

**SUPERIOR COURT**

**NEW CASTLE 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 New Castle County*

**REVISED November 14, 2001**

**Exhibits Updated March 30, 2004**

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**I. GENERAL FILING INFORMATION**

- A.** Most civil cases are individually assigned to a specific Judge at the time of filing who will 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 JEB

## II. JUDICIAL ASSIGNMENT CATEGORIES

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

### 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 (CRPV)
  - Breast Implant Cases (CSBI)
  - Summary Proceedings (CSPD)
  - Tax Appeal (CTAX)

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

2. **Miscellaneous:**

- i. Road Resolutions/Road Vacation (MROD/MVAC)
- ii. Tax Ditches (MTAX)

**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:

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

Assigned to all Judges on a rotating basis.

3. **Miscellaneous:**

Assigned to all Judges.

a. Petitions for Return of Property (MROP): Office Judge will assign Return of Property trials, on the day of trial, to any available Judge or Commissioner.

b. Writs of Mandamus, (MMAN), Prohibition (MPRO) and other petitions/writs relating to Superior Court sentence, assigned to Sentencing Judge.

Writs of Mandamus, Prohibition and other petitions/writs not relating to a criminal matter sentenced by a Superior Court Judge, assigned to all Judges on a rotating basis.

c. Habeas Corpus (MHAC) filed by Inmates sentenced by Superior Court Judge, assigned to Sentencing Judge.

Habeas Corpus not relating to a Superior Court sentencing, assigned to Office Judge.

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

C. The following cases are not assigned individually, but are referred to the Office Judge:

**1. Miscellaneous Matters Referred To Office Judge At Time Of Filing:**

- a. Appointment of Counsel (MAAT)
- b. Cease and Desist Orders (MCED)
- c. Complaints Requesting an Order (MCRO)
- d. Consent Orders (MCTO)
- e. Issuance of Subpoena/Material Witness (MISS)
- f. Petitions for Out-of-State Deposition (MOUT)
- g. Applications for Forfeitures (MAFF)
- h. Expungements (MIND)
- i. Habeas Corpus (MHAC) - Non-Superior Court Cases or Pre-sentencing Superior Court Cases.
- j. Sell Real Estate for Property Tax (MSEL)
- k. Hazardous Substance Cleanup (MTOX)
- l. Civil Penalty (MCVP)
- m. Any application relating to an unassigned case.
- n. 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).

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. Routine Orders (fixing hearing dates and times).
- b. Appeals.



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. *See Exhibit I.*

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

Assigned to Resident Judge.

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

Approval of Commissioner's Recommendations and Fee Applications assigned by the President Judge. *See Exhibit I.*

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 Office Judge.

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

Assigned to Judge as appropriate on a shared basis.

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

Assigned by the President Judge. *See Exhibit I.*

### III. GENERAL SCHEDULING PROCEDURES

- A. Case Scheduling Orders will be issued by the Assigned Judge:
- when all defendants have answered (non-arbitration cases); or
  - upon receipt of trial de novo request (arbitration cases).
- 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:
- Pleading deadlines;
  - Discovery deadlines, including special dates for expert discovery;
  - Dispositive Motion deadlines;
  - Interim Status Report due date;
  - Status Conference;
  - Any matter commonly covered by Status Conferences.

*See Exhibit B for sample Case Scheduling Order Form*

- D. Status Conferences may consider pre-trial matters and set the following significant dates:
- Briefing schedule - established if needed;
  - Alternative dispute resolution matters including date, if appropriate;
  - Due date for Pretrial Stipulation -3 days before Pretrial Conference;
  - Pretrial Conference date
    - > Approximately 30 days prior to trial date;
  - ***Trial Calendar Call Date (Wednesday at 9 a.m. before trial week);***
  - Trial date
    - > Preferably within 4 months after Status Conference; or
    - > At the direction of the Court.

*See Exhibit C for sample Trial Scheduling Order Form*

- E. Lead counsel and local counsel will attend all Scheduling Conferences, Status Conferences, Pretrial Conferences and Trial Calendar Call, unless excused by the Court.

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

##### **A. DISPOSITIVE MOTIONS**

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

- a. Prior to the filing of the motion, the attorney calls the Assigned Judge's Secretary to obtain a date and time in which the motion will be heard.
- b. The motion must be filed within 3 days or the time slot may be vacated.

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

- a. Original motion shall be filed with Prothonotary's Office, **copy** shall be delivered to Assigned Judge's Chambers.
- b. Motion shall have **Notice** page indicating date and time of hearing.
- c. Motion shall not exceed 4 pages.\* Total Appendix may not exceed 25 pages. Appendix may not include statements of fact or factual summaries.
- d. Prothonotary clerk will reject a late filed motion or a motion that exceeds the 4-page limit.

