

**SUPERIOR COURT**

**KENT COUNTY**

**CIVIL CASE**

**MANAGEMENT PLAN**

The following Plan is adopted by  
the Superior Court of the State of Delaware  
in order to ensure the orderly and prompt  
disposition of civil cases in Kent County

**EFFECTIVE JULY 1, 2000**

**REVISED February 13, 2006**

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## II **GENERAL FILING INFORMATION**

- A. Most civil cases are individually assigned to a specific Judge at the time of filing who handle all aspects of the assigned case.
- B. A Case Information Statement (CIS) must be filed by the Plaintiff when filing the Complaint and by the Defendant when filing a response to the Complaint. Any unusual issues which could affect judicial assignment (e.g. companion case) or case management ( e.g. elderly Plaintiff with terminal illness) should be noted on the CIS.

*See Exhibit A for sample CIS Form.*

- C. Receipt for filing fee will reflect civil action number and Judge's initials.
- D. Judge's initials must appear at the end of each civil action number on all future filings.

Example : 00C-01-001 WLW

## II **JUDICIAL ASSIGNMENT CATEGORIES**

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- A. Unless otherwise specially assigned by the President Judge, the following civil case types are assigned to all Judges at the time of filing on a rotating basis within categories.

1. **Complaints:**

- a. Debt/Breach of Contract (CDBT).
- b. Malpractice (CMAL).
- c. Personal Injury:
  - Auto Arbitration Appeals (CAAA).
  - Personal Injury Auto (CPIA).
  - Personal Injury (CPIN).
- d. Products Liability (CPRL).
- e. Class Action (CACT).
- f. Other:
  - Foreign & Domestic Attachment (CATT).
  - Transfer from CCP (CCCP).
  - Transfer from Chancery (CCHA).
  - Condemnation (CCON).
  - Defamation (CDEF).
  - Civil Fraud Enforcement (CFRD).
  - Declaratory Judgment (CDEJ).
  - Ejectment (CEJM).
  - Foreign Judgment (CFJG).
  - Interpleader (CINT).
  - Libel (CLIB).
  - Property Damage (CPRD).
  - Replevin (CPRV).
  - Breast Implant Cases (CSBI).
  - Summary Proceedings (CSPD).
  - Tax Appeal (CTAX).

2. **Mortgages/Mechanic Liens (MORT/LIEN).**

II     **JUDICIAL ASSIGNMENT CATEGORIES** (continued)

B.     Unless otherwise specially assigned by the President Judge, the following civil cases are assigned on a rotating basis to all Judges:

1.     **Appeals From Boards, Agencies, Commissions, and Courts Including Certioraris** (AIAB, AUIB, APSC, AADM, AFAM, ACCP, ACER):

Assigned to all Judges on a rotating basis.

## II **JUDICIAL ASSIGNMENT CATEGORIES** ( continued)

- C. The following cases are not assigned individually, but are referred to the Office Judge: *See Exhibit G*

1. **Miscellaneous Matters Referred to Office Judge at Time of Filing:**

- a. Appointment of Counsel (MAAT).
- b. Cease and Desist Order (MCED).
- c. Complaints Requesting Order (MCRO).
- d. Consent Orders (MCTO).
- e. Issuance of Subpoena/Material Witness (MISS).
- f. Writ of Mandamus (MMAN).
- g. Petitions for Out-of-State Deposition (MOUT).
- h. Applications for Forfeitures ( MAFF).
- i. Bail Forfeitures (MBAL).
- j. Road Resolution/Road Vacations (MROD/MVAC).
- k. Tax Ditches ( MTAX).
- l. Writs of Prohibition (MPRO).
- m. Expungements (MIND).
- n. Habeas Corpus (MHAC).
- o. Sell Real Estate for Property Tax (MSEL).
- p. Hazardous Substance Cleanup (MTOX).
- q. Civil Penalty ( MCVP)
- r. Any application relating to an unassigned case.
- s. Any application requiring immediate attention when the Assigned Judge is unavailable.

II      **JUDICIAL ASSIGNMENT CATEGORIES** (continued)

C.      2.      **Miscellaneous Matters Referred to Office Judge at Friday Motion Hour:**

- a.      Appointment of Guardianship where no underlying tort case has been filed. (MGAR).
- b.      Return Dates of Petitions to Compel Satisfaction of Judgment (MSOJ).
- c.      Return Dates of Petitions to Satisfy a Mortgage (MSAM).
- d.      Return of Dates of Writs of Possession (MPOS).

