

2010 Amendments to the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware

The 2010 Amendments to the Local Rules of Civil Practice and Procedure of the United States District Court for the District of Delaware, effective April 30, 2010, reflect the recent amendments to the Federal Rules of Civil Procedure, particularly with respect to the computation of time. A summary of the changes follows.

Rule 4.1: Service of Process.

(b) Affidavit of Mailing. The section now applies only to actions in which the plaintiff serves process pursuant to 10 Del. C. § 3104 or § 3113, not § 3112. In addition, the time for filing the affidavit, along with the defendant's return receipt, is extended from 10 days to 14 days following the receipt by plaintiff or plaintiff's counsel of that return receipt.

Rule 5.1: Filing.

A subsection (b) has been added to this rule. Pursuant to subsection (b), when computing time periods for filing pursuant to Fed. R. Civ. P. 6(a)(3), the Clerk's Office shall be deemed inaccessible at any time when the Clerk's Office is closed due to inclement weather.

Rule 7.1.2: Motions.

(b) Schedule. The time period for filing a response to a motion is extended from 10 days to 14 days. The time period for the moving party to file a reply is extended from 5 days to 7 days.

Rule 7.1.3: Form and Content of Briefs, Memoranda of Points and Authorities and Appendices.

(a)(4) Length. The maximum length of opening and answering briefs, exclusive of any table of contents or table of citations, is reduced from 40 pages to 20 pages, and the maximum length of reply briefs, exclusive of any table of contents or table of citations, is reduced from 20 pages to 10 pages.

Rule 7.1.5: Reargument

(a) The time for filing motions for reargument is extended from 10 days to 14 days.

(b) A new subsection (b) has been added: A party seeking review of an order, decision or recommendation disposition issued by a Magistrate Judge pursuant to Fed. R. Civ. P. 72 shall be limited to the filing of objections permitted under Fed. R. Civ. P. 72, and shall not be permitted to file a motion for reargument before either the Magistrate Judge or the District Court Judge pursuant to D.Del. LR 7.1.5(a).

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Rule 9.4: Pleading Claim for Unliquidated Damages.

(b) Statement of damages. The time for furnishing the requesting party with a written statement of the amount of damages claimed is extended from 10 days to 14 days.

Rule 16.3: Pretrial Conference and Procedure.

(d)(2) The time for providing the plaintiff and each other party with responses to the plaintiff's draft pretrial order is shortened from 15 days to 14 days.

(d)(4) The deadline for the plaintiff to file with the Clerk an executed copy of the proposed pretrial order is changed from at least 5 days prior to the pretrial conference to at least 7 days prior to the pretrial conference.

Rule 30.1: Reasonable Notice for Taking Depositions.

The time considered to be "reasonable notice" for the taking of depositions is extended from 7 days to 10 days.

Rule 54.1: Taxation of Costs

(a)(1) The deadline for the prevailing party to file a bill of costs is extended from 10 days after the time for appeal has expired or 10 days after the issuance of the mandate of the appellate court to 14 days after the time for appeal has expired or 14 days after the issuance of the mandate of the appellate court.

(a)(3) The deadline for any other party to serve and file specific objections to any item on a bill of costs is extended from 10 days after service by any party of a bill of costs to 14 days.

(a)(4) The deadline for the Clerk to tax costs and serve copies of the bill of costs is extended from not less than 20 days after receipt of a party's bill of costs to not less than 28 days.