

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JAMES R. JOHNSON, ¹	§	
	§	No. 316, 2011
Petitioner Below,	§	
Appellant,	§	Court Below—Family Court of the
	§	State of Delaware in and for New
v.	§	Castle County
	§	
LISA I. ROGERS,	§	
	§	File No. CN07-03186
Respondent Below,	§	Pet. No. 11-07632
Appellee.	§	

Submitted: September 13, 2011

Decided: September 14, 2011

ORDER

This 14th day of September 2011, it appears to the Court that:

(1) On June 27, 2011, the appellant, James R. Johnson, filed this appeal from the Family Court's June 2, 2011 modification of alimony. In connection with the appeal, Johnson was required to pay a \$90.00 record preparation fee to the Family Court.²

(2) When Johnson did not pay the record preparation fee by the July 25, 2011 deadline, the Clerk issued a certified notice on August 4, 2011, directing that Johnson show cause why the appeal should not be dismissed for his failure to pay

¹ By Order dated June 29, 2011, the Court assigned pseudonyms to the parties. *See* Del. Supr. Ct. R. 7(d) (governing use of pseudonyms in appeals concerning domestic relations).

² *See* Del. Fam. Ct. Civ. R. 73.1. (requiring deposit for fees and costs of appeals).

the fee.³ The docket reflects that the notice to show cause was mailed again to Johnson by first class mail on August 19, 2011.

(3) On August 30, 2011, the certified notice to show cause was returned with the envelope marked “unclaimed.” On August 30, 2011, the Clerk once again mailed the notice to show cause to Johnson by first class mail.

(4) To date, Johnson has not responded to the notice to show cause and has not paid the Family Court record preparation fee. Under these circumstances, the dismissal of Johnson’s appeal is deemed to be unopposed.⁴

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

BY THE COURT:

/s/ Randy J. Holland
Justice

³ See Del. Supr. Ct. R. 29(b) (governing involuntary dismissal upon notice of the Court).

⁴ See Del. Supr. Ct. R. 3(b)(2)(b) (providing that a party is deemed to have consented to the termination of the case when the party fails to respond to the Court’s notice to show cause why the appeal should not be dismissed).