3.      **Judgment Cases:**

- a.      Petitions to Stay/Vacate a Sheriff Sale or Set Aside Mortgage (MSSS, MSEM).
- b.      All uncontested Judgment Petitions.

4.      **Involuntary Commitments** (INVC):

- a.      Hearings held before the Commissioner
- b.      Proposed routine Orders/Signed by Commissioner
- c.      Routine Orders/Signed by the Civil Office Judge
- d.      Appeal/Assigned to Civil Office Judge
- e.      Fee Application/Signed by the Civil Office Judge

II     **JUDICIAL ASSIGNMENT CATEGORIES** (continued)

D.     The following various civil case categories will be assigned as follows:

1.     **CLAD Cases:**

Assigned by the President Judge on case-by-case basis.

2.     **Asbestos Cases: (CASB):**

Assigned by the President Judge on case-by-case basis.

3.     **Applications to Carry a Concealed Deadly Weapon:**

Assigned to the Resident Judge.

4.     **Involuntary Commitments (INVC):**

Approval of Commissioner's Recommendations and Fee Applications  
assigned to the Civil Office Judge. *See Exhibit G*

5.     **Civil Contempts/Capias (MCON):**

Assigned to Judge who Orders Contempt/Capias.

6.     **Failure to Appear for Jury Duty/Rule to Show Cause:**

Assigned to Civil Office Judge   *See Exhibit G*

7.     **Judgment Cases - Contested Matters:**

Assigned to Civil Office Judge   *See Exhibit G*

8.     **Tax Refund Intercept/Seized Currency Cases** (MREF) and (MFOR):

Assigned to the Civil Office Judge   *See Exhibit G*

### III **GENERAL SCHEDULING PROCEDURES**

- A. Case Scheduling Orders will be issued by the Assigned Judge:
- when all defendants have answered have answered; or, in the discretion of the assigned judge in arbitration cases, when all defendants have answered or when a demand for a trial de novo has been filed.
- B. Before a Case Scheduling Order is issued , a Scheduling Conference may be held at the discretion of the Assigned Judge.
- C. Case Scheduling Orders may include the following significant dates:
- Arbitration Completion Date ( if applicable)
  - Filing of Motions to Add or Amend
  - Discovery Cutoff Date
  - Filing of Dispositive Motions
  - Pretrial Conference
  - Trial Calendar Conference
  - Trial
- See Exhibit B for sample of Trial Scheduling Order Form
- D. Unless Otherwise ordered by a Superior Court Judge all trials will be scheduled for a trial date within 365 days of the date of the case filing.
- E. Lead counsel and local counsel will attend all Scheduling Conferences, Status Conferences, Pretrial Conferences and Trial Calendar Call, unless excused by the Court.

#### **Extensions of Time; Continuances**

- (a) *General.* Extensions of time limits or continuances of a conference or trial may be granted only upon a showing of good cause and not solely by agreement of the parties. Requests for extensions of time limits set forth in a scheduling order must be made at least 10 days prior to the expiration of time. Motions for continuance on the date of an event are not favored, and any such motion must be accompanied by counsel's certification on the record that neither the parties nor counsel were aware of the grounds for such motion prior to the date of the event.
- (b) *Form of Request.* Except for good cause shown to the Assigned Judge , all

requests for extensions of the time limits or continuances of a conference or trial must be made in writing and filed with the Prothonotary. The written request shall contain:

- 
- A statement of date of case filing;
  - The position of opposing counsel and any unrepresented party on the request;
  - The number of times the time limit has been previously extended or the event continued;
  - The reason(s) why the request is being made;
  - Should the reason involve a conflict with an event scheduled in another court, the name of the other court and the name of the case must be recited, along with the civil action number, the date the event was scheduled in the other court and the name of the judge assigned to the case in the other court, if known;
  - A proposed new time limit, conference, or trial date which has been established after consultation with the opposing counsel or unrepresented party and the Judicial Case Manager.
- (c) *Copies of Request.* Copies of continuance requests shall be served upon opposing counsel (or pro se party), clients, the Prothonotary.
- (d) *Notice of Trial Date.* Counsel are responsible for notifying their clients and witnesses of the new date if a continuance is granted.

