Delaware Superior Court Amends Superior Court Civil Rules 3, 4, 71.2, 71.3 and 133.

By an order dated August 13, 2025, the Delaware Superior Court has amended Rules 3, 4, 71.2, 71.3 and 133 of the Delaware Superior Court Civil Rules.

<u>Superior Court Civil Rule 3 (e)</u>. The Delaware Superior Court has amended Delaware Superior Court Civil Rule 3 (e) to harmonize Rule 3 (e) with Superior Court Civil Rule 77 (h) to reflect the Court's current non- refundable filing fee amount.

<u>Superior Court Civil Rule 4</u>. This amended Rule provides that the party commencing an action prepare a form writ (process) and file that process with the complaint. Thereafter, the Prothonotary will issue the process and add the signed and sealed process to the electronic docket. After the process is docketed, the plaintiff shall deliver the necessary service documents to the appropriate Sheriff or to a person especially appointed by the Court to serve the documents. *See* Civil Rule 4 (a) and (e).

<u>Superior Court Civil Rule 71.2</u>. The Delaware Superior Court has rescinded Delaware Superior Court Civil Rule 71.2. The amendment updates Superior Court's Rule 71.2 to be compliant with the passed SB 208 from the 152nd General Assembly.

<u>Superior Court Civil Rule 71.3</u>. The amendment updates Superior Court's Rule 71.3 to be compliant with the passed HB 280 with HA 1 from the 152nd General Assembly. Subsection (g) is being removed to reflect current court practice of notice to third parties in interest by publication at the onset of the forfeiture proceedings pursuant to 16 Del. C. §4784 (j).

<u>Superior Court Civil Rule 133</u>. The amendment updates Superior Court's Rule 133 to increase the monetary threshold of minor tort settlements that would trigger a hearing to be held by the Superior Court and updates forms to be used in the proceedings.

The rule amendments are effective September 1, 2025.

The rule amendments and updated forms are available on the Court's website. If you have any questions, please contact Katelyn Will, Superior Court Staff Attorney, at katelyn.will@delaware.gov or (302) 255-0629.