

COURT OF COMMON PLEAS NEW CASTLE COUNTY CIVIL CASE MANAGEMENT PLAN

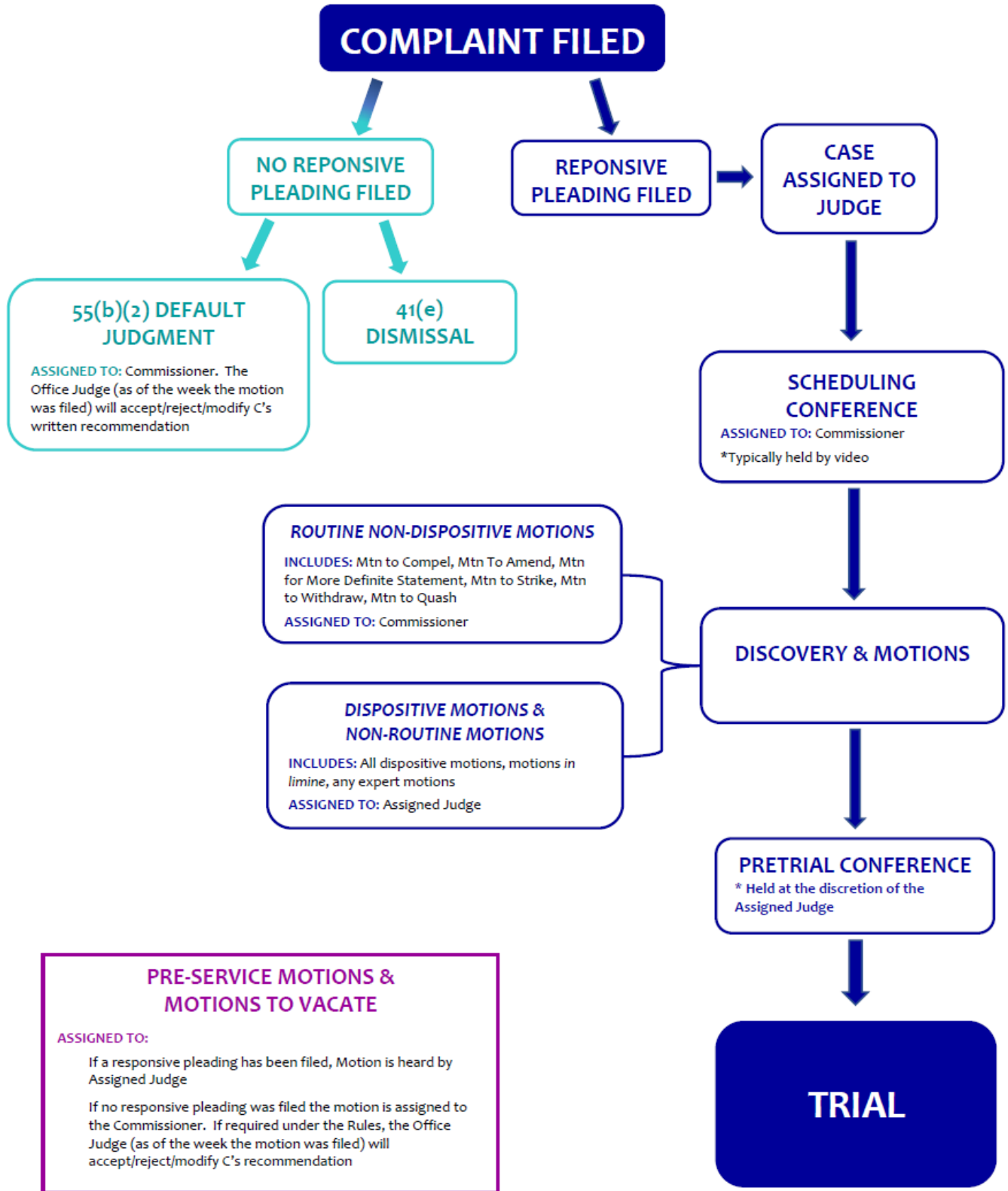
The following Plan is adopted by the Court of Common Pleas of the State of Delaware to ensure the orderly and efficient disposition of civil cases in New Castle County.

This Plan is intended for reference only and does not constitute legal advice. Additional information regarding civil proceedings in the Court of Common Pleas is available on the Court's website at <https://courts.delaware.gov/commonpleas/>

I. GENERAL INFORMATION

- A. Court of Common Pleas Rules of Civil Procedure.** In all civil actions that are filed in the Court of Common Pleas, all parties should review and follow the [Court of Common Pleas Rules of Civil Procedure](#).
- B. Judicial Assignments.** Most civil cases will be assigned to a specific Judge (the “Assigned Judge”) **after** a responsive pleading is filed. The Assigned Judge will preside over most hearings and will handle most aspects of the case.
- C. Filing Case Documents.** Attorneys are required to file documents electronically (eFile) using the Court of Common Pleas’ electronic filing system, File&Serve *Delaware*, pursuant to [CCP Civ. R. 79](#).
- Self-represented litigants are encouraged to utilize the eFiling system to file and access case documents quickly and efficiently. To register for an account with File&Serve *Delaware*, please visit: <https://fileandservedelaware.com/Registration/Register>
 - Self-represented litigants may also file documents with the Court in-person at in the Clerk’s Office, located on the first floor of the Leonard L. Williams Justice Center.
- D. Civil Case Numbers.** Once the initial filing is accepted, a civil case number is assigned. All future filings **MUST** include the civil case number.
- E. Fees.** Payment of filing and/or service [fees](#) are due at the time the document is filed. Please refer to the [Court of Common Pleas Rules of Civil Procedure](#) for information regarding proceedings *in forma pauperis*.
- F. Attendance at Court Proceedings.** All parties are required to attend all case-related conferences and proceedings unless excused by the Court.