#### IV **MOTION PROCEDURE FOR ASSIGNED CIVIL CASES**

##### A. **DISPOSITIVE/ROUTINE MOTIONS**

###### 1. **Scheduling of Motion:**

- a. Prior to the filing of the motion, the attorney calls the Assigned Judge's Case Manager to obtain a date and time in which the motion will be heard.
- b. Each Judge has a fixed weekly time slot to hear routine motions. See Exhibit H
- c. Motions shall be noticed for presentation to the Court in accordance with Assigned Judge's time slot.

###### 2. **Filing of Motion:**

- a. Original motion shall be filed with Prothonotary's Office.
- b. Motion must be filed 10 days prior to the noticed date and shall not exceed 4 pages.
- c. Motion shall have **Notice** page indicating date and time of hearing.
- d. Motion shall not exceed 4 pages.
- e. Prothonotary clerk will reject a motion that exceeds the 4-page limit.

###### 3. **Response to Motion:**

- a. Original response shall be filed with Prothonotary's Office
- b. Response is due no later than **4** days prior to the hearing date. If no response is filed by the due date, the motion will be deemed unopposed unless good cause is shown.
- c. Response shall have **Notice** page indicating date and time of hearing.

IV **MOTIONS PROCEDURE FOR ASSIGNED CIVIL CASES** (continued)

A. 3. **Response to Motion**

- d. Response shall not exceed 4 pages.
- e. Prothonotary clerk will reject a response that exceeds the 4-page limit.

4. **No Reply Permitted by Moving Party.**

B. **ROUTINE MOTIONS TO BE HEARD BEFORE COMMISSIONER**

1. **Scheduling of Motions:**

- a. Commissioner has a fixed weekly time slot to hear routine motions.  
*See Exhibit G*
- b. Motions shall be noticed for presentation to the Court in accordance with Commissioner's time slot.

2. **Filing of Motions and Responses:**

- a. Motion must be filed 10 days prior to the noticed date and shall not exceed 4 pages
- b. Response is due no later than 4 days prior to motion hearing date and shall not exceed 4 pages. If no response is filed by the due date, the motion will be deemed unopposed.

IV **MOTION PROCEDURE FOR ASSIGNED CIVIL CASES** (continued)

C. 3. **Certain Specific Motions:**

- a. Motion which is scheduled either before Assigned Judge or Commissioner includes the following:
- Motion for Default Judgment Pursuant to Rule 55(b)(2)
  - Motion for Enlargement of Time
  - Motion for Independent Medical Examination
  - Motion for Protective Order
  - Motion for Psychiatric Examination
  - Motion for Relief from Arbitrator's Order
  - Motion for Special Jury
  - Motion in Limine
  - Motion to Amend ( **To be heard by Commissioner**)
  - Motion to Amend Pretrial Order/Scheduling Order
  - Motion to Compel ( **To be heard by Commissioner**)
  - Motion to Compel Compliance with a Subpoena
  - Motion to Consolidate
  - Motion to Dismiss Under Rule 41(e) for Failure to Prosecute
  - Motion to Expedite Proceedings
  - Motion to File Counterclaim/Crossclaim
  - Motion to Intervene
  - Motion for Leave to File a Third Party( **To be heard by Commissioner**)
  - Motion to Lift Stay
  - Motion to Modify Order
  - Motion to Satisfy Judgment
  - Motion to Sever ( **To be heard by Commissioner**)
  - Motion to Stay
  - Motion to Strike
  - Motion to Substitute Parties ( **To be heard by Commissioner**)
  - Motion to Vacate Default Judgment/Foreign Judgment
  - Motion to Withdrawn ( **To be heard by Commissioner** )
- b. Any Application to Continue the Trial Date must be sent to the

assigned Judge pursuant to Civil Administrative Order

IV **MOTION PROCEDURE FOR ASSIGNED CIVIL CASES** (continued)

C. 3. **Certain Specific Motions**

- c. A Motion to Consolidate should be filed under the oldest case.
- d. A Motion for Default Judgment pursuant to Civil Rule 55(b)(2) should normally include notice by mail to defaulting defendant.

