

**DRAFT**  
**IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**  
**IN AND FOR NEW CASTLE COUNTY**

**Scheduling Order for Debt Collection Cases**

**IT IS HEREBY ORDERED**, effective January 1, 2012, that the following shall apply to all consumer debt collection cases in New Castle County for which an Answer or other responsive pleading is filed.

**1. Trial: The Clerk's Office shall schedule a trial twelve (12) weeks from the date of the Answer or other responsive pleading.**

**2. Scheduling Deadlines for Discovery and Dispositive Motions:**

- a. **Discovery:** Discovery, including interrogatories, requests for production and/or inspection of documents, demands for witness and expert witness information, notices of depositions and requests for admissions shall be completed within **six (6) weeks** of filing of the Answer.
- b. **Discovery-related Motions:** All discovery or related motions must be made promptly once it is apparent that the matter cannot be resolved absent court intervention.
- c. **Dispositive Motions:** Consistent with the Court of Common Pleas Rules of Civil Procedure, scheduling of hearings on dispositive motions must allow adequate time for the opposing party to file and serve a response prior to the hearing. Absent an Order of the Court to the contrary, the filing of any dispositive motions shall not stay discovery and shall not result in, or justify, any modification to the dates established by the Court. The following shall apply to dispositive motions:
  - (i) All dispositive motions, including motions for summary judgment, shall be filed no later than **seven (7) weeks** after filing of the Answer.
  - (ii) Dispositive motions shall be scheduled for hearing in consultation with the Clerk's Office no less than two (2) weeks and no more than four (4) weeks after said dispositive motion was filed and served.
  - (iii) Consistent with Rule 56(c) of the Court of Common Pleas Civil Rules, dispositive motions shall be served at least ten days before the time fixed for the hearing.
  - (iv) Dispositive motions shall not be scheduled for hearing on the day of trial. In order to be considered by the Court prior to trial, dispositive motions must be scheduled for hearing at least one (1) week prior to the day the case is scheduled for trial.

**3. Motions to reschedule:** All motions to reschedule trial shall be filed within two (2) weeks of the scheduled trial date, absent unusual or unforeseen circumstances.

**BY THE CHIEF JUDGE:**

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## **PROPOSED SCHEDULING ORDER**

### **IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**

**The following scheduling order shall be in effect for all Debt actions in the Court of Common Pleas for New Castle County:**

- **Discovery shall be completed within six (6) weeks from the date the Answer is filed.**
- **Dispositive Motions shall be filed within seven (7) weeks from the date the Answer is filed.**
- **The Response to Dispositive Motions shall be filed and served within twenty (20) days from the Motion service date.**
- **The Hearing on Dispositive Motions shall be scheduled by the Court within two (2) weeks after Dispositive Motions are filed and served but not more than four (4) weeks.**
- **The Court will schedule the trial twelve (12) weeks from the filing of the Answer.**
- **All motions to reschedule shall be filed within two (2) weeks of notice of trial date.**

**\*A Standard Scheduling Order Worksheet will be supplied to parties in Debt Cases to aid in adherence to required deadlines. Please note that the Scheduling Worksheet is a tool for the parties and should not be filed with the Court. Questions should be directed to Court of Common Pleas Civil Section at 302-255-2501.**

**IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE**  
**DEBT STANDARD SCHEDULING ORDER WORKSHEET**

<b>CASE CAPTION:</b>  _____  _____  _____  _____
<b>CIVIL ACTION NUMBER:</b>  _____

**COMPLAINT FILING DATE:** \_\_\_\_\_ **ANSWER FILING DATE:** \_\_\_\_\_

<b>EVENT:</b>	<b>DATE:</b>
<b>DISCOVERY DEADLINE:</b>	
<b>DISPOSITIVE MOTIONS SERVED AND FILED BY:</b>	
<b>RESPONSE TO DISPOSITIVE MOTION FILED BY:</b>	
<b>DISPOSITIVE MOTION HEARING BY:</b>	
<b>TRIAL DATE (SCHEDULED BY THE COURT):</b>	

\*See Standard Scheduling Order for guidelines. This document is for record keeping purposes and should not be filed with the Court.