

SUPERIOR COURT OF THE STATE OF DELAWARE

George X v. Paul H. Morrill, Jr., Thomas J. Parag, David L. Baylor,
Shane Miller, and William J. Rhodunda, Jr.

X v. Parets · No. C.A. No. N24C-10-237 FJJ · Decided June 24, 2026

SUMMARY

The Delaware Superior Court denied Plaintiff’s motion for entry of final judgment under Superior Court Civil Rule 54(b) concerning garage-related claims. The court also denied certification for interlocutory appeal under Delaware Supreme Court Rule 42 because the request was filed more than 16 months after the relevant order. The court found no hardship or injustice from delaying an appeal and determined that judicial administration and economy favored continued litigation toward trial.

CASE DETAILS

COURT	Superior Court of the State of Delaware
WRITING FOR THE COURT	Francis J. Jones, Jr.
JURISDICTION	Delaware Superior Court
DECIDED	June 24, 2026
DOCKET	C.A. No. N24C-10-237 FJJ
DISPOSITION	denied
PROCEDURAL POSTURE	The plaintiff moved under Superior Court Civil Rule 54(b) for entry of final judgment on garage-related claims after those claims had been dismissed as time-barred. In the alternative, the plaintiff sought certification for an interlocutory appeal under Delaware Supreme Court Rule 42.
STANDARD OF REVIEW	The decision whether to certify a final judgment under Civil Rule 54(b) is committed to the trial court's discretion, which must be exercised sparingly, cautiously, and frugally in light of the policy against piecemeal appeals.
PRECEDENTIAL VALUE	Published
PARTIES	George X v. Paul H. Morrill, Jr., Thomas J. Parag, David L. Baylor, Shane Miller, William J. Rhodunda, Jr.

TOPICS

final judgment rule

interlocutory appeal

appellate procedure

civil procedure

PRACTICE AREAS

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the plaintiff's request for certification under Delaware Supreme Court Rule 42 was timely when filed more than sixteen months after entry of the challenged order.
2. Whether the court should enter final judgment on the garage-related claims under Superior Court Civil Rule 54(b) while other claims and parties remained in the case.

HOLDINGS

1. A request to invoke Delaware Supreme Court Rule 42 must be made within ten days after entry of the order from which an appeal is sought; a request filed more than sixteen months later is untimely and must be denied.
2. Rule 54(b) final judgment was not warranted because, although multiple claims or parties existed and the garage-related claims had been finally decided, there was no hardship or injustice from delaying judgment and judicial administration and economy favored avoiding a piecemeal appeal.

KEY QUOTATIONS

“This decision is left to the discretion of the Court; however, the long established policy against piecemeal appeals requires this Court to exercise th[is] discretion ‘sparingly’, ‘cautiously,’ and ‘frugally.’” (at 3)

FACTUAL BACKGROUND

The plaintiff asserted claims arising in part from a garage abutting Delaware City's right of way. The court had dismissed the garage-related claims as barred by the statute of limitations, but other claims remained pending, including issues of causation and damages relating to a trespass claim. The plaintiff sought immediate finality and appellate review of the garage ruling while the remainder of the case awaited trial.

PROCEDURAL HISTORY

On February 24, 2025, the Superior Court dismissed claims relating to a garage abutting Delaware City's right of way on statute-of-limitations grounds. The parties continued litigating other claims, and on June 17, 2026, the court granted summary judgment to David Baylor, Shane Miller, and William Rhodunda on sovereign-immunity grounds. The court denied the plaintiff's June 22, 2026 motion, holding that Rule 42 certification was untimely and that Rule 54(b) final judgment was unwarranted because there was no hardship or injustice and judicial economy favored avoiding a piecemeal appeal.

DISPOSITION

denied

CASES CITED

- CVR Ref., LP v. XL Specialty Ins. Co., 2023 WL 6690908, at *4 (Del. Super. Ct. Oct. 12, 2023)
- Boeing Co. v. Spirit Aerosystems, Inc., 2017 WL 3233068, at *1 (Del. Super. Ct. Jul. 28, 2017)

OPINION

X v. Parets

PER CURIAM.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

GEORGE X,)

Plaintiff,) v.) C.A. No.: N24C-10-237 FJJ)

PAUL H. MORRILL, JR.,)

THOMAS J. PARAG, DAVID L.)