D. **STIPULATED MOTIONS AND ADDITIONAL MOTIONS WHICH CAN BE PRESENTED WITHOUT SCHEDULING**

- 1. A motion presented by stipulation may be filed with the Prothonotary's Office for submission to the Assigned Judge for signature (no presentation date required). If the Assigned Judge has any questions about the proposed order, the Judge will take such action as the Judge deems appropriate.
- 2. Additional motions that may be filed with the Prothonotary's Office for submission to the Assigned Judge for signature (no presentation date required) include:
  - Motion for Admission Pro Hac Vice
  - Motion for Distribution of Funds
  - Motion for Extension of Time to File Alias Praecipe
  - Motion for Entry of Judgment Pursuant to Arbitrator's Order
  - Motion for Guardian Ad Litem
  - Motion for Publication
  - Motion for Rule to Show Cause
  - Motion for Special Process Sever
  - Motion to Amend to Add Certificate of Value
  - Motion to Compel Compliance with an Administrative Subpoena
  - Motion to Confirm an Award
  - Motion to Proceed In Forma Pauperis
  - Motion to Revise Briefing Schedule
  - Motion to Take a Deposition in an Out-of-State Case

If the assigned Judge has any questions about the proposed order,

the Judge will take such action as the Judge deems appropriate.

IV **MOTION PROCEDURE FOR ASSIGNED CIVIL CASES** (continued)

E. **MOTIONS IN RULE 16.1 ALTERNATIVE DISPUTE RESOLUTION CASES**

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- A. Any non-dispositive motion filed prior to the last responsive pleading or prior to assignment to arbitration as provided by Superior Court Civil Rule 16.1 will be heard by the Assigned Judge on the Judge's scheduled routine motion day.
- B. After the last responsive pleading or the expiration of time pursuant to Superior Court Civil Rule 16.1, the case is referred to arbitration and all motions, including dispositive motions, will be considered by the Arbitrator appointed, with the exception of the following motions which will be heard by the Assigned Judge:
  - A. Motion to Bypass Arbitration and any related Motion
  - B. Motion to Waive an Arbitration Fee
  - C. Motion to Withdraw as Counsel
  - D. Motion to Dismiss for Lack of Subject Matter Jurisdiction
- C. Pursuant to Superior Court Civil Rule 16.1( k) Unless otherwise ordered by the Court, an arbitration shall be scheduled in consultation with the parties within thirty (30) days of appointment and held by the arbitrator within sixty (60) days after scheduling; except that, where an answering party has requested a defense physical examination, pursuant to subsection (e)(3) of this Rule, the hearing shall be scheduled within thirty (30) days of the receipt of the physician's report by the arbitrator. If the arbitrator is unable to schedule the hearing during this time period, the arbitrator shall immediately inform the Court of the scheduling problem.
- D. Any hearing which has not be heard within 40 days of appointment may be referred to the Assigned Judge for a Status Conference.

IV     **MOTION PROCEDURE FOR ASSIGNED CIVIL CASES** (continued)

F.     **INCARCERATED LITIGANT MOTIONS**

1.     A motion by incarcerated litigants are filed with the Prothonotary's Office, **without** date and time.
2.     Judicial Case Manager will send a letter to opposing party instructing the party that a response must be filed within 10 days or the motion will be deemed unopposed.
3.     Upon the expiration of 10 days, Prothonotary clerk will send motion, response ( if any), and filed to the Assigned Judge.
4.     Judge will review pleadings and decide motion or schedule a hearing.
5.     If a hearing is necessary, Assigned Case Manager will schedule a hearing by video or in the courtroom and notify Department of Corrections to have video hooked up or to bring the prisoner.

V. **DISMISSAL NOTICES**

- A. Rule 41(e) Court Dismissal Letters will be issued monthly, following six (6) months of no activity.

*See Exhibit C for Form.*

- B. Rule 4(j) 120 Day Letters will be issued for all cases that have not had service effected within 90 days of issuance of summons.

*See Exhibit D for Form.*

- C. A Settlement Confirmation Letter will be issued for all cases reported to the Court as having been settled.

*See Exhibit E for Form.*

- D. Rule 41(g) Dormant Docket Notification will be issued upon the Court receiving notification of Bankruptcy filing.

*See Exhibit H for Form.*

VI     **JUDICIAL ASSIGNMENTS AND DUTIES OF OFFICE JUDGE**

- A.     The Duties of the Office Judge are listed in Exhibit G.
- B.     Judicial Assignments and motion time slots of individual Judges for the current cycle are shown in Exhibit G. The President Judge will update Exhibit G periodically.

