

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALLAN G. KANE,<sup>1</sup>

Respondent Below,  
Appellant,

v.

SUSAN CLARK,

Petitioner Below,  
Appellee.

§

§ No. 697, 2009

§

§

§ Court Below—Family Court

§ of the State of Delaware,

§ in and for New Castle County

§ C.A. No. CN98-09498

§ Petition No. 07-41111

§

§

Submitted: August 12, 2010

Decided: August 27, 2010

**ORDER**

This 27<sup>th</sup> day of August 2010, it appears to the Court that, on July 30, 2010, appellee filed a motion to dismiss this appeal based on appellant's failure to file a notice of voluntary dismissal. Appellant had notified the Court of his intent to file a voluntary dismissal by July 12, 2010. Appellant failed to respond to the motion to dismiss within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed. Moreover, given appellant's status as an active member of the Bar of this State and his failure to fulfill his professional obligations in this case, the Clerk of the Court is directed to refer this matter to the Office of Disciplinary Counsel for review.

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<sup>1</sup> The Court assigned pseudonyms to the parties pursuant to Supreme Court Rule 7(d).

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED. This Order, along with a certified copy of the docket entries, shall be referred to Disciplinary Counsel forthwith.

BY THE COURT:

/s/ Carolyn Berger  
Justice