

This is the sample scheduling stipulation for a Rule 12(b)(6) motion referenced in Section C(5)(d)(iii) (“Scheduling Stipulations”), page 15 of the Guidelines on Best Practices for Litigating Cases Before the Court of Chancery. It should be modified to fit the circumstances and used in conformity with the Guidelines.

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

_____,)
)
Plaintiff,)
)
v.) C.A. No. ____ - ____
)
_____,)
)
Defendant.)
)

**STIPULATION AND [PROPOSED] ORDER
GOVERNING BRIEFING ON MOTION TO DISMISS**

WHEREAS, Plaintiff filed its Verified Complaint on _____, 20__
(the “Complaint”);

WHEREAS, Defendant moved to dismiss the Complaint on _____,
20__; and

WHEREAS, the parties have discussed establishing a briefing schedule
governing Defendant’s Motion to Dismiss;

IT IS HEREBY STIPULATED AND AGREED, by the parties hereto,
through their undersigned counsel, subject to the approval of the Court, that the
following schedule shall govern briefing on Defendant’s Motion to Dismiss:

1. Defendant shall file and serve its Opening Brief on or before
_____, 20__.

2. Plaintiff shall file and serve its Answering Brief on or before _____, 20__.

3. Defendant shall file and serve its Reply Brief on or before _____, 20__.

4. Counsel for the parties will contact the Court to schedule oral argument after Plaintiff files its Answering Brief.

5. Should Plaintiff respond to Defendant's motion to dismiss by filing an amended Complaint or moving to amend on or before the time Plaintiff's Answering Brief is due to be filed, the deadlines stated herein shall be vacated.

[COUNSEL]
Attorneys for Plaintiff

[COUNSEL]
Attorneys for Defendant

SO ORDERED this _____ day of _____, 20__.

[Vice] Chancellor