STATE OF DELAWARE

COURT OF COMMON PLEAS

E-FILING TIPS

March 31, 2017



**Court of Common Pleas E-Filing Tips**

Contents

[ACCESS TO THE FILE AND SERVE DELAWARE 3](#_Toc477957207)

[CASE NUMBERING SCHEME 4](#_Toc477957208)

[NEW CASE FILING 5](#_Toc477957209)

[Case Title 5](#_Toc477957210)

[Full Case Caption 5](#_Toc477957211)

[DOCUMENT PREPARATION 6](#_Toc477957212)

[Document restrictions 6](#_Toc477957213)

[Sequence of Documents 7](#_Toc477957214)

[New Case Filings 7](#_Toc477957215)

[Specific instructions 7](#_Toc477957216)

[Breach of Contract Filing 7](#_Toc477957217)

[Appeals 8](#_Toc477957218)

[Existing Case Filings 8](#_Toc477957219)

[Motion for Judgment 9](#_Toc477957220)

[Entry of Appearance by Counsel 9](#_Toc477957221)

[Answer 9](#_Toc477957222)

[Request Subsequent Service 9](#_Toc477957223)

[Service Return Document 9](#_Toc477957224)

[Notice of Service 9](#_Toc477957225)

[Default Judgment: 9](#_Toc477957226)

[Execution Writs 10](#_Toc477957227)

[Request Transfer Judgment to Superior Court 10](#_Toc477957228)

[REJECTION OF FILINGS 11](#_Toc477957229)

[E-FILE TECHNOLOGY FEE 11](#_Toc477957230)

# ACCESS TO THE FILE AND SERVE DELAWARE

Access to the File and Serve Delaware system is granted by first registering your Organization and then registering your employees.

The Home page of File&ServeDelaware is:

<http://fsd.fileandservedelaware.com/>

In the ‘Login’ field select, “Register Now”.

Select the appropriate option to register your organization. Follow instructions as explained in the Training video found at: <http://fileandservexpress.com/delaware/training.html>

Register your Organization and then register your employees.

# CASE NUMBERING SCHEME

New Case Management System Numbers: **CPU4-15-000127**

 Court

 Location

 Year

 Sequential Number

Previous formats:

Original numbering format: **02-01-0043** (YY-MM-nnnn)

Converted numbering format: **U502-01-0043**

 The first 2 characters indicate the county in which the case was filed

 U4 = New Castle, U5 = Kent, U6 = Sussex.

# NEW CASE FILING

### Case Title

* **NO** punctuation is permitted: do not use commas, periods, single or double quotes, colon or semi-colons. Ampersands (&) as part of a business name is permitted.
* There are a limited number of characters (50).
* Only enter the *First* Plaintiff VS the *First* Defendant, even if multiple parties are listed in the complaint.
* **“VS”** should always be used to separate the Plaintiff from the Defendant, no period, no quotes.
* Shorten the Plaintiff’s name, if necessary, to fit the required minimum information in this field – no punctuation
* If the name is shortened, use the same version every time.

### Full Case Caption

* Full names (with punctuation) as they appear on the complaint
* Enter all Plaintiffs and Defendants
* Always use at least 3 lines:
	+ Line 1 – Plaintiff(s)
	+ Line 2 – VS
	+ Line 3 – Defendant(s)
* Separate each Plaintiff with a comma
* Enter the word PLAINTIFF after all plaintiffs’ names are entered
* Enter “VS” (without quotes) on next line
* Separate each Defendant with a comma
* Enter the word DEFENDANT after all defendants’ name are entered

# DOCUMENT PREPARATION

All paperwork sent to the Court for a New Case or Existing Case must be attached to the efiled case in PDF format.

Electronic Signatures are now acceptable on all documents filed with the Courts (except those documents that require a Notary to witness a signature). Example:

**/S/ HARV SMITHFIELD 102030**

Please call the COURT OF COMMON PLEAS if in doubt about what documents need to be attached to your e-filings, or for more information.

## Document restrictions

* Major Documents: Maximum number of pages is 15 / maximum size is 2.00 mg
* Examples of Major Documents:
	+ Initial Complaint (a scan of the Complaint, Praecipe, Form 30 Interrogatories, and Certificate of Value)
	+ Draft Summons
	+ Answer or Responsive Pleading
	+ Counterclaim, Crossclaim, or Third Party Complaint
	+ Motions
* Supporting Documents / Attachments: Maximum size is 2.00 mg
	+ Break up large Exhibits or Attachments by their tab or other logical division.

# Sequence of Documents

## New Case Filings

All Filings should have the following attachments, and in the order shown:

1. Scan-in all of the following as a single document, in the order shown (exception – if you have a large amount of Exhibits and/or Affidavits, scan them in separately and ‘Attach’ them to the initial Complaint / Praecipe / Cert of Value document):

Complaint

Praecipe

Exhibits / Affidavits

Certificate of Value

**Document Category**: “Initial Filings/Complaints”

**Document Type**: Select “COMPLAINT – [*CASETYPE***]**”

**Document Title**: Describe what document is being added.

1. Summons - For each entity or person to be served, scan in that person’s summons, then attach as follows:

**Document Category**: “Initial Filings/Complaints”

**Document Type**: Select either:

“INITIAL SUMMONS: SERVICE BY SHERIFF REQUESTED”

 or

“INITIAL SUMMONS: SERVICE BY SPECIAL PROCESS SERVER”

**Document Title**: Enter Defendant’s name

One Summons per attachment, repeat process if more than one summons is requested.

