

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ESHED ALSTON,	§
	§ No. 390, 2012
Plaintiff Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
WHITE AND WILLIAMS LLP and	§ C.A. No. 08C-05-023
MARC S. CASARINO,	§
	§
Defendants Below-	§
Appellees.	§

Submitted: July 20, 2012
Decided: August 9, 2012

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

ORDER

This 9th day of August 2012, it appears to the Court that:

(1) This is the appeal of Eshed Alston (the “appellant”) from the Superior Court’s order dated and docketed on November 19, 2008, which granted the motion for summary judgment of White and Williams LLP and Marc S. Casarino (the “appellees”).¹ On July 20, 2012, the appellees filed a motion to dismiss the appeal on the ground that it was untimely filed.² For

¹ The Superior Court also granted the appellees’ motion for sanctions in an order dated and docketed on May 29, 2009.

² The appellees also filed a motion to affirm on the same date.

the reasons that follow, we conclude that the motion to dismiss should be granted.

(2) The record reflects that the appeal was filed in this Court on July 16, 2012. The record also reflects that the time for the appellant to respond to the motion to dismiss has expired and, as of the date of this Order, the appellant has not even filed an untimely response to the appellees' motion to dismiss.³

(3) The Rules of this Court require that an appeal from an order of the Superior Court in a civil matter be filed within thirty days after entry upon the docket of the judgment or order from which the appeal is taken.⁴ Because the instant appeal was filed well beyond the thirty-day deadline, we conclude that it is untimely and must be dismissed.⁵

NOW, THEREFORE, IT IS ORDERED that the appellees' motion to dismiss is GRANTED.⁶ The appellant's appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

³ Supr. Ct. R. 30(b); Supr. Ct. R. 11(a) and (c); Supr. Ct. IOP XV(7) (o).

⁴ Supr. Ct. R. 6(a) (i).

⁵ Supr. Ct. R. 29(b). Any attempted appeal from the Superior Court's May 29, 2009 order also would be untimely.

⁶ The appellees' motion to affirm is denied as moot.