

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

**PROVIDENCE, SC**

**SUPERIOR COURT**

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<b>CLASSIC CAR and VAN SALES, INC.</b>	:	
	:	
<b>v.</b>	:	<b>C.A. No. 99-0873</b>
	:	
<b>STATE OF RHODE ISLAND, DEPARTMENT</b>	:	
<b>Of ADMINISTRATION, DEPARTMENT OF</b>	:	
<b>MOTOR VEHICLES, and RHODE ISLAND</b>	:	
<b>DEALERS' LICENSE and REGULATION</b>	:	
<b>OFFICE</b>	:	

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**DECISION**

**Sheehan, J.** The matter before the Court is a Motion for Relief from Final Judgment pursuant to Super. R. Civ. P. 60 (b). The plaintiff, Classic Car and Van Sales Inc., (Classic) requests this Court to reconsider its August 2000 order that summarily dismissed the action for lack of subject matter jurisdiction.

**Travel/Facts**

On February 19, 1999, plaintiff appealed to this Court following an adverse decision rendered by the Director of the Department of Administration (Director), confirming the decision by Rhode Island Dealers' License and Regulation Office. On June 2, 2000, this Court remanded Classic's administrative appeal to the Director of the Department of Administration in order to clarify the date in which the Director mailed his final decision to Classic. Thereafter, the Director certified to this Court that the mailing date of his final decision was January 19, 1999. Subsequently, this Court determined

that Classic's appeal fell outside the thirty day appeal period dictated by G.L. 1956 § 42-35-15 (a) & (b) and dismissed the matter for lack of jurisdiction.

On August 4, 2000, Classic appealed the matter to our Supreme Court.

Rule 11 of our Supreme Court Rules of Appellate Procedure dictate that:

“From the time of the docketing of an appeal in the Supreme Court, said court shall have exclusive jurisdiction to supervise the further course of such appeal and enter such orders as may be appropriate, including orders of dismissal for failure to comply with these rules, either on motion of a party or on its own motion.”

Rule 11. Transmission of the Record, 408 A.2d 617, (R.I. 1979). Accordingly, this Court presently lacks jurisdiction to act on said Motion for Reconsideration while plaintiff's appeal is docketed in the Supreme Court.