

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN and	§
PATRICIA KOSTYSHYN,	§
	§ No. 458, 2025
Plaintiffs Below,	§
Appellants,	§ Court Below: Superior Court
	§ of the State of Delaware
v.	§
	§ C.A. No. N25C-10-027
TRUSTEES OF NEW CASTLE	§
COMMON, BACKYARD	§
PRODUCTS, HOME DEPOT USA	§
INCORPORATED, and AXIS	§
WICK INSURANCE,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: January 23, 2026  
Decided: February 2, 2026

**ORDER**

On November 13 and December 5, 2025, the Chief Deputy Clerk sent the appellants letters directing them to pay the filing fee or file a motion and affidavit to proceed *in forma pauperis*, or a notice to show cause would issue. On December 23, 2025, the Chief Deputy Clerk issued a notice, sent by certified mail, directing the appellants to show cause why the Court should not dismiss the appeal for their failure to do so. On December 31, 2025, and January 5, 2026, the postal service attempted delivery and left notice that the recipients needed to arrange for delivery. On January 12, 2026, the Chief Deputy Clerk reissued the notice to show cause by

first-class mail. The appellants having failed to respond to the notice to show cause within the ten-day period as provided in Supreme Court Rule 29(b), dismissal of this appeal is deemed to be unopposed.

NOW, THEREFORE, IT IS ORDERED that the appeal is DISMISSED under Supreme Court Rules 3(b)(2) and 29(b).

BY THE COURT:

/s/ Abigail M. LeGrow  
Justice