## FLOW CHART

**THE ABOVE PLAN IS HEREBY ADOPTED BY THE PRESIDENT JUDGE  
OF THE SUPERIOR COURT OF THE STATE OF DELAWARE IN AND FOR  
KENT COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002**

\_\_\_\_\_  
**President Judge**

\_\_\_\_\_  
**Resident Judge**

\_\_\_\_\_  
**Judge**

**SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS)**  
**EXHIBIT A**

COUNTY:    N       K       S                      CIVIL ACTION NUMBER: \_\_\_\_\_

CIVIL CASE CODE: \_\_\_\_\_ CIVIL CASE TYPE: \_\_\_\_\_

(SEE REVERSE SIDE FOR CODE AND TYPE)

<p><b>CAPTION:</b></p> _____  _____  _____  _____  _____	<p><b>NAME AND STATUS OF PARTY FILING DOCUMENT:</b></p> _____  <b>DOCUMENT TYPE:</b> (E.G., COMPLAINT; ANSWER WITH COUNTERCLAIM)  _____  <b>ARBITRATION</b> _____ <b>NON-ARBITRATION</b> _____ <span style="margin-left: 150px;">(CERTIFICATE OF VALUE MAY BE REQUIRED)</span> <b>JURY DEMAND</b> _____ <b>YES</b> _____ <b>NO</b> _____ <b>TRACK ASSIGNMENT REQUESTED: (CIRCLE ONE)</b>  <b>EXPEDITED    STANDARD    COMPLEX</b>
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<p><b>ATTORNEY NAME(S):</b></p> _____  <b>FIRM NAME:</b>  _____  <b>ADDRESS:</b>  _____  _____  _____  <b>TELEPHONE NUMBER:</b>  _____  <b>FAX NUMBER:</b>  _____  <b>E-MAIL ADDRESS:</b>  _____  _____	<p><b>IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS</b></p> _____ _____ _____  <b>EXPLAIN THE RELATIONSHIP(S):</b> _____  _____ _____ _____ _____ _____ _____ _____ _____  <b>OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:</b> _____  _____ _____ _____ _____  (If additional space is needed, please attach pages)
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**THE PROTHONOTARY WILL NOT PROCESS THE COMPLAINT, ANSWER OR FIRST RESPONSIVE PLEADING IN THIS MATTER FOR SERVICE UNTIL THE CASE INFORMATION STATEMENT (CIS) IS FILED. THE FAILURE TO FILE THE CIS AND TO HAVE THE PLEADING PROCESSED FOR SERVICE MAY RESULT IN THE DISMISSAL OF THE COMPLAINT OR MAY RESULT IN THE ANSWER OR FIRST RESPONSIVE PLEADING BEING STRICKEN.**

## **SUPERIOR COURT CIVIL CASE INFORMATION STATEMENT (CIS) INSTRUCTIONS**

### **CIVIL CASE TYPE**

Please select the appropriate civil case code and case type (e.g., **CODE** - AADM and **TYPE** - Administrative Agency) from the list below. Enter this information in the designated spaces on the Case Information Statement.

<p><b>APPEALS</b></p> <p>AADM- Administrative Agency  ACCP - Court of Common Pleas  ACER - Certiorari  AFAM - Family Court  AIAB - Industrial Accident Board  APSC - Public Service Commission  AUIB - Unemployment Insurance Appeal Board</p> <p><b>COMPLAINTS</b></p> <p>CAAA - Auto Arb Appeal *  CASB - Asbestos  CATT - Foreign &amp; Domestic Attachment  CCCP - Transfer from CCP*  CCHA - Transfer form Chancery *  CCON - Condemnation  CDBT - Debt/Breach of Contract *  CDEF - Defamation *  CDEJ - Declaratory Judgment  CEJM - Ejectment *  CFJG - Foreign Judgment *  CINT - Interpleader  CLIB - Libel *  CMAL - Malpractice *  CACT - Class Action  CPIA - Personal Injury Auto *  CPIN - Personal Injury *  CPRD - Property Damage *  CPRL - Products Liability *  CRPV - Replevin  CSBI - Silicone Breast Implant  CTAX - Tax Appeal  CFRD - Fraud Enforcement  CSPD - Summary Proceedings Dispute</p> <p><b>INVOLUNTARY COMMITMENTS</b></p> <p>INVC- Involuntary Commitment</p>	<p><b>MISCELLANEOUS</b></p> <p>MAAT - Appointment of Attorney  MAFF - Application for Forfeiture  MBAL - Bail Forfeiture  MCED - Cease and Desist Order  MCRO - Complaint Requesting Order  MCTO - Consent Order  MHAC - Habeas Corpus  MIND - Destruction of Indicia of Arrest  MISS - Issuance of Subpoena/Material                  Witness  MMAN - Mandamus  MOUT - Out of State Deposition  MPOS - Writ of Possession  MPRO - Writ of Prohibition  MROP - Petition for Return of Property  MROD - Road Resolution  MSAM - Satisfy Mortgage  MSOJ - Compel Satisfaction of Judgment  MTAX - Tax Ditches  MVAC - Vacate Public Road  MSEM - Set Aside Satisfaction of Mortgage  MSSS - Set Aside Sheriff's Sale  MSEL - Sell Real Estate for Property Tax  MTOX - Hazardous Substance Cleanup  MCVP - Civil Penalty  MREF - Tax Intercept  MGAR - Appointment of Guardianship  MFOR - Intercept of Forfeited Money</p> <p><b>MORTGAGES</b></p> <p>MORT - Mortgage</p> <p><b>MECHANICS LIENS</b></p> <p>LIEN - Mechanics Lien *</p> <p><b>OTHER</b></p> <p>OTHR - Specify Type</p>
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**\* Case types subject to Arbitration Rule 16.1**

