

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|-------------------------------|---|------------------------------|
| PAUL VANAMAN, | § | |
| | § | No. 266, 2002 |
| Plaintiff Below, | § | |
| Appellant, | § | Court Below—Superior Court |
| | § | of the State of Delaware, in |
| v. | § | and for Sussex County, in |
| | § | C.A. No. 01C-01-026. |
| RONNA M. COBB, JESSE COBB, | § | |
| PARKER ENTERPRISES, INC., and | § | |
| TOWN OF GEORGETOWN, | § | |
| | § | |
| Defendants Below, | § | |
| Appellees. | § | |

Submitted: January 27, 2004
Decided: February 27, 2004

ORDER

This 27th day of February 2004, upon consideration of the motion to dismiss, it appears to the Court that:

(1) This 2002 appeal stems from a replevin action that the Superior Court dismissed for the appellant's failure to diligently prosecute. On October 9, 2003, the appellant, Paul W. Vanaman, passed away.

(2) Appellee-Town of Georgetown has filed a motion to dismiss the appeal on the basis that a personal representative of the appellant has not filed a suggestion of death upon the record.¹ Moreover, it appears that no other

¹Supr. Ct. R. 31(a).

“party in interest” has taken appropriate action within sixty days to file a suggestion of death upon the record.²

(3) The Town of Georgetown’s motion to dismiss was served upon the appellant’s estate as well as the other appellees to this appeal. To date, there has been no response to the motion to dismiss. Dismissal of the action, therefore, is deemed to be unopposed.³

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

²Supr. Ct. R. 31(b).

³Supr. Ct. R. 3(b)(2)(a), 30(c) and 31(c).