

**IN THE SUPERIOR COURT
OF THE STATE OF DELAWARE**

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

TRIAL SCHEDULING ORDER

IT IS ORDERED that the following schedule will control all future events in this case until trial. Failure to meet these deadlines, absent good cause shown, may result in the Court refusing to allow extensions regardless of the consequences.

Trial (*days)

<i>Plaintiff's Expert Disclosures</i>	52 weeks prior to trial
<i>Defendant's Expert Disclosures</i>	43 weeks prior to trial
<i>Discovery Deadline</i>	26 weeks prior to trial
<i>Mandatory ADR Deadline</i>	23 weeks prior to trial
<i>Dispositive and Pre-Trial Motions</i> <i>(including motions in limine and Daubert</i> <i>Motions)</i>	20 weeks prior to trial
<i>Responses to Dispositive and</i> <i>Pre-Trial Motions</i>	17 weeks prior to trial
<i>Status Report</i>	8 weeks prior to trial
<i>Pretrial Stipulation and</i> <i>Special Instructions/Voir Dire</i>	4 weeks prior to trial
<i>Pretrial Conference</i> <i>(and deadline for payment of trial fee)</i>	2 weeks prior to trial

(a) Resolution of case prior to trial: In order to efficiently manage the Court's trial calendar, **cases will not be removed from the trial calendar** unless a stipulation of dismissal has been filed.

(b) Requests for relief: Whenever possible, the Court will rule upon requests or relief without a hearing. Accordingly, motions or stipulations should be electronically filed with a proposed form of order so that the Court may issue an electronic ruling.

(c) Amendments to the Trial Scheduling Order: The parties may agree to modification of this Trial Scheduling Order and present such proposed changes to the Court by stipulation and proposed order in the format set forth in the forms and which includes the current date and proposed amended date for each event. However, any requests to shorten the time for the Court's consideration of dispositive motions to less than 8 weeks prior to trial and motions *in limine* to less than 4 weeks prior to trial must be presented by motion and not by stipulation.

(d) Experts: Failure to identify experts within the deadlines set forth above will be a sufficient basis to exclude that expert from testifying at the trial unless good cause is shown why the designation did not take place and the disclosure was not provided.

(e) Mandatory Alternative Dispute Resolution: The parties are to complete Mandatory Alternative Dispute Resolution (ADR), unless excused by the Court. The parties are to advise the Court prior to the ADR procedure of the date on which it is scheduled, the type of ADR being conducted, and the name of the ADR practitioner who will be conducting the procedure. **All** parties must attend and participate in the ADR in good faith, unless expressly excused by the Court and the

ADR practitioner. Insurance adjusters with authority must also be present. Neither the fact nor the result of ADR shall be admissible at trial.

(f) Routine Motions: Judge Rocanelli's routine motion calendars are on Tuesdays at 9:00 a.m. Motions must be filed ten (10) days prior to the noticed date for presentation. Responses are due at least one week prior to the presentation date. No replies shall be filed unless requested by the Court or by permission of the Court.

(g) Dispositive Motions: Case dispositive motions will be scheduled for oral argument at the convenience of the Court if the Court finds that argument will be helpful to the Court's consideration of the issue(s) presented. If argument will be scheduled, then Linda Rizzo, Judge Rocanelli's Administrative Specialist, will contact the parties by email for scheduling.

(h) Courtesy copies of motions: The original motion and the response thereto are e-filed with a copy delivered to Judge Rocanelli in chambers.

(i) Motions length: The motion and the response shall not exceed six (6) pages in length and shall have a notice page indicating the date and time of the hearing.

(j) Pretrial stipulation and conference: The Court will hold a Rule 16(b) pretrial conference in the Courtroom with a court reporter present. No less than 15 days before the Pretrial Stipulation is due, plaintiff(s) shall forward to defendant(s) a draft of the pretrial stipulation with the information plaintiff proposes to include. Within 5 days of receiving that draft, defendant(s) shall provide plaintiff(s) with comments on the draft proposed by plaintiff(s) and the information the defendant proposes to include. The stipulation and proposed order shall, at a minimum, cover the matters set forth in Form 46 (pretrial stipulations) contained in the appendix of the Superior

Court Civil Rules. Failure to comply with the deadlines established in this order may result in the Court considering objections waived by the non-complying party and/or the imposition of appropriate sanctions. **The trial fee shall be paid no later than the date of the pretrial conference. If the trial fee is not paid within two business days of the pretrial conference, the case will be removed from the Court's trial calendar. A new trial date will be scheduled once the trial fee is paid.**

(k) Jury instructions: The parties shall consult and make every effort to agree upon appropriate jury instructions. The parties shall file with the Court one set of instructions with the Pre-Trial Stipulation, designating any alternative instructions upon which agreement could not be reached with supporting authority. The parties are also required to submit the proposed jury instructions via email to Linda Rizzo at linda.rizzo@state.de.us in WORD format. This order shall not prevent the parties from submitting additional proposed instructions based on the evidence presented at trial.

(l) Special *voir dire* for jury selection: The parties shall submit with the Pre-Trial Stipulation any special *voir dire* questions proposed for the jury selection.

(m) Final Trial Status Report: Eight (8) weeks before the scheduled trial date, the parties shall submit a final status report to the Court advising whether the case has been resolved or will proceed to trial.

Please refer also to the Court's Judicial Preferences page at http://courts.delaware.gov/Superior/judges_pref_jrocanelli.stm and to the New Castle County Civil Case Management Plan for further guidance.

IT IS SO ORDERED this [day] of [month], [year].

/s/ Andrea L. Rocanelli
Judge Andrea L. Rocanelli