

**Rule 7007-2      Form and Contents of Briefs and Appendices.**

This rule applies only to non-discovery related motions in adversary proceedings.

(a) Form.

- (i) Covers. The front cover of each brief and appendix shall contain the caption of the case, a title, the date of filing, the name and designation of the party for whom it is filed, and the name, number, address and telephone number of counsel by whom it is filed, including the bar identification number for Delaware attorneys.
- (ii) Format. All pleadings must be double-spaced, in Courier New font or Times New Roman and in at least 12 point typeface. All briefs and appendices shall be firmly bound at the left margin. Side margins of briefs shall not be less than 1¼ inches.
- (iii) Page Numbering of Appendices. Pages of an appendix shall be numbered separately at the bottom. The page numbers of appendices associated with opening, answering and reply briefs, respectively, shall be preceded by a capital letter "A," "B" or "C." Transcripts and other papers reproduced in a manner authorized by this Local Rule shall be included in the appendix, both with original and appendix pagination.
- (iv) Length. Without leave of Court, no opening or answering brief shall exceed forty (40) pages and no reply shall exceed twenty (20) pages, in each instance, exclusive of any tables of contents and citations.
- (v) Form of Citations. Citations will be deemed to be in acceptable form if made in accordance with "A Uniform System of Citation" published and distributed from time to time by the Harvard Law Review Association. State reporter citations may be omitted but citations to the National Reporter System must be included. United States Supreme Court decisions shall be to the official citation.
- (vi) Citation by Docket Number. References to earlier-filed papers in the case or proceeding shall include

a citation to the docket item number as maintained by the Clerk's Office, namely "D.I. 1."

- (vii) Unreported Opinions. If an unreported opinion is cited which is neither reported in the National Reporter System nor available on either WESTLAW or LEXIS, a copy of such opinion shall be attached to the document which cites it or shall otherwise be provided to the Court.
  
- (b) Contents of Briefs. If briefs are required, the following format shall apply:
  - (i) Opening and Answering Briefs. The opening and answering briefs shall contain the following under distinctive titles, in the listed order:
    - (A) A table of contents setting forth the page number of each section, including all headings, designated in the body of the brief;
    - (B) A table of citations of cases, statutes, rules, textbooks and other authorities, alphabetically arranged. If a brief does not contain any citations therein, a statement asserting this fact should be placed under this heading;
    - (C) A statement of the nature and stage of the proceeding;
    - (D) A summary of argument stating in separate numbered paragraphs the legal propositions upon which each side relies;
    - (E) A concise statement of facts, with supporting references to appendices or record, presenting succinctly the background of the questions involved. The statement shall include a concise statement of all facts that should be known in order to determine the points in controversy. The answering counter-statement of facts need not repeat facts recited in the opening brief;
    - (F) An argument divided under appropriate headings distinctly setting forth separate points; and

- (G) A short conclusion stating the precise relief sought.
- (ii) Reply Briefs. The party filing the opening brief shall not reserve material for the reply brief that should have been included in a full and fair opening brief. There shall not be repetition of materials contained in the opening brief. A table of contents and a table of citations, as required by Local Rule 7007-2(b)(i)(A)-(B), shall be included in the reply brief.
- (c) Contents of Appendices. Each Appendix shall contain a paginated table of contents and may contain such parts of the record that are material to the questions presented as the party wishes the Court to read. Duplication shall be avoided. Portions of the record shall be arranged in chronological order. If testimony of witnesses is included, appropriate references to the pages of such testimony in the transcript shall be made and asterisks or other appropriate means shall be used to indicate omissions. Appendices may be separately bound. Parts of the record not included in the appendix may be relied on in briefs or oral argument. Whenever a document, paper or testimony in a foreign language is included in any appendix or is cited from the record in any brief, an English translation made under the authority of the Court, or agreed by the parties to be correct, shall be included in the appendix or in the record.
- (d) Joint Appendix. Counsel may agree on a joint appendix that shall be bound separately.