SUPERIOR COURT
OF THE
STATE OF DELAWARE

JAMES T. VAUGHN, JR.
PRESIDENT JUDGE

KENT COUNTY COURT HOUSE
38 THE GREEN
DOVER, DELAWARE 19901

**ADMINISTRATIVE DIRECTIVE
OF THE
PRESIDENT JUDGE OF THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

NO. 2007-6

eFILE ADMINISTRATIVE PROCEDURES

This 13th day of December, 2007, IT IS HEREBY DIRECTED that Administrative Directive No. 2003-8 is hereby rescinded and that the following administrative procedures apply for electronic filing or eFiling pursuant to Civil Rule 79.1:

eFile Administrative Procedures

1. **Registration and fees for eFiling**

    (a) *Registration.* Any person intending to use eFile must register with LexisNexis File & Serve at www.lexisnexis.com/fileandserve

    (b) *Filing Fees.*

    (1) There are several parts to the fee structure for eFiling. These will be billed by LexisNexis using the billing arrangements established through the LexisNexis registration process. The parts are:

    • The routine filing fee for various pleadings (Superior Court Civil Rule ("Rules") 77(h)A-F).

- A technology fee of 50 cents per document (Rule 79.1).

- LexisNexis File & Serve fees.

- Pro Hac Vice fees, trial fees and filing fees.

- 50 document fee (Rule 77(h)(B)).

(2)   Arbitration fees (Rule 16.1) may be paid through the Lexis Nexis system or directly to the Prothonotary, at the option of the filing attorney.

2.   **Minimum Technical Requirements**

The minimum technical requirements for eFilings are available online at www.lexisnexis.com/fileandserve

3.   **Documents which must be electronically filed**; **Exceptions**

Each document which must be filed under the Rules shall be eFiled unless otherwise ordered by the Court. Excepted are that a paper copy of any praecipe, CIS (case information statement), complaint and summons shall be filed to facilitate service of process, with additional copies for service as required by the Rules. A paper copy of each motion, answer and reply and each brief and appendix shall be sent to the assigned Judge. The cover page must indicate "COPY" and include the assigned document ID number. Original documents which have heretofore been filed with the Court shall be filed electronically. The original shall be retained by counsel and produced only if so ordered by the Court.

4.   **Form of Documents Electronically filed**

(a)   *Format.* Each electronically filed document shall be filed in Word, WordPerfect, TIFF or PDF format. To the extent practicable it shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Prothonotary may require from time to time. A document may exceed page limitation rules to a maximum of two (2) additional pages when the

additional pages are attributed to the electronic conversion or filing process.

    (1)   eFile will automatically convert any Word, WordPerfect or TIFF file to .PDF format, but the original format will also be available for downloading.

    (2)   The official record of the court is the .PDF version.

(b)   *Title of Documents.* The title of each electronically filed document shall include:

    (1)   Party or parties filing the document,

    (2)   Descriptive title of the document,

    (3)   Party or parties against whom relief, if any, is sought, and

    (4)   Nature of the relief sought (e.g., Defendant ABC Corporation's Motion for Summary Judgment).

(c)   *Signature*.

- Each electronically filed document shall be deemed to have been signed by the attorney or party not represented by an attorney authorizing such filing, and shall bear a facsimile or typographical signature of such person, e.g., "/s/ Adam Attorney." Each document eFiled by or on behalf of a party shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Delaware bar number.

- Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if an attorney or party not represented by an attorney has authorized such filing. The original affidavit or declaration filed or served electronically, shall be maintained by the party filing the affidavit during the pendency of the litigation, and shall be made available, upon

reasonable notice, for inspection by other counsel, the Prothonotary or the Court.

(d)   *Filing Related Documents.*

• All electronically filed documents relating to a single pleading or paper shall be "electronically stapled" using the "main" and "supporting" functionality of the eFiling system. In this way, multiple related documents, although filed separately, are linked logically together and identified as a single transaction.

• All electronically filed documents, papers or pleadings directly relating to a previously-filed document, paper or pleading shall be linked to the previously filed document, paper or pleading, utilizing the "linked document feature" in the eFiling system.

• Failure to properly link document will result in rejection of filing by Prothonotary.