BAYLOR, SHANE MILLER, and)

WILLIAM J. RHODUNDA, JR.,)

Defendants.) -And-)) PAUL L. PARETS and)

THOMAS PARAG,)

Counterclaim Plaintiffs/) Third-Party Plaintiffs,) v.)

GEORGE X,)

Counterclaim Defendant,) -And-))

ZEP TEPI INSTITUTE, INC.,)

Third-Party Defendant.) Submitted: June 22, 2026 Decided: June 24, 2026

ORDER

On Plaintiff's Motion for Entry of Final Judgment as to the Garage Related Claims and in the Alternative for Certification under Supreme Court Rule 42

DENIED

Having considered Plaintiff's motion for entry of final judgment as to the garage related claims and, in the alternative, for certification of the issues involving the garage decided in this court's February 24, 2025 decision under Supreme Court Rule 42, it appears to the Court that:

1. On February 24, 2025, this Court issued an Opinion and Order granting Defendants' motion to dismiss as to any claims related to a garage that abutted Delaware City's right of way finding that the claims were barred by the statute of limitations.
2. Since that time the parties have actively litigated the case with the most recent major event being this Court's June 17, 2026 Opinion and Order granting summary judgment as to the claims against David Baylor, Shane Miller and William Rhodunda on the grounds of sovereign immunity.
3. On June 22, 2026, Plaintiff filed the instant motion asking that this Court, under Superior Court Rule 54(b), enter final judgment as to the garage related claims and, in the alternative, to certify its decision in the February 24, 2025 Order related to the garage issues to the

Delaware Supreme Court under Delaware Supreme Rule 42.

4. As to Plaintiff's request that this Court certify its decision on the garage issue to the Delaware Supreme Court, that request is summarily DENIED. Supreme Court Rule 42 provides that any request to invoke Rule 42 must be done within 10 days of the entry of the order from which the appeal is sought. Plaintiff's attempt over 16 months after this Court entered its order comes too late. Plaintiff's request is DENIED. 2

5. Plaintiff next moves this Court to enter final judgment under Superior Court Civil Rule 54(b) as to the garage claim. The request is not warranted.

6. "Civil Rule 54(b) allows the Court to certify a final judgment upon one or more claims if: '(1) the action involves multiple claims or parties; (2) at least one claim or the rights and liabilities of at least one party has been finally decided, and (3) there is no just reason for delaying an appeal.'" 1 "In OF deciding whether there is 'just reason for delay' under prong three, the Court must consider: '(1) the hardship or injustice suffered by the moving party in the absence of the final judgment; and (2) the interest of judicial administration and judicial economy.'" 2 F "This decision is left to the discretion of the Court; however, the long established policy against piecemeal appeals requires this Court to exercise th[is] discretion 'sparingly', 'cautiously,' and 'frugally.'" 3 2F

7. There is simply no hardship or injustice that will be suffered by Plaintiff if this motion is DENIED. The case awaits a prompt trial date and will address a number of issues, including whether Plaintiff has suffered any damage as a result of any of the Defendants' actions. A decision by the jury on the question of causation and damages on the trespass claim could very well 1 CVR Ref., LP v. XL Specialty Ins. Co., 2023 WL 6690908, at *4 (Del. Super. Ct. Oct. 12, 2023) (quoting Boeing Co. v. Spirit Aerosystems, Inc., 2017 WL 3233068, at *1 (Del. Super. Ct. Jul. 28, 2017)). 2 Id. (quoting Boeing Co. v. Spirit Aerosystems, Inc., 2017 WL 3233068, at *1 (Del. Super. Ct. Jul. 28, 2017)). 3 Id. (quoting Boeing Co. v. Spirit Aerosystems, Inc., 2017 WL 3233068, at *1 (Del. Super. Ct. Jul. 28, 2017)). 3 end any further litigation. The interests of judicial administration and judicial economy favor a finding that a final judgment not be entered. Plaintiff's requested relief is DENIED. IT IS SO ORDERED. /s/ Francis J. Jones, Jr. Francis J. Jones, Jr., Judge cc: Counsel via File & ServeXpress Mr. George X via e-mail and USPS 4