

**Superior Court
Retention Schedule
Civil Case Files**

Record Series CA-001, CA-004, CA-006, CA-008, and CA-012

TO BE RETAINED:

When a civil case is closed, whether by trial, judgment, dismissal or settlement, and all appeal deadlines have passed, the following documents will be retained in the file when prepared for filming and/or storage and delivery to Delaware Public Archives. An exception to this list may be made indicating that some or all documents in a file may be protected from purging in any case.

1. Complaint
 - a. amended complaint
 - b. cross claims
 - c. counterclaims
2. Affidavit
 - a. demand
 - b. non-residence
 - c. denial of agency
 - d. defense
 - e. relating to discovery matters
3. Notices of publications
4. Writs issued with service of process noted thereon
5. Answers to complain/affirmative defense
6. Opinions of court/ letter opinions
7. Court orders
8. Joiner of parties
9. Interpleader
10. Intervenor
11. Stipulation of dismissal
12. Dismissal by court (including 41es)
13. Default judgments
14. Special verdicts
15. Prothonotary work sheets
 - a. arguments
 - b. office conferences
 - c. pre-trial conferences
 - d. inquisition
 - e. trials (jury and non-jury)
 - f. evidentiary hearings, etc.
16. Relief from judgment or order
17. Notice of appeal
18. Transcripts
19. Supreme Court Mandates
20. Registered Mail Receipt Cards or letters returned
21. Receipts for records, exhibits, or evidence returned
22. Suggestions of death
23. Offer of acceptance of judgment

24. Order of judgments
25. Suggestion of bankruptcy
26. Rule 4(f) notice of lien holders
27. Memorandum of payment
28. Certified abstract of condemnation proceeding
29. Affidavit of publication
30. Demand for convening of malpractice review panel
31. Designation of proposed commissioner
32. Notice of bankruptcy
33. Arbitrator's/Mediator's Order
34. De Novo Applications
35. Acceptance of judgment

Recommendation: That a record of all purged civil case files be retained permanently. That one-year after a case has become inactive, which occurs when all appeal deadlines have passed, it will be delivered to the Delaware Public Archives where its contents will be stored and eventually microfilmed and then destroyed. That one copy of the microfilmed record will be delivered to Superior Court while a master security microfilm copy is retained by the Delaware Public Archives. Until microfilming occurs, the record shall remain in Records Center storage for a period of 60 years and remain property of Superior Court. At the end of 60 years, the records' custody will be transferred to Delaware Public Archives for permanent preservation.

TO BE DISCARDED:

Documents to be discarded from file:

1. All duplicates of original documents
2. Praecipe—unless return of service is marked on it
3. Bond (except cases of reappeal of bond)
4. Appointment of special process server
5. Notice of appearance
6. Stipulations—to extend time
7. Motions (Keep signed order page, discard all unsigned motions)
 - a. to amend complaints
 - b. lack of jurisdiction
 - c. improper venue
 - d. insufficiency of process
 - e. failure to state a claim
 - f. failure to join a party
 - g. judgment
 - h. summary judgment
 - i. strike
 - j. consolidation
 - k. stay
 - l. to compel
 - m. sanctions
 - n. new trial
 - o. reargument
8. Brief schedule
9. Briefs
10. Delinquent brief notices
11. Letter memos

12. Appointment of guardian ad litem
13. Notice of depositions
14. Depositions
15. Interrogatories and answers
16. Request for production
17. Response to Request for production
18. Request for admission, admission and objection
19. Application for certification of interlocutory appeal/response to application
20. Pretrial stipulations
21. Application for special juries
22. Request for pre-trial conference
23. Subpoena
24. Proposed instruction to jury/prayers
25. Request for transcript
26. Bookkeeping Records—after audit
27. Miscellaneous correspondence, including letters of transmittal, confirmation of dates, rescheduling problems

NOTE: All exhibits in the file will be returned to attorneys per Civil Rule #77(F).