

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

, :
 :
 Plaintiff, : C.A. NO. _____(MAA)
 :
 v. :
 : TRIAL BY JURY OF 12
 , : DEMANDED
 :
 Defendant. :

TRIAL SCHEDULING ORDER

Having conducted a scheduling conference with counsel on _____, the Court hereby enters the following order in the above-captioned case:

- (a) **Filing of Motions to Add or Amend.** Such motions are to be filed no later than _____.
- (b) **Discovery.**
 - (1) Plaintiff’s Expert Report (or Rule 26(b)(4) Disclosure)
Deadline is _____.
 - (2) Defendant’s Expert Report (or Rule 26(b)(4) Disclosure)
Deadline is _____.
 - (3) Discovery Cut-Off: All discovery is to be initiated such that it will be completed by _____.
- (c) (1) **Filing of Dispositive Motions.** Such motions are to be filed no later than _____. Responses are due 14 business days after filing.
 - (2) **Filing of Motions *in Limine*.** Motions *in Limine* (including *Daubert* motions, or any motion to exclude all or part of a witness’s testimony) are

to be filed no later than _____. Motions in Limine must include all supporting authority with the motion. Motions in Limine shall be noticed for presentation at the Pretrial Conference and will be resolved (if appropriate) at that time. If not resolved at the Pretrial Conference, a date and time will be set at the Pretrial Conference for presentation of motions in limine in advance of trial.

Unless a specific order entered in this case provides otherwise, a Response (with all supporting authority) is due no later than 7 business days after the filing of the motion *in limine*. Failure to file a timely Response may result in the Court deeming the motion as unopposed.

(d) **Pretrial Stipulation and Pretrial Conference.** On _____ at **0:00 a.m/p.m.**, the Court will hold a Rule 16(b) pretrial conference. **Plaintiff and Trial Counsel *must* attend the pretrial conference.** At least 20 days before that conference, Plaintiff shall forward to Defendant's Counsel a draft of the Pretrial Order with the information Plaintiff proposes to include in that Order. Within 5 days from the date of receiving that draft, Defendant's Counsel shall provide Plaintiff with comments on the Plaintiff's draft and the information the Defendant proposes to include in the Order. The proposed Order shall, at a minimum, cover the matters set forth in Form 46 (pretrial stipulations) contained in the appendix of Superior Court Civil Rules. **The completed Pretrial Stipulation must be received by the Court on or before [at least ten days prior to the pre-trial conference]. Failure to comply with this deadline may result in sanctions being imposed upon the responsible party or parties.**

(e) **Jury Instructions.** Plaintiff and Counsel shall consult among themselves and attempt to agree upon appropriate jury instructions. Plaintiff 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 ___.**

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

(g) A **Final Trial Status Report** will be due on or before _____, the Wednesday before the trial date. 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 (e) 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.

(h) **Trial** – A three day jury trial in this matter is hereby scheduled to commence on _____ beginning at 9:30 a.m.

(i) Additional instructions are attached to this Order.

Please refer also to the Court's Judicial Preferences page and to the New Castle County Civil Case Management Plan for further guidance.

(j) Plaintiff and 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.

Dated: _____

/s/ _____
Judge Meghan A. Adams

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 Lauren Stickels at lauren.stickels@delaware.gov and Sydney Revell at sydney.revell@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. 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 Adams's Chambers *after all briefing is complete* which can be reached at 255-0634. The original motion, the response and any reply thereto shall be filed with the Prothonotary's Office with two courtesy copies (with exhibits) delivered to Judge Adams in chambers. The motion and response shall not exceed 8,000 words, and shall have a notice page indicating the date and time of the motion hearing. The reply shall not exceed 5,500 words, unless permission previously has been granted to exceed that word limit. Further briefing on the motion will be as ordered by the Court. *Motions for Default Judgment may be heard on the routine calendar.*

Routine Civil Motions. Judge Adams's routine civil motions are on Thursdays at 9:15 a.m. Motions must be filed no less than ten (10) days before the noticed presentation date with two courtesy copies (with exhibits) delivered to Judge Adams in chambers. Responses are due no later than the Friday before the motion's hearing, with two courtesy copies of a response (with exhibits) delivered to Judge Adams in chambers. If no response is timely filed, the Court may deem the motion unopposed, grant the motion before the hearing, and 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. All trial counsel must attend the pretrial conference.

Please refer to the Court's Judicial Preferences page at http://courts.delaware.gov/superior/judgespref/judges_pref_jadams.aspx and to the New Castle County Civil Case Management Plan for further guidance.