



d. the parties and counsel agree there are no remaining legal issues for the Court to resolve that would affect the trial date.

3. **Jury Selection.** \_\_\_\_\_ at 9:30 a.m.

4. **Pretrial Conference.** On \_\_\_\_\_ at \_\_\_\_\_, 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 \_\_\_\_\_. 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.**

5. **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 \_\_\_\_\_.

Please send a **Microsoft Word** version of the jury instructions with a verdict form to my secretary at [Marjorie.swain@delaware.gov](mailto:Marjorie.swain@delaware.gov) by \_\_\_\_\_.

6. **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 on or before \_\_\_\_\_.

7. **Exhibits.** Counsel shall exchange exhibits and meet to resolve objections on or before \_\_\_\_\_. Exhibits shall be pre-marked.

8. **Motions in Limine.** To be filed at least **45** days before the pretrial conference. Responses are to be filed **20** days before the pretrial conference. The motion will be heard at the pretrial conference.

9. **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 be completed by \_\_\_\_\_.

10. **Filing of Dispositive and *Daubert* Motions.** To be filed by no later than \_\_\_\_\_.

11. **Mandatory ADR.** To be conducted by no later than \_\_\_\_\_. 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 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.

12. **Interim Status Report.** To be filed by no later than \_\_\_\_\_. Among other issues, the parties shall advise the Court of the outcome of mandatory ADR.

13. **Filing of Motions to Add or Amend.** To be filed by no later than \_\_\_\_\_.

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

15. **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: \_\_\_\_\_

\_\_\_\_\_  
Jan R. Jurden, President Judge

**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.

**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 advance of the submission deadline to ensure compliance with the deadline.

**Case Dispositive Motions.** Case dispositive motions shall be filed at the convenience of the Court. Once received, a letter will be sent with a date for a response to the motion. Once the response is received, the Court will decide if it needs supplemental briefing, decide on the papers, or schedule a hearing. The motion and the response shall not exceed six (6) pages in length and shall have a notice page. The original motion and the response thereto are filed with the Prothonotary's Office **and one courtesy copy delivered to the Judge.**

**Routine Civil Motions.** Judge Jurden's routine motion calendar is on Wednesday at 9:15 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 four (4) business days, NOT INCLUDING the day the motion is to be heard.** 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.