

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DARRYL K. FOUNTAIN,

Plaintiff Below,
Appellant,

v.

TM ASSOCIATES MANAGEMENT,
INC. d/b/a SHADY GROVE
APARTMENTS,

Defendant Below
Appellee.

§

§ No. 124, 2026

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§ Court Below—Superior Court
§ of the State of Delaware

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§ C.A. No. S25C-01-027

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Submitted: August 25, 2026

Decided: September 10, 2026

On July 27, 2026, the Clerk's Office issued a notice, by certified mail, directing the appellant to show cause why this appeal should not be dismissed for his failure to file an opening brief by the filing deadline of July 10, 2026. Postal records show that delivery was unsuccessful and the appellant failed to pick up the notice. The Clerk's Office re-sent the notice to show cause by first class mail on August 12, 2026. A timely response to the notice was due by August 24, 2026. To date, the appellant has not filed an opening brief or responded to the notice to show cause. Dismissal of this appeal is therefore deemed to be unopposed.

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

BY THE COURT:

/s/ Gary F. Traynor
Justice