

Plaintiff(s) shall notify the Court in writing by _____ of the date of the scheduled mediation. If mediation does not occur by the date set above, counsel for Plaintiff(s) shall advise the Court explaining why the mediation did not take place on or before the above date. Plaintiff(s) shall notify the Court in writing one week after the mediation regarding the result of the mediation.

5. Pretrial Stipulation and Pretrial Conference. On _____ at _____ am/pm the Court will hold a Rule 16(b) pretrial conference in chambers. Trial counsel must attend this conference. At least 10 days before that conference, counsel for plaintiff(s) shall forward to counsel for defendant(s) a draft of the pretrial stipulation with the information that plaintiff(s) propose(s) to include in that stipulation. Within 5 days from the date of receiving that draft, counsel for defendant(s) shall provide counsel for plaintiff(s) with comments on the plaintiff(s) draft and the information the defendant(s) propose(s) to include in the stipulation. The proposed stipulation shall, at a minimum, cover the matters set forth in Form 46 (pretrial stipulations) contained in the appendix of the Superior Court Civil Rules.

Counsel must also indicate in the pretrial stipulation whether the filing of any motions in limine has occurred and the evidentiary issues to which they relate. (See ¶ 8 below.) **The completed pretrial stipulation must be filed with the Prothonotary by _____.** A courtesy copy shall also be delivered or sent by facsimile to chambers by this date. If the submission of the pretrial stipulation is to be delayed, the

judge's case manager must be immediately notified. **Failure to comply with this deadline may result in sanctions being imposed upon the responsible party or parties.**

6. **Jury Instructions** - Counsel shall consult among themselves and attempt to agree upon appropriate jury instructions. Jury instructions shall, to the extent appropriate, be based on the Superior Court Pattern Civil Instructions. On or before the day of trial/ _____, counsel for plaintiff(s) shall provide to the Court an agreed upon set of instructions (both hard copy and electronic). If there are areas of disagreement, counsel for defendant(s) shall present proposed instructions (both hard copy and electronic) and supporting authority; **only those instructions on which the parties disagree shall be submitted by Defendant(s).** This order shall not prevent the parties from submitting additional proposed instructions during trial that may be justified by the evidence presented at trial.

7. **Special voir dire questions** - All proposed special voir dire questions shall be included with the pretrial stipulation.

8. **Motions in Limine.** Any motions in limine (including *Daubert* motions, or other motions to exclude all or part of a witness' testimony) shall be filed by _____. Responses to motions in limine shall be filed by _____. **Failure to file a Response by the requested date may result in the Court deeming the motion unopposed.** Any motions in limine shall be noticed for presentation at the Pretrial Conference and will be resolved (if appropriate) at that time. This Court advises

the parties that it expects to decide any Daubert-type motions in limine on the paper record.

9. **Trial** - Jury trial (___days) in this matter will begin on _____.

The Court will meet with counsel in chambers at 9:30 a.m.

10. **ADR Status Report.** A status report is due from Plaintiff(s)' counsel by N/A setting forth the parties' positions on Alternative Dispute Resolution (ADR.). If Plaintiff(s) counsel reports that all parties are agreeable to ADR, the type of ADR, the name of the agreed-upon ADR practitioner and the date of the ADR hearing shall be stated. If, however, plaintiff(s) counsel reports that the parties are unable to agree on ADR, the court will convene a conference or teleconference to discuss this matter further.

11. Other: _____

12. Counsel and self-represented 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, may result in the Court refusing to allow extensions regardless of the consequences. **Any amendments to this Trial Scheduling Order must be by 1) appropriate motion or 2) by stipulation of the parties, and ordered by the Court.**

Please refer to Judge Medinilla's Judicial Preferences http://courts.delaware.gov/Superior/judges_pref_jmedinilla.stm and to the New Castle County Civil Case Management Plan for further instruction.

Dated: _____

Judge Vivian L. Medinilla

Revised: 03/08/13