

**ADMINISTRATIVE DIRECTIVE  
OF THE  
CHIEF JUDGE OF THE COURT OF COMMON PLEAS  
FOR THE STATE OF DELAWARE  
NO. 2010-3  
SPECIAL ELECTION AND EXPEDITED DOCKET  
("SPEED DOCKET")**

This 28<sup>th</sup> day of December 2010,

IT IS HEREBY DIRECTED pursuant to *10 Del. C. §1302(d)*, the authority being vested in the Chief Judge, as the administrative head of the Court during the term of his appointment;

IT IS THEREFORE DIRECTED THAT:

1. Effective February 1, 2011, Administrative Directive 2010-3 is hereby adopted creating a new docket for civil cases in the Court of Common Pleas known as the Special Election and Expedited Docket (SPEED Docket).

2. The SPEED Docket will be available for all civil cases filed in the Court of Common Pleas and all appeals *de novo* from the Justice of the Peace Court to the Court of Common Pleas where the amount in controversy is \$10,000 to \$50,000, except consumer debt cases and appeals on the record which are exempt.

3. For any qualifying civil case commenced after February 1, 2011, any party may elect to have a civil matter docketed on the SPEED Docket and addressed by the Court in conformity with this Administrative Directive.

4. Identification of a qualifying case shall be made by any party through the completion and filing of a SPEED Civil Action Election Sheet. Thereafter, all

pleadings filed with the Court shall include the letters SPEED in the caption under the Civil Action Number in the party's pleading.

5. Unless specially assigned by the Chief Judge, a case identified as a qualifying case shall be assigned, on a rotating basis, to a judge within the county in which the case was filed. Unless reassigned by the Chief Judge of the Court of Common Pleas, the case will remain assigned to the same judge for all purposes through final disposition.

6. A party opposing identification of a case as a qualifying case shall do so by motion filed before the Rule 16 scheduling conference referred to below, or at such other time as the assigned judge may direct. The motion shall set forth with specificity the factual and legal basis as to why cause exists for the relief sought. The filing of such a motion shall not affect the time for filing any pleading, motion, or required response under the Court's rules. If the assigned judge determines that the case is not a qualifying case, or otherwise inappropriate for the SPEED Docket, the case shall proceed under the Court's rules on the regular civil docket, and the presiding judge will remain assigned to the case through final disposition.

7. A scheduling conference (the "SPEED Docket Scheduling Conference") will be scheduled to be held within thirty (30) days of the filing of a responsive pleading or motion under Rule 7 or a motion under Rule 12 by any party, and shall conform to this Directive and the applicable provisions of Rule 16.

8. Firm pretrial and prompt trial dates will be established which will not be continued absent extraordinary circumstances.

9. At the SPEED Docket Scheduling Conference, the Court shall enter a Scheduling Order adhering as closely as possible to the following time schedules:

- a. to join other parties or to amend the pleadings within one month of the SPEED Docket Scheduling Conference;
- b. to file motions regarding discovery so that said motions may be heard by the Court within two months of the SPEED Docket Scheduling Conference;
- c. to file dispositive motions so that said motions may be heard by the Court within four months of SPEED Docket Scheduling Conference; and
- d. to schedule the trial to take place within five months of the SPEED Docket Scheduling Conference.

10. Prior to trial, the Court will consider joint applications to resolve cases by alternative dispute resolution, establish procedures for the conduct of the trial, including procedures to streamline the presentation of evidence, to efficiently present legal issues in pre-trial submissions, and to ensure prompt and effective post-trial decisions on the merits.

/Alex J. Smalls/  
Alex J. Smalls  
Chief Judge  
Court of Common Pleas

cc: Judge John K. Welch  
Judge Rosemary Betts Beauregard

Judge Kenneth S. Clark, Jr.  
Judge Charles W. Welch, III  
Judge Joseph F. Flickinger, III  
Judge Andrea L. Rocanelli  
Judge Anne Hartnett Reigle  
Judge Eric M. Davis  
Commissioner Mary M. McDonough  
Commissioner Joseph Whitmore Maybee  
Ms. Carole B. Kirshner, Court Administrator  
Ms. Stephanie Fitzgerald, Assistant Court Administrator  
Ms. Elizabeth Jonkiert, Clerk of the Court  
Ms. Deborah Mowbray, Clerk of Court  
Ms. Tamu White, Clerk of Court  
Ms. Teresa Lindale, Kent County Clerk of the Court  
Ms. Wanda Smith, Sussex County Clerk of the Court

*SAMPLE CAPTION*

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR ANY COUNTY

SAMPLE PLAINTIFF,

Plaintiff,

v.

SAMPLE DEFENDANT,

Defendant.

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

C.A. 0000000000000000

SPEED

COMPLAINT

SAMPLE SCHEDULING ORDER

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

IN AND FOR ANY COUNTY

SAMPLE PLAINTIFF,

\*

\*

Plaintiff,

\*

C.A. 0000000000000000

\*

v.

\*

SPEED

\*

SAMPLE DEFENDANT,

\*

\*

Defendant.

\*

SPEED

CIVIL ACTION WORKSHEET & ORDER

Date of Filing of Complaint: \_\_\_\_\_ Date of Filing Answer: \_\_\_\_\_

Date of filing other motion under Rule 7 or 12 by any party: \_\_\_\_\_

Name of motion: \_\_\_\_\_

Presiding Judge: \_\_\_\_\_

Date of Scheduling Conference (w/in 30 days of Answer or above Motion): \_\_\_\_\_

Following the Scheduling Conference, this Court enters the following order with the following deadlines:

\_\_\_\_\_ *This civil action will proceed on the SPEED docket.*

\_\_\_\_\_ *This action will return to the regular civil docket.*

*Motions to join additional parties or amend the pleading must be filed by \_\_\_\_\_  
(30 days)*

*Motions to Compel Discovery must be filed by \_\_\_\_\_.  
(45 days)*

*Such motions will be heard by \_\_\_\_\_.  
(60 days)*

*Dispositive motions must be filed by \_\_\_\_\_.  
(90 days)*

Such motions will be heard by \_\_\_\_\_.  
(120 days)

Trial date: \_\_\_\_\_.  
(150 days)

\_\_\_\_\_ An additional conference will be held on: \_\_\_\_\_ (optional).

\_\_\_\_\_ In addition, the following orders are entered:

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

**IN THE COURT OF COMMON PLEAS  
FOR THE STATE OF DELAWARE  
IN \_\_\_\_\_ COUNTY**

**SPEED CIVIL ACTION ELECTION SHEET  
(Speed Docket)**

**CASE NUMBER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**FULL CASE CAPTION:**

**I, OR WE, \_\_\_\_\_ (Plaintiff/  
Attorney, Defendant/Attorney) do hereby request that the above stated  
case proceed through the Special Election track that will be known as  
the Speed Docket.**

**The claim amount of my case is \$10,000 or greater.**

**Official notification has been made to all parties of such request filed  
with the Court of Common Pleas in \_\_\_\_\_ County on**

\_\_\_\_\_  
**(Date)**

**Plaintiff/Attorney Signature:** \_\_\_\_\_

**Defendant/Attorney Signature:** \_\_\_\_\_