### **DUTY OF THE PLAINTIFF**

Each plaintiff/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the complaint.

### **DUTY OF THE DEFENDANT**

Each defendant/counsel shall complete the attached Civil Case Information Statement (CIS) and file with the answer and/or

**EXHIBIT B**

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR KENT COUNTY

PETER PLAINTIFF,

Plaintiff,

v.

DAVID DEFENDANT,

Defendant,

C.A. No. 00C-01-001 - WLW

CASE SCHEDULING ORDER

WHEREAS, the Court having reviewed the Prothonotary file in the above-captioned case,

IT IS ORDERED that the following will control all future events in this case.

Any amendments or modifications to the event deadlines established in this Order will require a scheduled office conference.

*Arbitration Completion Date ( if applicable)*

*Filing of motions to add/amend*

*Discovery Cutoff*

*Filing of Dispositive Motions*

*Pretrial Conference (9:15 a.m.)*

*Trial Calendar Conference (10:45 a.m.)*

*Trial (Jury/Non-Jury) (10:00 a.m.)*

*The Anticipated Length of Trial is \_\_\_\_\_ Days.*

\_\_\_\_\_  
Judge

Dated: 06/09/2000

xc: All Parties  
Prothonotary

**EXHIBIT C**

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

KENT COUNTY  
PROTHONOTARY

KENT COUNTY COURTHOUSE  
38 THE GREEN  
DOVER, DE 19901  
(302) 739-3184

Joe Smith, Esquire  
Smith & Smith  
P.O. Box 123  
Wilmington, DE 19899

Don Brown, Esquire  
Brown & Brown  
P.O. Box 123  
Wilmington, DE 19899

WLW- Peter Plaintiff vs. David Defendant  
Civil Action No. 00C-01-001

RE: 41(e) Dismissal Notice

Dear Counsel:

In accordance with Superior Court Civil Rule 41(e), this notice is to advise you that the above-referenced action has been pending in this court for more than six months and that no proceedings have been taken therein during the past six months.

If no proceedings are taken within the next thirty (30) days, this action will be dismissed by the Court for want of prosecution.

Dated:

Sincerely yours,

Case Manager

No action having been taken in accordance with the above, **It Is So Ordered** that this case is dismissed on this                      day of                      ,                      .

\_\_\_\_\_  
Judge

**EXHIBIT D**

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

KENT COUNTY  
PROTHONOTARY

KENT COUNTY COURTHOUSE  
38 THE GREEN  
DOVER, DE 19901  
(302) 739-3184

Joe Smith, Esquire  
Smith & Smith  
P.O. Box 123  
Wilmington, DE 19899

Don Brown, Esquire  
Brown & Brown  
P.O. Box 123  
Wilmington, DE 19899

WLW- Peter Plaintiff vs. David Defendant  
Civil Action No. 00C-01-001

RE: Summons - Time Limit for Service

Dear Counsel:

According to the civil docket, the above captioned case has been pending in Superior Court for more than ninety (90) days without proof of service of the summons and complaint upon the defendant(s). You have until the 120<sup>th</sup> day after filing to accomplish service upon the defendant(s) or provide the Court with written explanation of good cause why service has not been made within 120 days after filing of complaint.

If no proof of service, or written explanation regarding service is received by the 120<sup>th</sup> day after filing, in accordance with Superior Court Civil Rule 4(J), this action will be dismissed by the Court.

