

IN THE SUPREME COURT OF THE STATE OF DELAWARE

KASIE PENUEL, ¹	§
	§ No. 59, 2024
Petitioner Below,	§
Appellant,	§ Court Below–Family Court
	§ of the State of Delaware
v.	§
	§ File No. CS16-02279
RICHARD CURTIS,	§ Petition No. 23-22034
	§
Respondent Below,	§
Appellee.	§

Submitted: July 3, 2024
Decided: July 16, 2024

Before **VALIHURA, TRAYNOR, and LEGROW**, Justices.

ORDER

After consideration of the notice to show cause and the appellant’s response, it appears to the Court that:

(1) The appellant, Kasie Penuel, asked the Family Court to review a Family Court commissioner’s order granting Penuel a two-year protection-from-abuse-order (“PFA”) instead of a lifetime PFA. By way of order dated January 17, 2024, the Family Court remanded the matter to the commissioner for further proceedings. Before those proceedings took place, Penuel appealed to this Court. The Chief Deputy Clerk therefore issued a notice directing Penuel to show cause why this

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

appeal should not be dismissed for her failure to comply with Supreme Court Rule 42 when taking an appeal from an interlocutory order.

(2) In her response to the notice to show cause, Penuel acknowledges that this Court has previously determined that an appeal is interlocutory if the Family Court has remanded a matter to a commissioner for further proceedings and that her appeal is “likely interlocutory at the present stage.”

(3) Absent compliance with Rule 42, the appellate jurisdiction of this Court is limited to the review of a trial court’s final judgment.² An order is deemed final and appealable when it disposes of all justiciable matters.³

(4) The Court has concluded that this appeal is from an interlocutory order and must be dismissed for Penuel’s failure to comply with Rule 42. Although this appeal must be dismissed as premature, Penuel’s right of appeal from the Family Court’s January 17 order will remain intact pending the issuance of a final order by a Family Court judge following the commissioner’s decision on remand.⁴ Penuel’s filing fee for any future appeal from the Family Court’s final judgment will be waived.

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

³ *J. I. Kislak Mortg. Corp. v. William Matthews, Builder, Inc.*, 303 A.2d 648, 650 (Del. 1973).

⁴ *Bueller v. Augustus-Debalt*, 2017 WL 2590700, at *1 & n.9 (Del. June 14, 2017).

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b), that the appeal be DISMISSED without prejudice to the appellant's right to file a new appeal once a final order is entered in the Family Court.

BY THE COURT:

/s/ Gary F. Traynor
Justice