

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BARBARA L. and GEORGE T.
LOEBE, husband and wife,

Plaintiffs Below,
Appellants,

v.

LARRY E. NEWMAN,

Defendant Below,
Appellee.

§
§ No. 637, 2001
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§ Court Below: Superior Court
§ of the State of Delaware,
§ in and for New Castle County
§ C.A. No. 01C-05-058
§
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Submitted: December 28, 2001

Decided: January 23, 2002

Before **VEASEY**, Chief Justice, **BERGER** and **STEELE**, Justices.

ORDER

This 23rd day of January 2002, it appears to the Court that:

(1) On December 17, 2001, the plaintiffs-appellants, Barbara and George Loebe, filed a document with this Court entitled “Notice of Interlocutory Appeal.” The Loebes are attempting to appeal from a Superior Court decision dated November 19, 2001, which granted the Loebes’ lawyer’s motion to withdraw as trial counsel. Other than the caption, the Loebes’ Notice of Interlocutory Appeal did not comport with any of the requirements for taking an interlocutory appeal set forth in Supreme Court Rule 42.

(2) On December 17, 2001, the Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the Loebes to show cause why the appeal should not be dismissed for their failure to comply with Supreme Court Rule 42 when taking an appeal from an interlocutory order. In response to the notice to show cause, the Loebes filed a document entitled “Appellant’s Motion for Release of Court Documents pursuant to 5 USCA § 552.” Although it is not entirely clear, the Loebes appear contend that they followed the instructions provided to them by the Clerk for taking an interlocutory appeal. The Loebes acknowledge, however, that they were provided with a copy of the Supreme Court’s pamphlet called, “A Citizen’s Guide.” Within that guide, on pages 25-28, are the directions for filing an interlocutory appeal. Accordingly, we do not accept the Loebes’ explanation for their failure to comply with any of the requirements for filing an interlocutory appeal pursuant to Supreme Court Rule 42.

(3) Absent compliance with Rule 42, the jurisdiction of this Court is limited to the review of final judgments of trial courts.¹ An order is deemed

¹ *Julian v. State*, 440 A.2d 990, 991 (Del. 1982).

final if the trial court has clearly declared its intention that the order be the court's "final act" in the case.² That clearly is not the case here.

(4) Moreover, even if the Loebes' appeal had been filed in compliance with Rule 42, the Superior Court's November 17th decision granting counsel's motion to withdraw does not meet the criteria for interlocutory review under Rule 42.

NOW, THEREFORE, IT IS ORDERED that this appeal is DISMISSED. The filing fee the Loebes paid in pursuit of this interlocutory appeal may be applied toward any later appeal they may file from a final judgment in this case.

BY THE COURT:

/s/ Myron T. Steele
Justice

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