Dated:

Sincerely,

Case Manager

No proof of service having been provided on the above-captioned case within 120 days, and following appropriate notification, **It Is So Ordered** that this action is hereby dismissed with prejudice on this                      day of                      ,                      .

---

Judge

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

KENT COUNTY  
PROTHONOTARY

KENT COUNTY COURTHOUSE  
38 THE GREEN  
DOVER, DE 19901  
(302) 739-3184

Joe Smith, Esquire  
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Wilmington, DE 19899

Don Brown, Esquire  
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P.O. Box 123  
Wilmington, DE 19899

WLW- Peter Plaintiff vs. David Defendant  
Civil Action No. 00C-01-001

RE: Settlement Dismissal Notice

Dear Counsel:

This letter is a confirmation that the Court has been notified by Plaintiff or Plaintiff's Counsel in the above referenced civil action that the parties have settled this matter as to all claims and all parties. In order for the Court to close it's file, a Stipulation of Dismissal, or, in the alternative, a letter stating the status of this matter is not filed with the Court within thirty (30) days of the date of this letter, the Court will dismiss this action with prejudice.

Thank you for your prompt attention to this matter.

Sincerely yours,

Case Manager

Dated:

The Court having been notified by Counsel that the above captioned action has been settled as to all claims and all parties, and no Stipulation of Dismissal having been filed, or, in the alternative, no further information having been provided, the above captioned is hereby dismissed by the Court with prejudice.

**It Is So Ordered** this            day of            ,            .

---

Judge

**DUTIES OF THE OFFICE JUDGE**

1. Presides over Hearings and Miscellaneous Matters which shall be scheduled before the Office Judge during his routine motion time.
2. Reviews/orders various types of Misc. civil cases (unassigned)  
Appointment of Guardianship(where no underlying tort case is pending)  
Cease and Desist Orders  
Complaint Requesting Order  
Consent Order  
Issuance of Subpoenas  
Petitions for Out-of-State Deposition  
Petitions to compel Satisfaction of Judgment  
Petitions to Satisfy a Mortgage  
Writs of Possession  
Toxic Consent Orders  
Judgment Cases
3. Refers Miscellaneous Matters to Commissioner pursuant to Superior Court Civil Rule 132.
4. Handles emergency applications when assigned Judge is unavailable.
5. Handles Petitions for Writ of Habeas Corpus.
6. Handles Petit Jury Orientation

## JUDICIAL ASSIGNMENTS

MONTH	CRIMINAL OFFICE	CRIMINAL BACK-UP	CIVIL
January	WLW	RBY	JTV
February	JTV	WLW	RBY
March	RBY	JTV	WLW
April	WLW	RBY	JTV
May	JTV	WLW	RBY
June	RBY	JTV	WLW
July	WLW	RBY	JTV
August	JTV	WLW	RBY
September	RBY	JTV	WLW
October	WLW	RBY	JTV
November	JTV	WLW	RBY
December	RBY	JTV	WLW

CIVIL MOTIONS TIME SLOTS:

2 <sup>nd</sup> & 4 <sup>th</sup> Fridays	11:00 a.m.	President Judge Vaughn
1 <sup>st</sup> & 3 <sup>rd</sup> Fridays	11:00 a.m.	Resident Judge Witham
1 <sup>st</sup> & 3 <sup>rd</sup> Fridays	11:00 a.m.	Judge Young
Thursdays	2:00 p.m.	Commissioner Maybee

**EXHIBIT H**

Joe Smith, Esquire  
Smith & Smith  
P.O. Box 123  
Wilmington DE 19801

Don Brown, Esquire  
Brown & Brown  
P.O. Box 456  
Wilmington DE 19801

Peter Plaintiff vs. David Defendant  
Civil Action No. 00C-01-001 WLW

Dear Counsel:

In accordance with Superior Court Civil Rule 41(G), this notice is to advise you that the above referenced case was moved from the active docket to the dormant docket today. Twenty-four months from the date of this letter, the action shall be dismissed without further notice unless, prior to the expiration of the twenty-four month period, a party files a motion with the originally assigned judge to extend the period for good cause shown.

Sincerely,

Judicial Case Manager

Dated: June 4, 2002

No party having been granted an extension, in accordance with the above, within the twenty-four month period, **IT IS HEREBY ORDERED**, this case is dismissed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge