

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

**ORDER AMENDING
RULE 72 (c), (d) OF THE
SUPERIOR COURT RULES OF CIVIL PROCEDURE**

This 11th day of June, 2016, **IT IS SO ORDERED** that:

(1) Superior Court Civil Rule 72 (c) is amended by adding the underlined text and deleting the strikethrough text:

(c) Notice of appeal. -- The notice of appeal shall specify the parties taking the appeal, shall designate the order, award, determination, or decree, or part thereof appealed from; shall state the grounds of the appeal; shall name the Court to which the appeal is taken; shall name all necessary parties, if any, to the appeal; and shall be signed by the attorney for the appellants. In appeals from the Industrial Accident Board, where the claimant accepts part of the award while appealing the remainder of the award, the notice of appeal must specify that portion of the award accepted. In the absence of a cross-appeal as to the accepted portion of the award, that portion is deemed "due" and subject to a proper demand under 19 Del. C. § 1103.

~~All appeals concerning domestic relations matters shall be captioned and reported with the full names of the individual parties, except that the following shall be captioned and reported by only first name, middle initial and last initial of~~

~~the individual parties: Matters concerning child custody, support and visitation, juvenile delinquency proceedings, and any other domestic relations matters which, in the discretion of the trial court, are deemed to be of a sensitive nature.~~

At the same time that the appeal is filed, appellant shall mail copies of the notice of appeal to all parties to the appeal and to the proceeding below, and file a certificate of such mailing together with the notice of appeal with the Prothonotary. ~~Notification of the filing of the notice of appeal shall be given by the Prothonotary by mailing copies thereof to all parties to the proceeding below.~~ No notice of appeal need be given to the party or parties taking the appeal. ~~The failure of the Prothonotary to give notice of the taking of the appeal shall not affect the validity of the appeal.~~ The notification of a party shall be given by mailing a copy of the notice of appeal to the party's attorney of record or, if the party is not represented by an attorney, then to the party at the party's last known address, and such notification is sufficient notwithstanding the death of the party or of the party's attorney prior to the giving of the notification.

(2) Superior Court Civil Rule 72 (d) is amended by adding the underlined text and deleting the strikethrough text:

(d) Docket entries. -- The Prothonotary shall note in the appropriate docket the certificate of mailing and include the names of the parties to whom notices of

appeal and citations have been mailed, the date of mailing, the names of the papers in which citations have been published, the dates of such publications, and the dates when citations for the record issued and were returned.

(3) This amendment shall take effect July 1, 2016.

President Judge Jurden

Judge Graves

Judge Cooch

Judge Carpenter

Judge Witham

Judge Stokes

Judge Bradley

Judge Scott

Judge Johnston

Judge Young

Judge Brady

Judge Parkins

Judge Streett

Judge Davis

Judge Butler

Judge Wallace

Judge Medinilla

Judge Rocanelli

Judge Wharton

Judge Clark

Judge LeGrow

oc: Prothonotaries
cc: Superior Court Judges
Superior Court Commissioners
Matthew P. Denn, Attorney General
J. Brendan O'Neill, Public Defender
Court Administrators
Special Projects Coordinator
Law Libraries
File

SAMPLE CITATION ON APPEAL UNDER RULE 72(e) FORMS
APPEAL FROM AN ADMINISTRATIVE AGENCY
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

PRAECIPE

Plaintiff(s) (or Defendant(s)) below,)
Appellant)
)
v.) Civil Action No.
)
Defendant(s) (or Plaintiff(s)) below,)
and)
Necessary Parties (if any))
Appellees)
)
and)
)
Administrative Agency, Board)
or Commission.)

Please issue Citation on Appeal to each Appellee at the below listed address:

Appellee
Address:

Necessary Parties (if any)
Address:

and to

The _____ [Administrative Agency, Board or
Commission]
Address:

Appellant
Address:
Phone Number:

TO: Prothonotary

SAMPLE CITATION ON APPEAL UNDER RULE 72(e) FORMS
APPEAL FROM AN ADMINISTRATIVE AGENCY

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

Plaintiff(s) (or Defendant(s)) below,)
Appellant)
)
v.) Civil Action No.
)
Defendant(s) (or Plaintiff(s)) below,)
and)
Necessary Parties (if any))
Appellees)
)
and)
)
Administrative Agency, Board)
or Commission.)

**THE STATE OF DELAWARE,
TO THE SHERIFF OF _____ COUNTY:**

YOU ARE COMMANDED:

To cite _____ [*insert the NAME OF THE ADMINISTRATIVE AGENCY, BOARD OR COMMISSION from which the appeal is being taken*] so that, within 20 days after service hereof upon the Custodian of its records, exclusive of the day of service, the Custodian shall send to this Court a certified copy of the record of the proceedings below, including a typewritten copy of the evidence (unless all parties having an interest in the outcome of the appeal shall file with the _____ [*insert the NAME OF THE ADMINISTRATIVE AGENCY, BOARD OR COMMISSION*] within 10 days from the filing of the notice of appeal, a written stipulation that the evidence may be omitted as a part of the record, in which case the stipulation shall be included as a part of the record), together with this citation.

Dated:

Prothonotary

Per Deputy
Administrative Appeal Sample Forms

**SAMPLE CITATION ON APPEAL UNDER RULE 72(e) FORMS
APPEAL FROM AN ADMINISTRATIVE AGENCY
IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

Plaintiff (s)(or Defendant(s)) below,)
Appellant)
)
v.) Civil Action No.
)
Defendant(s) (or Plaintiff(s)) below,)
and)
Necessary Parties (if any))
Appellees)
)
and)
)
Administrative Agency, Board)
or Commission.)

**THE STATE OF DELAWARE,
TO THE SHERIFF OF _____ COUNTY:**

YOU ARE COMMANDED:

To summon the above named appellee(s) so that, within 20 days after service hereof upon appellee(s), exclusive of the day of service, or if appellee(s) has not been served, within 40 days after the date hereof, exclusive of such date, appellee(s) shall serve upon _____, appellant(s) or appellant's attorney, whose address is _____, a copy of the complaint.

Dated _____

To the Above Named Appellee(s):

In case of your failure, within 20 days after service hereof upon you, exclusive of the day of service, or if you have not been served, within 40 days after the date hereof, exclusive of such date, to serve on appellant(s) or appellant's attorney, if named above, a copy of your complaint, judgment will be rendered against you.