

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

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

TRIAL SCHEDULING ORDER

The Court hereby enters the following order in the above-captioned case:

1. **Trial.** Jury trial in this matter is scheduled to commence on _____ beginning at 9:30 a.m. The Court has set aside _____ days to try this matter.
2. **Final Office Conference.** Counsel shall attend an office conference on the Wednesday before the trial date at 9:00 a.m., in chambers the week before trial. **Trial counsel are excused from attending** if the Court is advised prior to that date and time, that the following has occurred:
 - a. all exhibits have been exchanged or reviewed by the parties or counsel, and there are no objections to any exhibit;
 - b. proposed jury instructions have been exchanged, there are no exceptions, and a copy is attached to the letter notifying the Court of the status;

- c. any request for voir dire has been reviewed by the opposing party and there are not exceptions or objections, and a copy of the requested, special voir dire is attached to the letter notifying the Court of the status; and
 - d. the parties and counsel agree there are no remaining legal issues for the Court to resolve that would affect the trial date.
3. **Settlement Negotiations.** The parties are required to actively engage in settlement discussions and determine whether the matter may be resolved in accordance with Civil Rule 16.
4. **Case Dispositive Motions.** Case dispositive motions will be scheduled by obtaining a date and time from Judge Jones' secretary, Jackie Barry. Jackie can be reached at (302) 255-0664. The original motion and the response thereto are filed with the Prothonotary's Office **and one courtesy copy delivered to the Judge.** 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 motion hearing. The response is due no later than the Friday prior to the hearing date. No reply by the moving party is permitted.
5. **Routine Civil Motions.** Judge Jones' routine motion calendar is on Tuesday at 9:00 a.m. **Motions must be filed ten (10) business days prior to the noticed**

date for presentation, **NOT INCLUDING the day the motion is to be heard.**

Responses are due no later than the Friday prior to the hearing date. A Motion to Continue a Trial Date is filed as a routine motion. The Court discourages requests for relief be submitted in the form of letters or emails. Such requests should be made by motion.

6. **Pretrial Conference.** On _____ at _____ a.m., the Court will hold a Rule 16(b) pretrial conference in chambers. The attorneys who will be trying the case must attend the pretrial conference. At least 15 days before that conference, plaintiff's counsel 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's counsel 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 **5 business days prior to the pretrial conference.** Failure to comply with this deadline may result in sanctions being imposed upon the responsible party or parties. The trial fee shall be paid no later than the date of the pretrial conference, with a check made payable to the Prothonotary. 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. Trial Counsel **MUST** attend the pretrial conference.

7. **Jury Instructions.** Counsel shall consult among themselves and attempt to agree upon appropriate jury instructions. If there are areas of disagreement, counsel shall present their 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. A joint set of jury instructions with a verdict form must be filed on LexisNexis on or before **7 days prior to the start of trial**. Please send a **Microsoft Word** version of the jury instructions with a verdict form to my secretary.
8. **Special voir dire.** Counsel shall submit to the Court any special voir dire questions any party proposes to ask of the jury panel. Special voir dire questions must be submitted to the Court **3 days prior to the pretrial conference**.
9. **Exhibits.** Counsel shall exchange exhibits and meet to resolve objections on or before **7 days prior to the trial**. Exhibits shall be pre-marked.
10. **Motions in Limine.** To be filed at least **20 days prior to the pretrial conference**. Responses are to be **7 days prior to the pretrial conference**. The motion will be heard at the pretrial conference.

11. Discovery.

- a. Plaintiff's Expert Report (or Rule 26(b)(4) Disclosure)
Deadline _____.
- b. Defendant's Expert Report (or Rule 26(b)(4) Disclosure)
Deadline _____.
- c. Plaintiff's Expert Rebuttal Report (or Rule 26(b)(4) Disclosure)
Deadline _____.
- d. Discovery Cut-Off: All discovery to be initiated such that it will
Completed by _____.
- e. Dispositive Motions:
Deadline _____.

12. Daubert Motions. To be filed by no later than **20 days prior to the pretrial conference** and Responses to same are due **7 days prior to the pretrial conference.** The Court encourages that any such motions be filed well in advance of these dates. Any response to such a motion filed earlier should be filed within **14 days of the Motion.**

13. Mandatory ADR. To be conducted by no later than **90 days prior to the trial.** 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 ADR practitioner. Insurance adjusters with authority up to policy

limits must also be present. Neither the fact nor the result of the ADR shall be admissible at trial. The ADR proceedings shall not be transcribed unless specifically authorized by the Court for good cause shown.

14. Filing of Motions to Add or Amend. To be filed by no later than **90 days from the date of this order.**

15. Additional instructions. *See attached to this Order.*

16. Deadlines. 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: _____

Francis J. Jones, Jr., Judge