

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

**ORDER AMENDING RULE 107 (b) and (h) OF THE  
SUPERIOR COURT RULES OF CIVIL PROCEDURE  
AND**

**ORDER ADOPTING RULE 107(j) and FORM 48 OF  
THE SUPERIOR COURT RULES OF CIVIL PROCEDURE**

This 28<sup>th</sup> day of June, 2017, **IT IS SO ORDERED** that:

1. Superior Court Civil Rule 107 (b) is amended by adding the underlined text and deleting the strikethrough text:

(b) *Type of print for briefs, motions and other papers.* All briefs must be double spaced and typeset in Times New Roman 14-point font with two spaces between sentences. Case names shall be italicized or underlined. Footnotes shall be single-spaced and typeset in Times New Roman ~~14~~12-point font with two spaces between sentences.

2. Superior Court Civil Rule 107 (h) is amended by deleting the rule in its entirety and substituting in lieu thereof the following new Rule 107(h):

(h) *Length of briefs.*

(1) Type-volume limitation. Without leave of Court, an opening or answering brief shall not exceed 8,000 words and no reply brief shall exceed 5,500 words, exclusive of appendix. In the calculation of words, the material required

by paragraphs (e)(1) and (2) of this rule is excluded and the material required by paragraphs (e)(3) through (5) of this rule is included.

(2) Certificate of compliance.

(A) Any brief subject to Rule 107(h)(1) must include a certificate of compliance by counsel or an unrepresented party that the brief complies with the typeface requirement of Rule 107(b) and the type-volume limitation of Rule 107(h)(1). The person preparing the certificate must state the number of words in the brief, and may rely on the word count of the word processing program used to prepare the brief.

(B) Form 48 is a suggested form of a certificate of compliance. Use of Form 48 is sufficient to meet the requirements of paragraph (h)(2)(A) of this rule.

(3) Page limitations for parties without access to word processing. Without leave of Court, an opening brief or answering brief shall not exceed 40 pages and a reply brief shall not exceed 25 pages, exclusive of appendix. In the calculation of pages, the material required by paragraphs (e)(1) and (2) of this rule is excluded and the material required by paragraphs (e)(3) through (5) of this rule is included.

~~(h) Length of briefs. Without leave of Court, an opening or answering brief shall not exceed a total of 40 pages and a reply brief shall not exceed 25 pages,~~

~~exclusive of appendix. In the calculation of pages, the material required by paragraphs (e)(1) and (2) of this rule is excluded and the material required by paragraphs (e)(3) through (5) of this rule is included.~~

3. Superior Court Civil Rule 107 (j) is adopted as follows:

(j) *Appendix.* A party may submit an appendix of documents or testimony from the factual record supporting the party's position. An appendix should not duplicate record materials already provided by an opposing party.

(4) This amendment shall take effect July 15, 2017.