II. STANDARD CASEFLOW



III. GENERAL SCHEDULING PROCEDURES

The following information is intended to give litigants a basic understanding of the general flow of civil cases in the Court of Common Pleas. Scheduling may differ in certain cases if deemed necessary by the Court.

A. Case Initiation. When a case is accepted, a Civil Case Number is assigned. Either the Office Judge or the Commissioner will preside over any issues that arise prior to the filing of a responsive pleading.

B. Judicial Assignment. Once a responsive pleading is filed, the case is assigned to a specific Judge (the “Assigned Judge”). The Assigned Judge will preside over most hearings and will handle most aspects of the case.

- Upon judicial assignment, the parties should review the Court’s [Judicial Preferences Page](#).
- The Assigned Judge will be identified on the docket, and the parties will be notified of the assignment at the Scheduling Conference.

C. Scheduling Conferences.¹ Once all defendants have filed a responsive pleading, a Scheduling Conference will be held over video or by telephone within 45 days. The Commissioner will preside over the Scheduling Conference, unless otherwise noted. ***Failure to appear for a Scheduling Conference may result in the issuance of a Rule to Show Cause.***

- Scheduling Orders. At the conclusion of the Scheduling Conference, a Scheduling Order will be issued. The Scheduling Order will identify the Assigned Judge, and may include the following significant dates:
 - Pleading deadlines;
 - Discovery deadlines, including special dates for expert discovery;
 - Dispositive motion deadlines;
 - Status/Pretrial Conference;
 - A briefing schedule, if appropriate;
 - An alternative dispute resolution date (ADR);
 - A trial date.
- Stipulated Scheduling Orders. Subject to the Assigned Judge's approval, parties may waive the Scheduling Conference if they submit a joint proposed scheduling order.

¹ This section does not apply to Consumer Debt cases. Consumer Debt cases will be scheduled for a Scheduling Conference only at the request of the parties or the Court.

D. Motion Procedures.

- Routine Motions Presented Without a Hearing. Unless special circumstances warrant otherwise, the following Motions will be decided on the papers by the Commissioner. Responses, when applicable, must be filed within **four business days** of the filing of the Motion.
 - Petitions to Proceed *In Forma Pauperis*
 - Motion for Admission *Pro Hac Vice*;
 - Motion for Enlargement of Time;
 - Motion to File Under Seal;
 - Motion for Voluntary Dismissal.
- Routine Motions Heard by the Commissioner. The below Motions will be scheduled by the clerk to be heard on the Commissioner's Routine Motions Calendar.
 - Motion to Amend;
 - Motion to Compel;
 - Motion for Default Judgment under Rule 55(b)(2);²
 - Motion to File a Counterclaim/Cross-claim;
 - Motion for More Definite Statement;
 - Motion to Quash;
 - Motion for Rule to Show Cause;
 - Motion to Strike;
 - Motion to Withdraw as Counsel.

² The Commissioner's Proposed Finding of Fact and Recommendations will be submitted to (i) the Assigned Judge, if assigned, or (ii) the Office Judge as of the date the Motion is heard.

- Non-Routine Motions. Any Motion that is not included in the above lists of Routine Motions is considered a Non-Routine Motion and must be scheduled for a hearing before the Assigned Judge. Responses, when applicable, must be filed within **ten business days** of the filing of the Motion.

When a motion is filed, the clerk will send it to the Assigned Judge’s judicial assistant for a hearing date; the judicial assistant will notify the clerk once a date and time is selected, and the clerk will schedule the Motion accordingly. Contact information for each Assigned Judge is available on the [Judicial Preferences Page](#).

E. Standard Civil Scheduling Matrix³

Judicial Officer	Motions	Trials
Chief Judge Danberg	First and Third Friday at 8:30	Second Tuesday
Judge Surles	First and Third Friday at 12:30pm	Fourth Tuesday
Judge Manning	Second and Fourth Friday at 12:30am	Fourth Thursday
Judge Horton	Second and Fourth Friday at 8:30am	Second Thursday
Judge Mayer	Second and Fourth Friday at 10:30am	First Thursday
Commissioner Ferrell	First and Third Friday	Full civil day Third Tuesday

³ Typically, hearings and motions will be held on the Assigned Judge’s standard civil days. However, proceedings may be scheduled on other days as needed, in the presiding Judicial Officer’s discretion.