

This is the sample case scheduling stipulation for a plenary action referenced at Section II(4)(g)(iii)(e) of the Guidelines on Best Practices for Litigating Cases Before the Court of Chancery. It should be modified to fit the circumstances, and used in conformity with the Guidelines.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

_____ ,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. _____ - ____
)	
_____ ,)	
)	
Defendant.)	

STIPULATION AND [PROPOSED] ORDER GOVERNING CASE SCHEDULE

WHEREAS, Plaintiff filed its Verified Complaint on _____, 20__; and

WHEREAS, the parties have discussed and agreed upon the proposed schedule and ancillary issues as set forth below;

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto, through their undersigned counsel, subject to the approval of the Court, as follows:

1. The following schedule shall govern the proceedings in this matter:
 - (a) Parties substantially complete document production _____, 20__
 - (b) Exchange of privilege logs _____, 20__
 - (c) Fact depositions (party and third-party) Between _____, 20__, and _____, 20__
 - (d) Completion of fact discovery, including depositions (except for any fact discovery subject to a motion to compel or motion for protective order pending on this date) _____, 20__
 - (e) Final date to file motions for summary judgment (if any). Opposition briefs to be _____, 20__

filed 30 days after filing of motion; reply
briefs to be filed 15 days thereafter

- (f) Identification of Expert Witnesses and general subject matter of expert testimony _____, 20__
- (g) Exchange of Opening Expert Reports and production of all materials relied upon by Experts and not produced previously by the parties _____, 20__
- (h) Exchange of Rebuttal Expert Reports and production of all materials relied upon in Rebuttal Expert Reports and not produced previously by the parties _____, 20__
- (i) Completion of expert discovery, including expert depositions (except for any expert discovery subject to a motion to compel or motion for a protective order pending on this date) _____, 20__
- (j) Identification of trial witnesses (including adverse and third-party witnesses and experts) _____, 20__
- (k) Filing of motions *in limine*, if any. Opposition briefs to be filed 10 days after filing of motion; reply briefs to be filed 5 days thereafter _____, 20__
- (l) Simultaneous filing of Pre-Trial Opening Briefs _____, 20__
- (m) Plaintiff provides initial draft of the Pre-Trial Order _____, 20__
- (n) Defendant provides draft of the Pre-Trial Order _____, 20__
- (o) Simultaneous filing of Pre-Trial Answering Briefs _____, 20__
- (p) Parties' joint submission of Pre-Trial Order _____, 20__

(q) Pre-trial conference _____ __, 20__ at _:_
_.m. via telephone to be
initiated by Plaintiff

(r) Trial _____ __, 20__ in
_____, Delaware
commencing at _:_ .m.

2. The parties agree to meet and confer promptly regarding arrangements for any discovery to be taken from the parties' agents and advisors.

3. Production of documents shall commence on a rolling basis upon receipt of requests for production. For purposes of the substantial completion of document discovery, as referenced in Paragraph 1(a) above, each party will use its best efforts to serve all document requests and subpoenas prior to _____ __, 20__, and each party will substantially complete production by _____ __, 20__ of documents responsive to requests or subpoenas served prior to _____ __, 20__.

4. Prior to production, the parties shall use their best efforts to de-duplicate any electronic material collected (including identical material transmitted between or among multiple custodians). All documents produced shall be produced in electronic form, in accordance with specifications agreed upon by the parties.

5. The parties shall not be required to list on their respective privilege logs documents evidencing communications only between or among counsel, including outside counsel and in-house counsel for the parties.

6. Depositions shall be taken on reasonable notice, and the parties shall work together in good faith on the scheduling of depositions.

7. Following the identification of trial witnesses, any party may designate additional party witnesses for trial only upon motion to the Court.

8. The parties may amend the dates set forth in subparagraphs 1(a)-(j), and (l)-(n), of this Order by written agreement, without Court approval. All other deadlines, the pre-trial conference date, and the trial date may be amended only by order of the Court.

[COUNSEL]
Attorneys for Plaintiff

[COUNSEL]
Attorneys for Defendant

SO ORDERED this _____ day of _____, 20__.

[Vice] Chancellor