

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN RE: AMENDMENT TO COURT OF CHANCERY RULES, SECTION X,  
RULE 79.1

This 15<sup>th</sup> day of December 2014, IT IS HEREBY ORDERED that Court of Chancery Rules, Section X, Rule 79.1 shall be amended effective January 1<sup>st</sup>, 2015.

**Rule 79.1 shall be amended as follows:**

Rule 79.1. Electronic filing.

(a) The electronic filing of documents in the Court of Chancery of the State of Delaware shall be referred to as "eFile" or "eFiling".

~~(b) When the Chancellor of the Court of Chancery determines that it is appropriate for any civil case, or category of cases, to follow the procedures for eFiling, the Chancellor shall designate it as an eFile case or category of cases.~~

(b) Every civil action and civil miscellaneous action in the Court of Chancery is subject to electronic filing ("eFiling"). Any rule or procedure that refers to or requires the filing of a document shall mean that the document must be eFiled. Each document that must be filed under the Rules shall be eFiled unless otherwise ordered by the Court. Paper copies of any complaint, praecipe, and supplemental information form also shall be filed if necessary to facilitate service of process or as required by the Rules and by statute. Exceptions for eFiling certain documents, along with the requirement for delivering paper copies to the presiding judge, are set forth in the Court's operating procedures.

(c) The Chancellor shall establish administrative procedures for the eFiling of documents, which procedures may be found in the Court's operating procedures.

(d) A technology surcharge of 50 cents per document shall be assessed in each eFile case for the purpose of a fund to operate the eFiling system. The Court shall expend the funds solely for the purpose of operating and maintaining the eFiling system. The technology fee is not imposed on filings by the Department of Justice or by indigent parties or their counsel. Additional fees may be charged in accordance with the Rules of the Court and the Court's operating procedures.

(e) No Delaware lawyer shall authorize anyone to eFile on that lawyer's behalf, other than an employee of his/her law firm or service provider retained by that lawyer to assist in eFiling.

(f) No person shall use, or allow another person to use, the password of another in connection with any eFiling.

(g) The eFiling of a document by a lawyer, or by another under the authorization of a lawyer, shall constitute a signature of that lawyer under Court of Chancery Rule 11.

~~(h) All eFilings must be signed by a member of the Delaware Bar or party not represented by an attorney in accordance with the eFile administrative procedures.~~

(h) Each electronically filed document shall bear an original, facsimile, or typographical signature of an attorney at the firm authorizing the filing or by the pro se party

authorizing the filing. Each document eFiled by or on behalf of a party also shall include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Delaware bar number. If an affidavit or declaration is signed by any person other than a Delaware attorney, the filing party shall maintain the original signed document during the pendency of the litigation and shall make the original available, upon reasonable notice, for inspection by other counsel, the Register in Chancery, or the Court.

(i) Unless otherwise ordered, the electronic service of a document, in accordance with the ~~eFile administrative~~Court's operating procedures, shall be considered service under Court of Chancery Rule 5. Service by electronic means shall be treated in the same manner as service by ~~mail for the purpose of adding 3 days to the prescribed period to respond, as set forth in Rule 6(e).~~hand delivery.

(j) Personal identifying information. Parties shall refrain from including, or shall redact where inclusion is necessary, the following personal identifiers from all documents filed with the Court in civil actions, unless otherwise ordered by the Court: social security numbers, names of minor children, dates of birth, and complete financial account numbers. Caution also should be exercised when filing in civil actions documents that contain personal identifying numbers, such as driver's license numbers, medical records, treatment, and diagnosis, employment history, individual financial information, and proprietary or trade secret information. It is the sole responsibility of counsel and *pro se* parties to be sure that all pleadings comply with the rules of this Court requiring redaction of personal identifiers. The Register in Chancery will not review each pleading for redaction.

(k) If an electronic filing is not filed and served with the Register in Chancery because of (1) an error in the transmission of the document to File & Serve Xpress, which error was unknown by the sending party, (2) a failure to process the electronic filing when received by File & Serve Xpress, (3) rejection by the Register in Chancery, 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.