

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.
)	
,)	
)	
Defendant.)	

TRIAL SCHEDULING ORDER

The Court hereby enters the following order in the above-captioned case:

1. **Filing of Motions to Add or Amend.** To be filed by no later than _____.
2. **Discovery.**
 - a. Plaintiff's Expert Report (or Rule 26(b)(4) Disclosure) Deadline _____.
 - b. Defendant's Expert Report (or Rule 26(b)(4) Disclosure) Deadline _____.
 - c. Plaintiff's Expert Rebuttal Report Deadline _____.
 - d. Discovery Cut-Off: All discovery to be initiated such that it will be completed by _____.
3. **Filing of Dispositive and *Daubert* Motions.** To be filed by no later than _____.
4. **Mandatory ADR.** To be conducted by no later than _____. The parties should notify the Court in writing of the date of the scheduled ADR. The

parties may be excused from this deadline only by order of the Court. **All** parties must attend and participate in the ADR in good faith, unless expressly excused by the ADR practitioner. Insurance adjusters with authority up to policy limits must also be present. Neither the fact nor the result of the ADR shall be admissible at trial. The ADR proceedings shall not be transcribed unless specifically authorized by the Court for good cause shown.

5. **Interim Status Report.** To be filed by no later than _____. Among other issues, the parties shall advise the Court of the outcome of mandatory ADR.

6. **Motions in Limine.** To be filed at least 20 days before the pretrial conference. Responses are to be filed 3 days before the pretrial conference. The motion will be heard at the pretrial conference.

7. **Pretrial Conference.** On _____ at _____ a.m., the Court will hold a Rule 16(b) pretrial conference in chambers. The attorneys who will be trying the case must attend the pretrial conference. At least 15 days before that conference, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order with the information plaintiff proposes to include in that order. Within 5 days from the date of receiving that draft, defendant's counsel shall provide plaintiff's counsel with comments on the plaintiff's draft and the information the defendant proposes to include in the order. The proposed order shall, at a minimum, cover the matters set forth in Form 46 (pretrial stipulations) contained in the appendix of Superior Court Civil Rules. The completed pretrial stipulation must be received by the Court on or before _____.

Failure to comply with this deadline may result in sanctions being imposed upon the responsible party or parties.

8. **Exhibits.** Counsel shall exchange exhibits and meet to resolve objections on or before _____. Exhibits shall be pre-marked.

9. **Jury Instructions.** Counsel shall consult among themselves and attempt to agree upon appropriate jury instructions. If there are areas of disagreement, counsel shall present their respective proposed instructions and supporting authority. This order shall not prevent the parties from submitting additional proposed instructions that may be justified by the evidence presented at trial. A joint set of jury instructions must be submitted to the Court on or before _____.

10. **Special voir dire.** Counsel shall submit to the Court any special voir dire questions any party proposes to ask of the jury panel. Special voir dire questions must be submitted to the Court on or before _____.

11. **Final Office Conference.** Counsel shall attend an office conference on the Wednesday before the trial date at 9:00 a.m., in chambers, on _____.

Trial counsel are excused from attending if the Court is advised prior to that date and time, that the following has occurred:

- a. all exhibits have been exchanged or reviewed by the parties or counsel, and there are no objections to any exhibit;
- b. proposed jury instructions have been exchanged, there are no exceptions, and a copy is attached to the letter notifying the Court of the status;
- c. any request for *voir dire* has been reviewed by the opposing party and there are not exceptions or objections, and a copy of the requested, special *voir dire* is attached to the letter notifying the Court of the status; and

- d. the parties and counsel agree there are no remaining legal issues for the Court to resolve that would affect the trial date.

12. **Trial.** Jury trial in this matter is scheduled to commence on _____ beginning at 9:30 a.m. The Court has set aside ____ days to try this matter.

13. **Additional instructions.** See attached to this Order.

14. **Deadlines.** Counsel are advised that all of the deadlines established by this Trial Scheduling Order are firm deadlines. Failure to meet these deadlines, absent good cause shown, likely will result in the Court refusing to allow extensions regardless of the consequences. Amendments to this Trial Scheduling Order must be by Order of the Court on appropriate motion or stipulation of the parties.

Dated: _____

/s/ Jan R. Jurden
Jan R. Jurden, Judge

Settlement Negotiations. The parties are required actively to engage in settlement discussions and determine whether the matter may be resolved in accordance with Civil Rule 16.

Interim Status Report. The Interim Status Report is to be filed by Plaintiff(s)'s Counsel with a copy to the assigned Judge, together with a check for the \$150.00 trial fee made payable to the "Prothonotary." The interim report will advise the Court on the nature of the matters in issue, the progress of discovery to date, and the results of mandatory alternate dispute resolution used to date to resolve this matter. Do not include information on offers or demands. This document should reflect input from both parties. Plaintiff's counsel is responsible for obtaining defense counsel's consent to form or additional input to be included in the Report in advance of the submission deadline to ensure compliance with the deadline.

Case Dispositive Motions. Case dispositive motions will be scheduled by obtaining a date and time from Judge Jurden's secretary, Marge Swain. Marge can be reached at **255-0665**. The original motion and the response thereto are filed with the Prothonotary's Office **and a courtesy copy delivered to the Judge**. The motion and the response shall not exceed four (4) pages in length and shall have a notice page indicating the date and time of the motion hearing. The response is due no later than four (4) days prior to the hearing date. No reply by the moving party is permitted.

Routine Civil Motions. Judge Jurden's routine motion calendar is on Wednesday at 9:15 a.m. Motions must be filed ten (10) business days prior to the noticed date for presentation, not including the day the motion is to be heard. Responses are due no later than four (4) business days, not including the day the motion is to be heard. A **Motion to Continue a Trial Date** is filed as a routine motion. The Court strongly discourages requests for relief submitted in the form of letters or emails. Such requests should be made by motion.

Pretrial Conference. Trial Counsel **must** attend the pretrial conference.