

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KHALED FARDJALLAH,	§
	§ No. 424, 2025
Plaintiff Below,	§
Appellant,	§ Court Below–Superior Court
	§ of the State of Delaware
v.	§
	§ C.A. No. N23C-05-001
CHRISTIANA HOSPITAL, DR.	§
MARIA SHAH, and MR.	§
MICHAEL SCHUH,	§
	§
Defendants Below,	§
Appellees.	§

Submitted: February 26, 2026

Decided: March 2, 2026

Before **SEITZ**, Chief Justice; **LEGROW** and **GRIFFITHS**, Justices.

ORDER

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

(1) By way of order dated September 24, 2025, the Superior Court granted summary judgment in favor of the defendants below/appellants. On September 29, 2025, the plaintiff below/appellant, Khaled Fardjallah, filed several motions—including a timely motion for reargument. That motion was not resolved before Fardjallah filed his notice of appeal on October 9, 2025, and the record reflects that the motion remains pending before the Superior Court. The Chief Deputy Clerk therefore issued a notice to Fardjallah to show cause why this appeal should not be

dismissed for his failure to comply with Supreme Court Rule 42 when taking an appeal from an apparent interlocutory order. In his response to the notice to show cause, Fardjallah contends that the Superior Court's September 24, 2025 is a final order.

(2) The test for whether an order is final and therefore ripe for appeal is whether the trial court has clearly declared its intention that the order be the court's "final act" in a case.¹ A judgment is not final for appeal purposes until a timely filed motion for reargument has been decided.²

(3) In light of Fardjallah's pending motion for reargument, the Superior Court's September 24 order does not constitute a final order. Because Fardjallah has not attempted to comply with Rule 42, this Court has no jurisdiction to consider this interlocutory appeal,³ and it must be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal is DISMISSED under Supreme Court Rule 29(b) without prejudice to file an appeal following the entry of a final judgment below.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice

¹ *J. I. Kislak Mortg. Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

² *Linda D.P. v. Robert J.P.*, 493 A.2d 968, 969 (Del. 1985).

³ *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).