

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALICIA A. BROOKS,	§
	§ No. 61, 2012
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
BAC HOME LOANS SERVICING,	§ C.A. No. 09L-12-117
L.P., COUNTRYWIDE HOME	§
LOANS,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: February 14, 2012

Decided: February 21, 2012

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

ORDER

This 21st day of February 2012, it appears to the Court that:

(1) On February 6, 2012, the Court received the appellant's notice of appeal from the Superior Court's February 2, 2012 interlocutory order denying the appellant's motion for recusal. Earlier on the same date, the Court received the appellant's notice of appeal in No. 60, 2012 from the Superior Court's February 3, 2012 final order in the same case, which granted the appellee's motion for summary judgment.

(2) On February 7, 2012, the Clerk issued a notice directing the appellant to show cause why her appeal from the Superior Court's

interlocutory order should not be dismissed as moot in light of her appeal from the Superior Court's final order. The appellant filed her response to the notice to show cause on February 14, 2012. The appellant does not address the issue raised in the Court's notice to show cause, but simply requests the Court to entertain the interlocutory appeal.

(3) "Generally, under modern statutes and modern rules, an appeal from a final judgment brings up for review all interlocutory or intermediate orders involving the merits and necessarily affecting the final judgment which were made prior to its entry."¹ The Superior Court's interlocutory ruling is, therefore, reviewable by this Court in No. 60, 2012 and may be raised by the appellant in her opening brief.² Because this appeal from the Superior Court's interlocutory order is moot it, therefore, must be dismissed.

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

BY THE COURT:

/s/ Randy J. Holland
Justice

¹ *Robinson v. Meding*, 163 A.2d 272, 275 (Del. 1960).

² *Lipson v. Lipson*, 799 A.2d 345, 349 (Del. 2001). According to the brief schedule, the appellant's opening brief is due on or before March 22, 2012.