



Delaware Superior Court Proper e-File 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:**
 - 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 e-File Information:

- **Cases Subject to e-File**

- All complaint cases “C” cases,
- All Mortgage and Mechanic Lien “L” cases,
- All Judgments are subject to e-File.
- 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 NonParty
 - 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 e-File 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 e-File 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 e-Filed 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 e-Filed 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 e-Filed, an Affidavit of Service/Mailing is not required.
 - When a document is e-Filed, there is no requirement to serve via mail.

- **Service of e-File Documents:**
 - Administrative Procedure 6(b): Service of documents on e-Filed cases must be served through File & ServeXpress e-File 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 e-File are cases that have been concluded in Superior Court,
 - However, that case may still be pending post-trial motions or a Supreme Court Appeal.