

Delaware Superior Court Proper eFile Procedures

1. All electronically filed cases/documents must adhere to the requirements of Administrative Directive No. 2007-6:

- Failure to meet these requirements will be cause for the electronic filing to be **rejected** or may be **edited** (if possible) by the reviewing clerk

2. Documents will be rejected for the following reasons:

- **Wrong document uploaded:**
 - Pleading must relate to the document title
 - **NOTE:** This occurs when filer selects the wrong .PDF file.
- **Pleading not signed as required:**
 - Administrative Procedure 4(c): Pleading shall bear a facsimile or typographical signature of the filing party.
 - E.g.: /s/ Adam Attorney
- **Authorizing Attorney is not an active member of the Delaware Bar and/or does not maintain an office in Delaware for the practice of law:**
 - Superior Court Civil Rule 79.1 (e - h) Filing Attorneys must be a member of the Delaware Bar and maintain an office in Delaware.
 - Supreme Court Rule 12(a) and (d).
- **Bar ID not included:**
 - Administrative Procedure 4(c): Include Bar ID on all pleadings - - Remember to include: name, address, telephone number and Bar ID.
- **Incorrect county:**
 - Must file in the correct county. Document Heading must contain correct county.
- **Incorrect case number:**
 - Must have correct civil action number.
- **Writs must include the correct Prothonotary:**
 - New Castle County Prothonotary: Sharon Agnew
 - Kent County Prothonotary: Annette Ashley
 - Sussex County Prothonotary: Joyce Collins

- **Scanned document is not legible:**
 - Scanned documents should be reviewed before transmitting. Scanned documents that are illegible will be rejected.
- **Main Pleading rejected:**
 - If the **main** pleading is rejected, all supporting pleadings under the same Transaction ID must be rejected.
 - NOTE: Supporting pleadings can be rejected, without rejecting the main document.
- **Exceeds Page Limit:**
 - Superior Court Civil Rule 107 Motions and Responses - 4 page limit
 - Briefs: Opening and Answering - 35 page limit;
 - Reply Brief - 20 page limit

3. Editing documents - Documents will be edited or rejected by the reviewing clerk for the following reasons:

- **Wrong document type selected:**
 - Pleading does not relate to filing type or document title.
- **Document titles MUST be specific :**
 - Document titles MUST be specific.
 - Motion for Summary Judgment - The document title must read: Defendant John Smith's Motion for Summary Judgment
 - Notice of Motion - The document title must read: Defendant John Smith's Motion for Summary Judgment scheduled for (date and time)
- **Proposed Order not filed or filed as part of the Motion/Pleading :**
 - A Proposed Order (filed as a supporting document to the Motion) must be filed as a separate document from the Motion.
 - Title **must** read: Proposed Order for Defendant John Smith's Motion for Summary Judgment
- **Partial Dismissals :**
 - Any dismissal that does **NOT** dispose of the entire action. Select Document Type: Partial Stipulation of Dismissal or Stipulation of Dismissal - **PARTIAL**.

4. General eFile Information:

- **Cases Subject to eFile**
 - All complaint cases “C” cases,
 - All Mortgage and Mechanic Lien “L” cases,
 - All Judgments are subject to eFile.
 - It is the responsibility of the filing party to add all parties and counsel, when appropriate.

- **Document Title:**
 - Do not include case caption, only the title of the document.

- **Pleading is deemed filed when:**
 - Administrative Procedure 6(a): A pleading is considered filed at the time of submission.
 - However, until accepted by the Prothonotary “Review Clerk”, there is a chance a pleading may be rejected.

- **Document size:**
 - It is suggested that each file be limited to 10 megs (10,485,760 bytes) and
 - The total transaction should not exceed 25 megs (25,214,400 bytes).

- **Type of Print must comply with Superior Court Civil Rule 107(b)...**
 - “All typed matter must be of a size permitting not more than 11 characters or spaces per linear inch.”
 - All printed matter must be done in 11 point type.

- **Note to Clerk Feature (NCC & Kent Only)**
 - If there is any issue you want to bring to the court’s attention, i.e. Statute issue; use the note to clerk feature. **NOTE:**
 - The goal of the Prothonotary Office is to review **new cases** and “Accept” and “Reject” those documents filed prior to 3:00 P.M. on a daily basis. This will give counsel an opportunity to correct any rejected pleading and resubmit prior to midnight.

