

Delaware Federal Court Rules
United States District Court for the District of Delaware
II. Commencement of Action; Process; Service and Filing of Pleadings and Other Papers

D. Del. LR 4.1

Rule 4.1 Service of Process

Currentness

(a) Summons. Except as to those cases proceeding pursuant to 28 U.S.C. § 1915(d), upon or after the filing of a complaint, plaintiff or plaintiff's counsel must present to the Clerk, for the Clerk's signature and seal, a completed form of summons for each named defendant. Upon issuance, the Clerk shall provide the summons to plaintiff or plaintiff's counsel who shall be responsible for prompt service of the summons and a copy of the complaint on each named defendant.

(b) Affidavit of Mailing. In an action in which the plaintiff serves process pursuant to 10 Del. C. § 3104, or § 3113, plaintiff or plaintiff's counsel shall file an affidavit stating that a nonresident defendant has been served by mail and has either accepted or refused the notice required by statute. The affidavit, along with the defendant's return receipt, shall be filed within 14 days of the receipt by plaintiff or by plaintiff's counsel of that return receipt. The affidavit and return receipt need not be served upon the parties.

Credits

[Amended effective June 30, 2007; April 30, 2010.]

D. Del. LR 4.1, DE R USDCT LR 4.1

Local federal district and bankruptcy court rules and ECF documents are current with amendments received through September 1, 2015. All other local federal district and bankruptcy court materials are current with amendments received through May 10, 2015.

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