

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

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Plaintiff,	)	C.A. NO.:	SKR
	)		
v.	)		
	)		
	)		
	)		
Defendant.	)		

**TRIAL SCHEDULING ORDER**

The Court hereby enters the following Order:

**Trial** – Jury trial (\_\_\_ days) in this matter will begin on \_\_\_\_\_  
at **9:30 a.m.**

**1. Motions to Add a Party or to Amend a Pleading deadline:**

**2. Discovery**

Discovery Cut-Off: All discovery is to be initiated so that it will  
be completed by: \_\_\_\_\_

Plaintiff’s Expert Report (or Rule 26(b)(4) Disclosure)  
Deadline: \_\_\_\_\_

Defendant’s Expert Report (or Rule 26(b)(4) Disclosure)  
Deadline: \_\_\_\_\_

**3. Dispositive Motion Deadline:** Such motions are to be filed no later than  
\_\_\_\_\_. Responses are due 14 business days after filing.

4. **Motions in Limine – Any motions in limine (including Daubert motion(s), or other motion(s) to exclude all or part of a witness’ testimony) shall be filed by \_\_\_\_\_.** Response(s) to the motion(s) 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. The Court will likely decide any *Daubert* type motions in limine on the paper record.

5. **Mandatory ADR** is to be conducted by \_\_\_\_\_. The parties should notify the Court in writing of the date of the scheduled ADR. The parties may be excused from this deadline only by order of the Court. **All** parties must attend and participate in the ADR in good faith, unless expressly excused by the Court upon written application. Insurance adjusters with authority up to policy limits must also be present.

6. An **Interim Status Report** will be due no more than 14 days after ADR has been conducted. Among other issues, the parties shall advise the Court of the outcome of mandatory ADR.

7. **Pretrial Stipulation and Pretrial Conference.** On \_\_\_\_\_ at \_\_\_\_\_ **am** the Court will hold a Rule 16(b) pretrial conference in chambers. Trial counsel must attend this conference. At least 15 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. **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.**

8. **Trial Fee.** 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 then be scheduled upon payment of the trial fee.

9. **Jury Instructions.** Counsel shall consult among themselves and attempt to agree upon appropriate jury instructions. Plaintiff's counsel shall provide to the Court an agreed-upon set of instructions (both hard copy and via digital media). If there are areas of disagreement, the submission shall include Defense Counsel's notation of disagreement on each particular instruction upon which there is disagreement and Defense Counsel shall present his or her respective proposed instructions and supporting authority. This order shall not prevent the parties from submitting additional proposed instructions that may be justified by the evidence presented at trial. **Jury instructions must be submitted to the Court on or before \_\_\_\_\_.**

10. **Special voir dire.** All proposed special voir dire questions shall be included with the Pretrial Stipulation.

11. A **Final Trial Status Report** will be due on or before \_\_\_\_\_.

The final trial status report shall advise the Court of the following:

(1) that all exhibits have been exchanged or reviewed by the parties or counsel, and there are no objections to any exhibit;

(2) that proposed jury instructions have been exchanged, discussed, exceptions noted, with a copy submitted with status report in the form required by paragraph 9 above; and

(3) that the parties and counsel agree there are no remaining evidentiary and/or legal issues for the Court to resolve prior to jury selection and opening statements.

12. Additional instructions are attached to this Order.

13. Counsel 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, likely will result in the Court refusing to allow extensions regardless of the consequences. Amendments to this Trial Scheduling Order must be by Order of the Court on appropriate motion or stipulation of the parties.

14. Other:

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Dated:

/s/ *Sheldon K. Rennie*

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Judge Sheldon K. Rennie

## ADDITIONAL INFORMATION AND PROCEDURES

**Settlement Negotiations.** The parties are required actively to engage in settlement discussions and determine whether the matter may be resolved in accordance with Civil Rule 16. **In the event the case settles, Plaintiff’s Counsel shall notify chambers immediately by e-mail to Alisha Ramdoo-Smith at [alisha.ramdoo@delaware.gov](mailto:alisha.ramdoo@delaware.gov) and Evette Mosley at [evette.mosley@delaware.gov](mailto:evette.mosley@delaware.gov).**

**Interim Status Report.** The Interim Status Report is to be filed by Plaintiff(s)’s Counsel with a copy to the assigned Judge, together with a check for the \$150.00 trial fee made payable to the “Prothonotary.” The interim report will advise the Court on the nature of the matters in issue, the progress of discovery to date, and the results of mandatory alternate dispute resolution used to date to resolve this matter. Do not include information on offers or demands. This document should reflect input from both parties. Plaintiff’s counsel is responsible for obtaining defense counsel’s consent to form or additional input to be included in the Report in sufficient advance of the submission deadline to ensure compliance with the deadline.

**Case Dispositive Motions.** Case dispositive motions will be scheduled by obtaining a date and time from Judge Rennie’s Chambers which can be reached at **255-0048**. The original motion and the response thereto shall be filed with the Prothonotary’s Office with **two courtesy copies (with exhibits) delivered to Judge Rennie in chambers**. Responses are due 14 business days after the motion is filed. Further briefing on the motion will be as ordered by the Court.

**Routine Civil Motions.** Judge Rennie’s routine civil motions are on Thursdays at 9:00 a.m. Motions must be filed **no less than fifteen 15 calendar days** prior to the noticed presentation date with **two courtesy copies (with exhibits) delivered to Judge Rennie in chambers**. Responses are due **no later than 7 calendar days** after the filing of the motion and in no case later than the Friday prior to the motion’s hearing, with **two courtesy copies of a response (with exhibits) delivered to Judge Rennie in chambers**. If no response is timely filed, the Court may deem the motion unopposed, grant the motion before the hearing, and will so notify the parties. A **Motion to Continue a Trial Date** is filed as a routine motion. The Court **strongly** discourages requests for relief submitted in the form of letters or emails. Such requests should be made by motion.

**Pretrial Conference.** Trial Counsel *must* attend the pretrial conference.

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