, 2024.

(3) The appellate jurisdiction of this Court rests upon perfecting an appeal within the applicable time period.² A notice of appeal must be received by the Court within the applicable time period to be effective.³ An appellant's self-represented, incarcerated status does not excuse a failure to comply with the jurisdictional requirements.⁴ An untimely appeal cannot be considered unless the appellant can

¹ Gerrans was also informed, by letter, that an entity can act before this Court only through a licensed attorney and that, if the appeal proceeded, Halo therefore would be required to retain counsel in order to proceed on appeal.

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³ DEL. SUPR. CT. R. 10(a).

⁴ *E.g.*, *Harrison v. State*, 2023 WL 6854781, at *1 (Del. Oct. 17, 2023); *see also Smith v. State*, 47 A.3d 481, 481-82 (Del. 2012) (declining to adopt the federal "mailbox rule," and dismissing prisoner's *pro se* direct appeal, filed one day late, as untimely).

demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel.⁵

(4) Gerrans’s mailing of the notice of appeal to the Register in Chancery rather than to this Court is not attributable to court-related personnel.⁶ His contention that his counsel failed to file an appeal as directed is likewise unavailing.⁷ Because the untimeliness of this appeal is not attributable to court-related personnel, the appeal must be dismissed.

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

BY THE COURT:

/s/ Gary F. Traynor
Justice

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

⁶ *See Draper King Cole v. Malave*, 743 A.2d 672, 673 (Del. 1999) (stating that a party’s failure to perfect an appeal within the applicable period creates a jurisdictional defect “that may not be excused in the absence of unusual circumstances that are attributable to court personnel and are not attributable to the appellant or the appellant’s attorney”); *see also Muhammad v. State*, 2024 WL 3895324 (Del. Aug. 21, 2024) (dismissing untimely appeal that appellant mailed to the Superior Court Prothonotary, which received it within the applicable time for filing); *Sheldon v. State*, 2010 WL 2796621 (Del. July 15, 2010) (dismissing untimely appeal that appellant mistakenly filed in Superior Court based on advice provided by someone in the prison law library).

⁷ *Galindez v. Allen Family Foods*, 2014 WL 5147567, at *1 (Del. Oct. 13, 2014) (“[E]ven if we assume Galindez’s allegations [that his intermediate appeal was untimely because Galindez believed that his counsel had filed a notice of appeal on his behalf], Galindez’s lawyer is not court-related personnel.”); *Burnett v. Kalb*, 2013 WL 3552857 (Del. July 15, 2013) (dismissing appeal in which appellant’s counsel misunderstood the time from which the appeal period ran); *Draper King Cole*, 743 A.2d at 673 (holding that counsel’s untimely mailing of notice of appeal was not attributable to court personnel).