

Delaware Superior Court Amends Superior Court Civil Rules 5, 37, and adds Rules 141-146

By an order dated March 13, 2026, the Delaware Superior Court has amended Rules 5(g) and 37 (e) and created Rules 141-146 of the Delaware Superior Court Civil Rules.

Superior Court Civil Rule 5 (g). The Delaware Superior Court has amended Delaware Superior Court Civil Rule 5 (g) to allow plaintiffs to file initial complaints under seal without first obtaining an order. Plaintiffs should give notice contemporaneously and must give notice not later than 3:00 p.m. on the next day to each person who could have a legitimate interest in designating information in the material plaintiff would like to be filed under seal. The notice shall include a copy of Rule 5(g) and a proposed public version of the initial complaint. The notice shall state that the plaintiff's public versions shall be filed in compliance with this Rule if no one designates any confidential information in response to the notice by 3:00 p.m. on the third calendar day after the giving of notice.

Superior Court Civil Rule 37 (e). The Delaware Superior Court has amended Delaware Superior Court Civil Rule 37 (e) to harmonize Rule 37 (e) with Superior Court Civil Rule 78 to reflect the Court's current page limitations for motions. Motions shall not exceed 6 pages in length.

Superior Court Civil Rules 141- 146. The Delaware Superior Court has added Superior Court Civil Rules 141- 146 designed to apply specifically to cases pending in Superior Court's CCLD. A summary of the new rules is below:

- **Rule 141 (Scope of Complex Commercial Division Rules)**
- **Rule 142 (Public Access to Documents Filed with the Court in CCLD Actions)**
 - Replaces Superior Court Rule 5(g) and is modeled after Court of Chancery Rule 5.1.
- **Rule 143 (Amended and Supplemental Pleadings in CCLD)**
 - Revised to permit one free amendment of pleading as a matter of course without leave of the court

- Revised to more closely align with Court of Chancery Rules and adds the concept that a dismissal after full briefing is “with prejudice.” *See* Rule 15(a)(5)(B).
- **Rule 144 (Additional Procedures for Filing Discovery Motions in CCLD)**
 - Added language to require certifications of counsel for discovery motions that the parties have tried to reach agreement regarding the subject of the motion
 - Added language to require that Delaware counsel participate on any meet and confer in an effort to limit discovery disputes.
- **Rule 145 (CCLD Motions)**
 - Revised to more closely model the corresponding Chancery Court rules, clarify word limitations, and clarify default schedules that apply (unless otherwise agreed on by the parties)
- **Rule 146 (CCLD Briefs)**
 - Makes clear that Rule 107 applies to briefs filed in CCLD and sets a standard briefing schedule

The rule amendments are effective March 20, 2026.

The rule amendments are available on the Court’s website. If you have any questions, please contact Katelyn Will, Superior Court Chief Staff Attorney, at katelyn.will@delaware.gov or (302) 255-2687.