THE VINCENT A. BIFFERATO
SUPERIOR COURT TRIAL PRACTICE FORUM
"How We Can Help"

CIVIL ADMINISTRATION

Contacts: Cynthia Coleman 255-0781
Erica Sherkey 255-0741

Questions Regarding the Filing of a New Case or Cases with Statute Issues

Please call the contacts listed above

Service Copies

- Must be printed and provided to the Court
- Must have FSX seal in the right hand corner
- Staff processes service copies within 48 hours of receipt
- Staff can accommodate expedited requests
- Please remember to pick up long arm service

Sending Service Copies of Writs to Prothonotary

Prothonotary needs the following:

- Two copies of the Praecipe per county
- One Summons per defendant and one extra Summons for every address being served
- One Complaint per defendant
  (If Complaint is also to be posted, an extra Complaint and Summons are needed)
- Check for Sheriff
  * For Long Arm Service two copies of the Praecipe and one Summons per defendant is needed.

Motions for Special Process Server

- An affidavit certifying that the Sheriff has been served must accompany these motions

Non-Conforming Documents

- If service copies are not filed correctly, the documents will not be accepted by front counter staff.
- A non-conforming docket indicating the reason for the items being rejected will be filled out and provided to the runner.

Transferred Cases from Chancery Court – CCLD Cases

- Refile the complaint, CIS and include as an exhibit any documents counsel would like the Superior Court Judge to be aware of that was previously filed/ruled on in Chancery Court. A copy of the Chancery Court docket is also helpful.

Minor Settlement Petitions

- Only the initials of the minor child should be used in the petition. A Motion to File Under Seal should accompany the initial filing, so the child's full name can be viewed on the birth certificate, medical records, and proposed order.

Signature Line

- Please ensure that the signature line is not the only item listed on a page

TRIAL DEPARTMENT

Contacts: Judicial Case Managers (Please see list under Resources)

Reasons We Reject a Document:

- Wrong document uploaded/ unable to read document
- Document lacks attorney signature
- Authorizing attorney is not an active member of Delaware Bar and/or does not maintain an office in Delaware. Attorneys admitted Pro Hac Vice cannot file on a case.
- Incorrect Prothonotary listed on Summons
- Praecipe/Summons do not say "Alias" "First Pluries" "Amended" etc. on the document
- Pleading exceeds page limits
- Motions & Responses – 6 pages (CCLD- 10 pages)
- Filings do not adhere to Administrative Directives or Superior Court Civil Rules

Voluntary Dismissal Filed Instead of a Stipulation of Dismissal

- If the defendant has answered, the dismissal must be done by stipulation (both attorney signatures present).

Main Document v. Supporting Document

- File and Serve charges for every fifty entries on the docket. When filing, Main Documents count towards the fifty, but Supporting Documents do not. So for example when filing a Motion, the Motion should be your Main Document and your Proposed Order, Notice, Certificate of Service and Exhibits should all be Supporting Documents. This allows you to use one entry instead of at least four if all documents had been filed as Main Documents.

JUDGMENTS

Contact: Kathy Zeccola 255-0766

Satisfied Judgments

- Superior Court does not notify the credit bureaus when a judgment has been satisfied, the individual is responsible for requesting a copy of the satisfaction and notifying all 3 credit bureaus.

Transferring Lower Court Judgment to Superior Court

- Lower court paperwork must indicate that the judgment can be transferred to Superior Court.

Judgments Cannot Be Dismissed

- Judgments must be vacated or satisfied, unless it's a confessed judgment that's tentative.

EXPUNGEMENTS

Contact: Inez Charles 255-0574

Expungement Petitions

- All charges listed on State Bureau of Identification (SBI) Report should be listed in the petition.

- We only expunge the charges listed on the order.
- Once the order has been granted, the Prothonotary's Office expunges the charges from JIC immediately. SBI needs additional time (approximately 60 days) to remove the charges from DELJIS.

RESOURCES

Superior Court Website

A to Z Quick Find Index

Administrative Directives	Civil Rules
Civil Calendars	CCDW Instructions & Forms
Civil Case Management Plan	E-File Procedures
Civil Orders & Opinions	Judicial Preferences
Civil Motion Schedule with Case Manager Names, Phone Numbers & Email Addresses	

Superior Court E-File Procedures

Administrative Directives

No. 2007-6 E-File Administrative Procedures

Administrative Orders

6/28/17 Order Amending Rule 107 (b) and (h) of the Superior Court Rules of Civil Procedure & Order Adopting Rule 107 (j) and Form 48 of the Superior Court Rules of Civil Procedure