ADMINISTRATIVE DIRECTIVE
OF THE
CHIEF JUDGE OF THE COURT OF COMMON PLEAS
OF THE STATE OF DELAWARE
NO. 2017-1
EFILING PROCEDURES

This 28th day of March 2017,

IT IS HEREBY DIRECTED that Administrative Directive 2009-6 is rescinded and that the following administrative procedures shall apply for eFiling pursuant to Civil Rule 79 and Civil Rule 79.1:

IT APPEARING that pursuant to 10 *Del. C.* § 1302(d), the authority being vested in the Presiding Judge as the administrative head of the Court during the term of his appointment; and

IT FURTHER APPEARING that the Court has implemented a new Civil eFiling system, File and Serve Delaware. This eFiling system has been implemented statewide and these procedures shall apply and govern all civil eFile proceedings in the Court of Common Pleas, to the extent it does not conflict with Court of Common Pleas Civil Rule 79.

IT IS THEREFORE DIRECTED THAT:

A) Unless otherwise ordered by the Court, all civil proceedings are required to be eFiled in accordance with *Civil Rule 79*, except as identified in "B" below.

B) The following cases may be eFiled, but are not required to be eFiled:

1) Proceedings filed by *self-represented* litigants; and

2) Proceedings otherwise excused from eFiling requirements by the Court for good cause shown.

C) The following filings must be eFiled in one upload or session with all the applicable listed documents attached in the order listed below:

1) Initial Complaint: Praecipe and Complaint, Exhibits, Form 30 Interrogatories, and Certificate of Value.

2) A draft Summons to be executed and issued by the Court for each defendant to be served must be separately eFiled immediately after eFiling of the Complaint and listed attachments.

3) Answer or Responsive Pleading: Answer or Pleading, supporting Exhibits, supporting Affidavits and certificate of service or mailing.

4) Counterclaim, Crossclaim or Third Party Complaint: Counterclaim, Crossclaim or Third Party Complaint, supporting Exhibits, Affidavits and certificate of service or mailing.

5) Motions: Notice of Motion, Motion, supporting Exhibits, supporting Affidavits, and certificate of service or mailing.

D) Effective April 1, 2017, in addition to the Court's filing fee, a Court technology surcharge of $1.25 per document shall be assessed in each case eFiled with the Court for the purpose of a fund to operate the eFiling system. For the purposes of this paragraph, each of the filings with attached documents listed in paragraph C above shall be deemed one "document" and assessed one $1.25 surcharge. All other documents eFiled shall be assessed on a per-document basis. .

Individual documents may not be more than 2 MB in size, and files may not be transmitted via a compressed zip folder. Where any one eFiling exceeds [a total of fifteen (15) pages,] 2 MB an additional technology surcharge of $1.25 shall be assessed. The Court shall use these funds solely for purposes related to the operation and maintenance of the Court's case management and eFiling system. The technology fee shall not be imposed on filings commenced by the State of Delaware, its subdivisions, or by persons who have been granted leave by the Court to proceed *in forma pauperis*. Payment of fees may be accomplished through credit card, and attorneys have the option to be invoiced on a monthly basis.

E) Registered eFiling users are required to modify their profiles with any change in user name, attorney name, firm name, delivery address, fax number, or email address within ten (10) days of such change. This requirement is in addition to the continuing obligation of members of the Delaware Bar to notify the Clerk of the Supreme Court in writing within 30 days of any change in the information provided in the member's most recent Annual Registration statement pursuant to *Supreme Court Rule 69(b)*.

F) Each electronically filed document shall be deemed to have been signed by the attorney, or party not represented by an attorney, authorizing such filing, and shall bear a facsimile or typed signature of such person. Each document eFiled by or on behalf of a party shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document. Attorneys shall include their Delaware bar number. 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 *Civil Rule 11*.

Each electronically filed declaration and affidavit shall be deemed to have been signed by the declarant or affiant if 1) it bears an image of the signature of the declarant or affiant, and an image of the notary signature and seal where applicable; and 2) an attorney, or party not represented by an attorney, has authorized such filing. The original affidavit or declaration filed or served electronically, shall be maintained by the party filing the affidavit during the pendency of the litigation, and shall be made available, upon reasonable notice, for inspection by other counsel or the Court.

G) The summons as set forth in this Section (C)(2) shall be printed by the Civil Clerk, signed, sealed, and scanned and eFiled. The Civil Clerk shall notify the plaintiff's counsel electronically who shall deliver or cause the summons to be delivered to the process server. After service is perfected, plaintiff's counsel shall eFile the praecipe and service documents indicating the process server has perfected service.

H) To enforce a judgment, plaintiff's counsel shall electronically file a Notice of Writ for Execution and the Writ of Execution. The documents shall be printed by the Civil Clerk, signed, sealed and scanned back into the court system by the Civil Clerk, thus providing notification to plaintiff's counsel electronically, who shall file same with the Sheriff in the appropriate county for service.

I) To transfer a judgment, plaintiff's counsel shall electronically file a Request to Transfer a Judgment to the Superior Court. The document shall be printed; the Clerk

shall sign, seal and certify the docket entries. Thereafter, the Clerk shall scan the certified docket into the court system thus providing notification to plaintiff's counsel electronically. The person to whom the judgment is issued shall file or cause it to be filed in the Superior Court. The Civil Clerk shall amend the judgment status to "TRAN" to reflect that the judgment has been transferred to the Superior Court.

This Directive is effective March 28, 2017

BY THE CHIEF JUDGE

/s/ Alex J. Smalls