

**ADMINISTRATIVE DIRECTIVE
OF THE
CHIEF JUDGE OF THE COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
NO. 2010-3
SPECIAL ELECTION AND EXPEDITED DOCKET
("SPEED DOCKET")**

This 28th day of December 2010,

IT IS HEREBY DIRECTED pursuant to *10 Del. C. §1302(d)*, the authority being vested in the Chief Judge, as the administrative head of the Court during the term of his appointment;

IT IS THEREFORE DIRECTED THAT:

1. Effective February 1, 2011, Administrative Directive 2010-3 is hereby adopted creating a new docket for civil cases in the Court of Common Pleas known as the Special Election and Expedited Docket (SPEED Docket).

2. The SPEED Docket will be available for all civil cases filed in the Court of Common Pleas and all appeals *de novo* from the Justice of the Peace Court to the Court of Common Pleas where the amount in controversy is \$10,000 to \$50,000, except consumer debt cases and appeals on the record which are exempt.

3. For any qualifying civil case commenced after February 1, 2011, any party may elect to have a civil matter docketed on the SPEED Docket and addressed by the Court in conformity with this Administrative Directive.

4. Identification of a qualifying case shall be made by any party through the completion and filing of a SPEED Civil Action Election Sheet. Thereafter, all

pleadings filed with the Court shall include the letters SPEED in the caption under the Civil Action Number in the party's pleading.

5. Unless specially assigned by the Chief Judge, a case identified as a qualifying case shall be assigned, on a rotating basis, to a judge within the county in which the case was filed. Unless reassigned by the Chief Judge of the Court of Common Pleas, the case will remain assigned to the same judge for all purposes through final disposition.

6. A party opposing identification of a case as a qualifying case shall do so by motion filed before the Rule 16 scheduling conference referred to below, or at such other time as the assigned judge may direct. The motion shall set forth with specificity the factual and legal basis as to why cause exists for the relief sought. The filing of such a motion shall not affect the time for filing any pleading, motion, or required response under the Court's rules. If the assigned judge determines that the case is not a qualifying case, or otherwise inappropriate for the SPEED Docket, the case shall proceed under the Court's rules on the regular civil docket, and the presiding judge will remain assigned to the case through final disposition.

7. A scheduling conference (the "SPEED Docket Scheduling Conference") will be scheduled to be held within thirty (30) days of the filing of a responsive pleading or motion under Rule 7 or a motion under Rule 12 by any party, and shall conform to this Directive and the applicable provisions of Rule 16.

8. Firm pretrial and prompt trial dates will be established which will not be continued absent extraordinary circumstances.

9. At the SPEED Docket Scheduling Conference, the Court shall enter a Scheduling Order adhering as closely as possible to the following time schedules:

- a. to join other parties or to amend the pleadings within one month of the SPEED Docket Scheduling Conference;
- b. to file motions regarding discovery so that said motions may be heard by the Court within two months of the SPEED Docket Scheduling Conference;
- c. to file dispositive motions so that said motions may be heard by the Court within four months of SPEED Docket Scheduling Conference; and
- d. to schedule the trial to take place within five months of the SPEED Docket Scheduling Conference.

10. Prior to trial, the Court will consider joint applications to resolve cases by alternative dispute resolution, establish procedures for the conduct of the trial, including procedures to streamline the presentation of evidence, to efficiently present legal issues in pre-trial submissions, and to ensure prompt and effective post-trial decisions on the merits.

/Alex J. Smalls/
Alex J. Smalls
Chief Judge
Court of Common Pleas

cc: Judge John K. Welch
Judge Rosemary Betts Beauregard

Judge Kenneth S. Clark, Jr.
Judge Charles W. Welch, III
Judge Joseph F. Flickinger, III
Judge Andrea L. Rocanelli
Judge Anne Hartnett Reigle
Judge Eric M. Davis
Commissioner Mary M. McDonough
Commissioner Joseph Whitmore Maybee
Ms. Carole B. Kirshner, Court Administrator
Ms. Stephanie Fitzgerald, Assistant Court Administrator
Ms. Elizabeth Jonkiert, Clerk of the Court
Ms. Deborah Mowbray, Clerk of Court
Ms. Tamu White, Clerk of Court
Ms. Teresa Lindale, Kent County Clerk of the Court
Ms. Wanda Smith, Sussex County Clerk of the Court

SAMPLE CAPTION

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR ANY COUNTY

SAMPLE PLAINTIFF,

Plaintiff,

v.

SAMPLE DEFENDANT,

Defendant.

*
*
*
*
*
*
*
*

C.A. 0000000000000000

SPEED

COMPLAINT

SAMPLE SCHEDULING ORDER

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR ANY COUNTY

SAMPLE PLAINTIFF,

*

*

Plaintiff,

*

C.A. 0000000000000000

*

v.

*

SPEED

*

SAMPLE DEFENDANT,

*

*

Defendant.

*

SPEED

CIVIL ACTION WORKSHEET & ORDER

Date of Filing of Complaint: _____ Date of Filing Answer: _____

Date of filing other motion under Rule 7 or 12 by any party: _____

Name of motion: _____

Presiding Judge: _____

Date of Scheduling Conference (w/in 30 days of Answer or above Motion): _____

Following the Scheduling Conference, this Court enters the following order with the following deadlines:

_____ *This civil action will proceed on the SPEED docket.*

_____ *This action will return to the regular civil docket.*

Motions to join additional parties or amend the pleading must be filed by _____
(30 days)

Motions to Compel Discovery must be filed by _____.
(45 days)

Such motions will be heard by _____.
(60 days)

Dispositive motions must be filed by _____.
(90 days)

Such motions will be heard by _____.
(120 days)

Trial date: _____.
(150 days)

_____ An additional conference will be held on: _____ (optional).

_____ In addition, the following orders are entered:

IT IS SO ORDERED this ____ day of _____, 20__

**IN THE COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
IN _____ COUNTY**

**SPEED CIVIL ACTION ELECTION SHEET
(Speed Docket)**

CASE NUMBER: _____ **DATE:** _____

FULL CASE CAPTION:

**I, OR WE, _____ (Plaintiff/
Attorney, Defendant/Attorney) do hereby request that the above stated
case proceed through the Special Election track that will be known as
the Speed Docket.**

The claim amount of my case is \$10,000 or greater.

**Official notification has been made to all parties of such request filed
with the Court of Common Pleas in _____ County on**

(Date)

Plaintiff/Attorney Signature: _____

Defendant/Attorney Signature: _____