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

- a. Original response shall be filed with Prothonotary's Office; **copy** shall be delivered to Assigned Judge's Chambers.
- 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.
- c. Response shall have **Notice** page indicating date and time of hearing.
- d. Response shall not exceed 4 pages.
- e. Prothonotary clerk will reject a late filed response or a response that exceeds the 4-page limit.

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

\* If counsel believes in good faith that the matter requires full briefing pursuant to Superior Court Civil Rule 107, counsel may seek leave of the court to bypass the 4 page requirement.

IV. MOTION PROCEDURE FOR ASSIGNED CIVIL CASES (continued)

B. ROUTINE MOTIONS

1. Scheduling of Motions:

- a. Each Judge has a fixed weekly time slot to hear routine motions. *See Exhibit H.*
- b. Motion shall be noticed for presentation to the Court in accordance with Assigned Judge'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. Motions not filed 10 days prior to the noticed date or exceeding the 4 page limit will be rejected by the Prothonotary.
- 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. The motion may be taken off the calendar, forwarded to the assigned judge, and granted without further notice or hearing.

2. Nonconforming Responses:

- c. Nonconforming responses rejected by the Prothonotary.
- d. If a nonconforming response is filed, the motion will be deemed unopposed, may be taken off the calendar, forwarded to the assigned judge, and granted without further notice or hearing.

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

**B. 3. Certain Specific Motions:**

- a. A routine motion is non-dispositive and includes the following:
- Motion for Attorney's Fees
  - Motion for Default Judgment Pursuant to Rule 55(b)(2)
  - Motion for Enlargement of Time
  - Motion for Entry of Judgment Pursuant to Arbitrator's Order
  - Motion for Independent Medical Examination
  - Motion for Protective Order
  - Motion for Psychiatric Examination
  - Motion for Relief From Arbitrator's Order
  - Motion for Sanctions
  - Motion for Special Jury
  - Motion in Limine
  - Motion to Amend
  - Motion to Amend Pretrial Order/Scheduling Order
  - Motion to Compel
  - Motion to Compel Compliance with a Subpoena
  - Motion to Consolidate
  - Motion to Continue a Trial Date
  - Motion to Dismiss Under Rule 41(e) for Failure to Prosecute
  - Motion to Expedite Proceedings
  - Motion to File a Counterclaim/Crossclaim
  - Motion to Intervene
  - Motion to Lift Stay
  - Motion to Modify an Order
  - Motion to Open a Default Judgment
  - Motion to Satisfy a Judgment
  - Motion to Sever
  - Motion to Stay
  - Motion to Strike
  - Motion to Substitute Parties
  - Motion to Vacate Default Judgment/Foreign Judgment
  - Motion to Withdraw
- b. Motion to Continue Trial Date should normally be filed as a routine motion.
- 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.

IV. MOTION PROCEDURE FOR ASSIGNED CIVIL CASES (continued)

C. 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 question 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, etc.
  - Motion for Guardian Ad Litem
  - Motion for Publication
  - Motion for Rule to Show Cause
  - Motion for Special Process Server
  - Motion to Amend to Add a 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 question about the proposed order, the Judge will take such action as the Judge deems appropriate.

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

**D. MOTIONS IN RULE 16.1(b)(2) ARBITRATION CASES**

1. 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(b)(2) will be heard by the Assigned Judge on the Judge's scheduled routine motion day.
2. After the last responsive pleading or the expiration of time pursuant to Superior Court Civil Rule 16.1(b)(2), 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:
  - Motion to Bypass Arbitration and any related Motion
  - Motion to Waive an Arbitration Fee
  - Motion to Withdraw as Counsel
  - Motion to Dismiss for Lack of Subject Matter Jurisdiction

IV. MOTION PROCEDURE FOR ASSIGNED CIVIL CASES (continued)

E. INCARCERATED LITIGANT MOTIONS

1. A motion by incarcerated litigants are filed with the Prothonotary's Office, without date and time.
2. Prothonotary clerk 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 file to the Assigned Judge.
4. Judge will review pleadings and decide motion or schedule a hearing.
5. If a hearing is necessary, Assigned Judge's Secretary will schedule a hearing by video or in the courtroom and notify the Department of Correction 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 D 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 E for Form.*