- **All “Parties” and “Non-Parties” of the case must be entered in the “Party Field”**
 - To appear in the Superior Court index, each party/non-party of a case must be added.
 - In order to file in a related case that you are not a party to (i.e. Response to a Motion to Consolidate, etc.) add the party to the party field as a Non-Party in the case you wish to file in
 - DBA, AKA, FKA, Subrogee, T/A, etc. should be added into FSX in the “Party Field” as **NON-PARTY**.
 - i.e. Mary Jones a/k/a Mary O’Neill - Mary O’Neill should be entered as a Non-Party
 - i.e. John Smith d/b/a Smith Auto - Smith Auto should be entered as a Non-Party
 - When the caption is amended, the “Party Field” must be updated
 - **NOTE:** Non-Parties are not served, if service is requested, that party should be entered as a party to the case.

- **Pleadings must be filed separately, but should be “electronically stapled”**
 - Administrative Procedure 4(d): Documents relating to a single pleading must be “electronically stapled” using the MAIN and SUPPORTING functionality of the FSX eFile system:
 - Complaint (main pleading)
 - Case Information Statement (supporting pleading)
 - Summons (supporting pleading)
 - Praecipe (supporting pleading)
 - **NOTE:** Pleadings with Statutory fees are **always** the Main Pleading. i.e. Complaint, Motion for Pro Hac, Third-Party Complaint, Notice of Appeal to Supreme Court, etc.

- **Pleading is not linked:**
 - Administrative Procedure 4(d): Documents directly related to a previously filed document must be linked utilizing the “linked document feature” in the FSX eFile system:
 - Motion to Dismiss (main pleading)
 - Opening Brief, Answering Brief, Reply Brief **Must** be linked to main pleading.
 - Complaint (main pleading)
 - Defendant John Smith’s Answer to the Complaint (linked pleading)
 - **NOTE:** Clerks do not have the ability to link documents after filing. Documents **MUST** be linked at the time of filing.

- **Service copies to Prothonotary (New Cases):**
 - To facilitate the processing of your new cases, please use the CIS and/or the 1st page of the complaint with the eFiled seal indicating the filed date and transaction ID printed on it for the service copies.

- **Affidavit of Merit/Medical Malpractice Cases:**
 - Affidavit of Merit and Curriculum Vitae may be electronically filed as a sealed document or conventionally filed.
 - If conventionally filed, a Notice of Conventional Filing must be eFiled stating that the Affidavit of Merit or Curriculum Vitae was conventionally filed in the Prothonotary's Office under seal.

- **Sealed vs. In Camera:**
 - Administrative Procedure 5, Superior Court Civil Rule 5(g)(2):
 - **Sealed Documents** can be viewed by all parties related to the case
 - **In Camera Documents** can be viewed by the filer and assigned Judge only

- **Notice of Service/Affidavit of Mailing:**
 - Administrative Procedure 6(b):
 - When a Notice of Service is eFiled, an Affidavit of Service/Mailing is not required.
 - When a document is eFiled, there is no requirement to serve via mail.

- **Service of eFile Documents:**
 - Administrative Procedure 6(b): Service of documents on eFiled cases must be served through File & ServeXpress efile system.

- **Discovery:**
 - Discovery should not be filed with the court.
 - Only the Notice of Service related to the discovery is filed on the Court.
 - It is suggested that counsel use eService to **serve** "Discovery" on opposing counsel.

- **Substitution of Counsel and Motion to Withdraw as Counsel:**
 - Party Field and Attorney Field must be updated through FSX Case and Party Management to reflect the current attorney.

- **Third Parties, etc.:**
 - When filing a third-party complaint **or** answer to third-party complaint, correct party and attorney type must be selected.
 - Update the "Party Field" (Add the 3rd party Plaintiffs and 3rd party Defendants)
 - Select Document Type: Answer and 3rd Party Complaint (main pleading - contains statutory fees).
 - The proper writs must accompany the 3rd Party Complaint.

- **Courtesy Copies of Supplemental Pleadings:**
 - Administrative Procedure 3:
 - No courtesy copies should be filed with the Prothonotary's Office.
 - A paper copy of each Motion, Response to Motion, Briefing and appendices shall be sent to the assigned Judge.
 - When sending these copies, the cover page **MUST** be marked "**COPY**".

- **Pro Se Litigants:**
 - **Electronic service** is currently not available for pro se litigants.
 - The Prothonotary will scan and upload pleadings for pro se litigants.
 - Pro se litigants must serve a hard copy of the pleading on opposing counsel.
 - Opposing counsel must serve the pro se litigant with a hard copy of each pleading.

- **Motions for Default Judgment:**
 - Superior Court Civil Rule 55(b)(1): Motions for Default Judgment must state the amount of the judgment.

- **Closed Cases:**
 - Cases marked "CLOSED" on eFile are cases that have been concluded in Superior Court,
 - However, that case may still be pending post-trial motions or a Supreme Court Appeal.