

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DONNA FRANK, ¹	§	
	§	No. 504, 2011
Respondent Below,	§	
Appellant,	§	Court Below—Family Court of
	§	the State of Delaware in and for
v.	§	New Castle County
	§	
PAUL BROWN,	§	
	§	File No. CN09-03839
Petitioner Below	§	Pet. No. 09-21889
Appellee.	§	

Submitted: January 10, 2012

Decided: January 12, 2012

ORDER

This 12th day of January 2012, it appears to the Court that:

(1) On September 19, 2011, the appellant, Donna Frank, filed a notice of appeal from the Family Court’s orders of July 29, 2011, August 20, 2011 and September 13, 2011. Frank filed her opening brief and appendix on December 9, 2011 and an amended brief on December 22, 2011.

(2) On December 28, 2011, Frank filed a “motion to remand upon agreement by the parties.” Frank states that:

The parties have reached an accord on the matters pending before the Court, which they intend to present to the Family Court for resolution. The parties agree that this matter should, therefore, be

¹ By Order dated September 26, 2011, the Court assigned pseudonyms to the parties. Del. Supr. Ct. R. 7(d).

remanded to the Family Court so that the Family Court may have jurisdiction to rule on the original petition for custody.

Frank does not request that this Court retain jurisdiction.²

NOW, THEREFORE IT IS ORDERED that the “motion to remand upon agreement by the parties” is GRANTED.³ This matter is REMANDED to the Family Court. The appeal is DISMISSED as moot.⁴

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

² See Del. Supr. Ct. R. 19(c) (governing remand for determination with jurisdiction reserved).

³ See Del. Supr. Ct. R. 30(c) (providing that “a non-responding party shall be deemed to have consented to the relief sought by movant”).

⁴ See Del. Supr. Ct. R. 3(b)(2) (providing that an order terminating a case may be made by one justice when all parties consent to the termination of the case).