3. Subsequent Documents:

**Document Category**: “Initial Filings/Complaints”

**Document Type**: Select appropriate Type.

**Document Title**: Enter text to clarify type of document attached.

## Specific instructions

Breach of Contract Filing

1st document: Complaint, Praecipe, Exhibits and Certificate of Value.

2nd document: Summons for Defendant #1

3rd document: Summons for next Defendant

Continue attaching separate documents for each Defendant’s Summons (i.e., one Summons per attached document).

Appeals

1st document: Notice of Appeal, Praecipe, Complaint (if required), and Exhibits.

2nd document: Summons for each appellee or appellant to be served.

## Existing Case Filings

**NOTE**: After attaching the first document for a given Document Type, do not use that same Document Type for additional attachments. Instead, use a Document Type of “ATTACHMENT TO FILING” for all subsequent documents on this same filing.

**Motions**

Should be filed with a separate Proposed Order:

Notice of Motion

Motion

Exhibits/Affidavits

Certificate of Service

**Document Category**: ‘MOTIONS’

**Document Type**: Select appropriate motion type from the list provided.

**Document Title**: Enter text to clarify type of document attached.

1st document: Notice of Motion, Motion, Certificate of Service and Proposed Order as a separate filing

2nd document: Proposed Motion

**Document Category**: ‘MOTIONS’

**Document Type**: Select Proposed Order

**Document Title**: Proposed Order

**Motion for Enlargement of Time**

1st document: Notice of Motion, Motion

2nd document: Proposed Order

The Praecipe and Summons should be e-filed once the filer receives notification that the Motion has been approved by the Judicial Officer

Motion for Judgment

1st document: Motion for Default Judgment and the Notarized Affidavit

Entry of Appearance by Counsel

1st document: Entry of Appearance by Counsel and Certificate of Service

Answer

1st document: Answer, any Exhibits, and Certificate of Service

Request Subsequent Service

1st document: Summons and Praecipe (for one Defendant)

2nd and subsequent documents: Summons and Praecipe each additional Defendant to be served.

Service Return Document

1st document: Service Return

**Document Category**: Service Return – RETURN OF SERVICE

**Document Type**: Select from available options (ex: SERVICE

RETURN – OTHER)

Service returns and Execution returns from the Sheriff will continue to be returned to the Court for docketing.

Notice of Service

1st document: Notice of Service

If filing a Default Judgment request, the Judgment Information Screens appear when you press the ‘Provide Additional Judgment Information and Attach Document’ button.

Default Judgment:

1st document: Default Judgment

After selecting the Document Category and Document Type and Title, enter the judgment amounts by selecting the “Provide Additional Judgment Information and Attach Document” button.

Enter specific information on the Judgment. For Post- Judgment interest enter interest rate requested.

Manually add up all amounts and enter on the Total line.

Click the ‘Save’ button then select the ‘Done’ button to continue processing.

If you need additional Judgments on the same Case in:

* + New Castle County – upload and attach a separate Judgment Document, which will lead through the screens again.
	+ Kent or Sussex Counties – before exiting the Judgment Information screen for the first party, continue to input and save the information for the other parties. One Judgment Document attachment for multiple parties is acceptable.

Execution Writs

**Document Category**: Service Documents – REQUEST FOR SERVICE

**Document Type**: Select one of the following:

REQUEST FOR LEVY

REQUEST FOR WAGE ATTACHMENT

VEND EXP REQUEST

Filer Completes Service

Receives electronic notification of the signed/sealed Writ

From the Notifications folder, print the Execution Writ.

Attach check for the Execution Writ payable to the Sheriff and deliver to the Sheriff of the appropriate county.

Request Transfer Judgment to Superior Court

To e-File the request to COURT OF COMMON PLEAS, attach a single PDF document containing the letter requesting the transfer as follows:

**Document Category**:Leave blank

**Document Type**:Select “TRANSFER JUDGMENT TO SUPERIOR

COURT”

 **Choose File**:Browse and select PDF document

The Court will review the submission. After notice is received that the filing has been accepted, the Filer’s process continues.

Filer’s Next Steps

Receives electronic notification of the signed/sealed documents

Print the documents from the Notifications folder

File petition in Superior Court

## REJECTION OF FILINGS

A filing may be rejected if it fails to meet the requirements established by the Court. The following are among the reasons why a submission may be rejected:

• Wrong document filed with the Court

• Punctuation in short case description

• Form filled out incorrectly

• Document(s) not notarized

• Document(s) not filed as one submission as indicated

• Document(s) scanned incorrectly or unable to read

If the rejection concerns the Document, make the changes as necessary to the original submission. It will be found under ‘Rejected Transactions’.

## E-FILE TECHNOLOGY FEE

Court of Common Pleas Administrative Directive number 2008-2 requires a fee to be paid for each supporting document filed in FSD.

The Court implemented this fee for all documents filed as of February 4, 2009.