5.   **Sealed Documents**

(a)   Documents filed under seal MUST be formatted with a footer stating the following:

THIS DOCUMENT IS CONFIDENTIAL AND FILED UNDER SEAL. REVIEW AND ACCESS TO THIS DOCUMENT IS PROHIBITED EXCEPT BY PRIOR COURT ORDER.

This footer must appear on every page of the document. Additionally, the first page or cover page of the document must be in the following format:

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR [   ] COUNTY

[name of first plaintiff],   :

v.	:	C.A. No. [	]
[name of first defendant].	:		

YOU ARE IN POSSESSION OF A DOCUMENT FILED IN THE SUPERIOR COURT OF DELAWARE THAT IS CONFIDENTIAL AND FILED UNDER SEAL.

If you are not authorized by Court order to view or retrieve this document read no further than this page. You should contact the following person:

[filing attorney's name]
[firm name of filing attorney]
[address of filing party]
[telephone number of filing party]

No other information should appear on the cover page.

(b)　　The filing details and document title will appear in the LexisNexis system. The document can be viewed only by the Court, the filer, and those case participants who received service of that particular document. A party that was not served with the document can see only the document title in the case details, however, that party is not able to open or view the document.

(c)　　Public versions of sealed documents shall be filed in accordance with Rule 5(g).

6.　　**Time of eFiling and Service**

(a)　　Any document filed electronically by 11:59 pm ET shall be considered eFiled with the Prothonotary once the transmission is successfully completed ("authorized date and time") as recorded on the LexisNexis File & Serve system.

(b)　　An eFiled document is deemed served only upon selection of parties to be served and submission according to the File & Serve procedures.

The associated filing receipt will list the parties selected for service and give proof of date, time and method of service.

7.   **Public Access to the Docket**

The Prothonotary in each county shall make a Public Access Terminal to the general public to allow access to the Court's electronic case record in all eFiled cases. Copies made from the Court's electronic case records shall be printed by the Prothonotary's Office and copying fees will be charged in accordance with Civil Rule 77(F).

8.   **Related eFile Documents**

The following eFile instructions and practice guides are available on the Superior Court Website (http://courts.state.de.us/superior) or in the Prothonotary's Office:

- Quick Guide: File & Serve
- Quick Guide: New Case Filing
- Quick Guide: Multi-Case Filing
- Quick Guide: File Room

9.   **Privacy Issues**

Easy access to electronic documents raises many privacy issues. eFile users must be sensitive to confidential and personal information not filed under seal. Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents filed with the court, including exhibits thereto, unless otherwise ordered by the Court.

(a)   **Social Security Numbers**. If an individual's social security number must be included in a document, only the last four digits of that number should be used.

(b)   **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(c)   **Dates of Birth.** If an individual's date of birth must be included in a document, only the year should be used.

(d)   **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

In addition, exercise caution when filing documents that contain the following:

(1)   Personal identifying number, such as a driver's license number

(2)   Medical Records, treatment and diagnosis

(3)   Employment History

(4)   Individual Financial Information

(5)   Proprietary or Trade Secret Information

It is the sole responsibility of counsel and the parties to be sure that all pleadings comply with the rules of this court requiring redaction of personal identifiers. The Prothonotary will not review each pleading for redaction.

10.   **SYSTEM OR USER FILING ERRORS.**

If the electronic filing is not filed with the Prothonotary or served because of (1) an error in the transmission of the document to LexisNexis which was unknown to the sending party, or (2) a failure to process the electronic filing when received by LexisNexis, or (3) rejection by the Prothonotary, or (4) other technical problems experienced by the filer, the Court may upon satisfactory proof enter an order permitting the document to be filed or served nunc pro tunc to the date it was first attempted to be sent electronically.

11.   **OBLIGATION OF REGISTERED EFILE USERS TO MAINTAIN PROPER DELIVERY INFORMATION.**

Parties or attorneys who register to use the File & Serve system shall notify LexisNexis within 10-days of any change in firm name, delivery address, fax number or e-mail address.

<div align="center">

/s/   James T. Vaughn, Jr.
President Judge

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oc: Prothonotaries
cc: Superior Court Judges
        Superior Court Commissioners
        Court Administrator
        Case Scheduling Offices
        Law Libraries
        Margaret Derrickson (for web page)
        File