

**Rule 7026-2      Service of Discovery Materials.**

- (a) Service With Filing. In cases involving *pro se* parties, all requests for discovery under Fed. R. Civ. P. 26, 30, 31, 33 through 36, and answers and responses thereto, shall be served upon other counsel or parties and filed with the Court.
  
- (b) Service Without Filing. Consistent with Fed. R. Civ. P. 5(a), in cases where all parties are represented by counsel, all requests for discovery under Fed. R. Civ. P. 26, 30, 31, 33 through 36 and 45, and answers and responses thereto, and all required disclosures under Fed. R. Civ. P. 26(a), shall be served upon other counsel or parties but shall not be filed with the Court. In lieu thereof, the party requesting discovery and the party serving responses thereto shall file with the Court a "Notice of Service" containing a certification that a particular form of discovery or response was served on other counsel or opposing parties, and the date and manner of service.
  - (i) Filing the notice of taking of oral depositions required by Fed. R. Civ. P. 30(b)(1) and 30(b)(6), and filing of proof of service under Fed. R. Civ. P. 45(b)(4) in connection with subpoenas, will satisfy the requirement of filing a "Notice of Service."
  - (ii) The party responsible for service of the discovery request or the response shall retain its respective originals and become the custodian of them. The party taking an oral deposition shall be custodian of the original deposition transcript; no copy shall be filed except pursuant to subparagraph (iii). Unless otherwise ordered, in cases involving out-of-state counsel, Delaware Counsel shall be the custodians.
  - (iii) If depositions, interrogatories, requests for documents, requests for admissions, answers, or responses are to be used at trial or are necessary to a pretrial or post trial motion, the verbatim portions thereof considered pertinent by the parties shall be filed with the Court when relied upon.
  - (iv) When discovery not previously filed with the Court is needed for appeal purposes, the Court, on its own motion, on motion by any party, or by stipulation of

counsel, shall order the necessary material delivered by the custodian to the Court.

- (v) The Court on its own motion, on motion by any party, or on application by a non-party, may order the custodian to file the original of any discovery document.