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

*See Exhibit F for Form.*

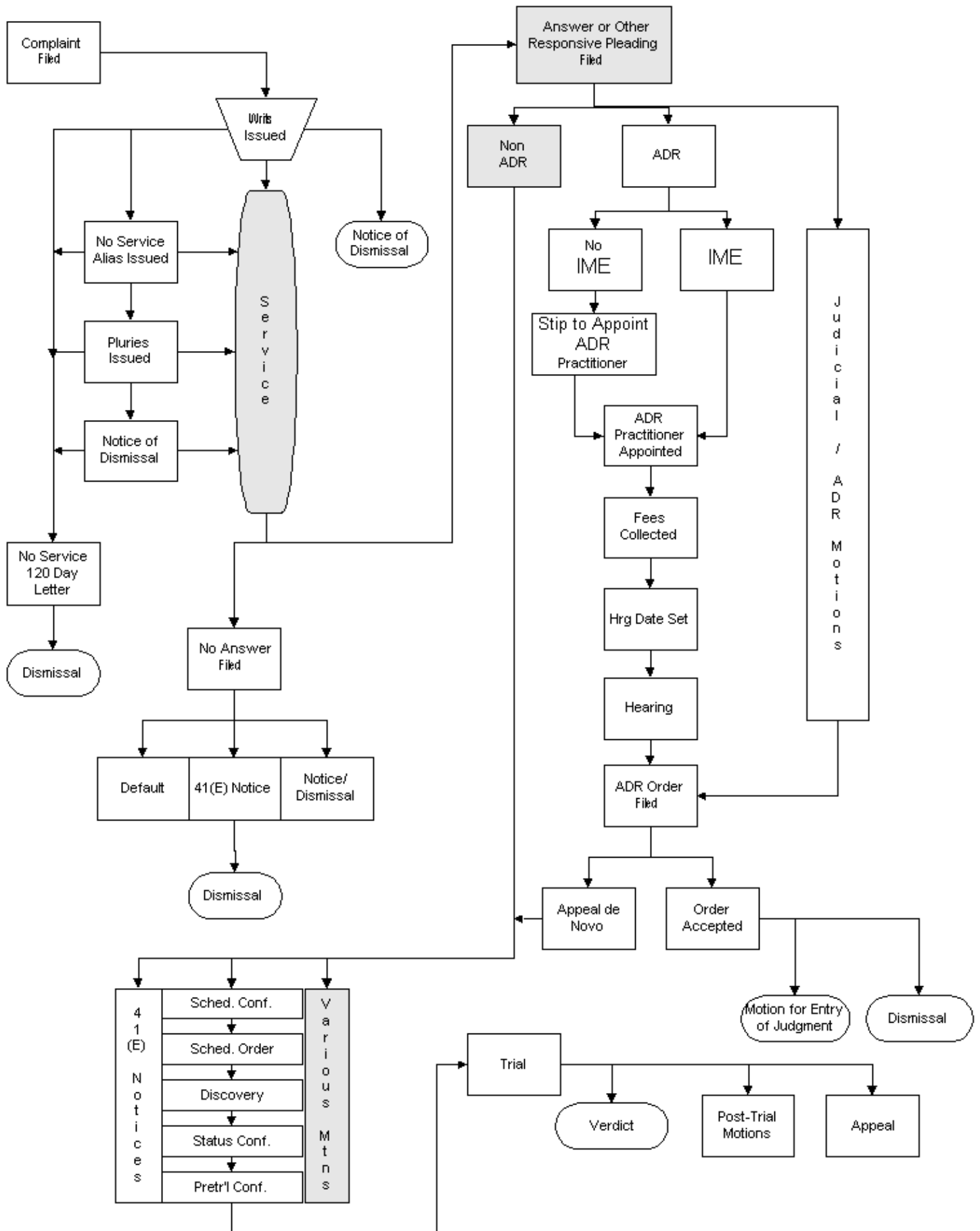
- D.** Rule 41(g) Dormant Docket Notification will be issued upon the Court receiving notification of Bankruptcy filing.

*See Exhibit H for Letter*

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

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

# VII. CIVIL CASE FLOW CHART



**THE ABOVE PLAN IS HEREBY ADOPTED BY THE PRESIDENT JUDGE  
OF THE SUPERIOR COURT OF THE STATE OF DELAWARE IN NEW  
CASTLE COUNTY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.**

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

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

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

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

Civil Case Code \_\_\_\_\_                   Civil Case Type \_\_\_\_\_

(SEE REVERSE SIDE FOR CODE AND TYPE)

Caption:  <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	Name and Status of Party filing document:  <hr/> Document Type: (E.G.; COMPLAINT; ANSWER WITH COUNTERCLAIM)  <hr/> Non-Arbitration ___                   eFile ___ (CERTIFICATE OF VALUE MAY BE REQUIRED)  Arbitration ___   Mediation ___       Neutral Assessment ___ DEFENDANT (CIRCLE ONE) <b>ACCEPT   REJECT</b> JURY DEMAND   YES _____   NO _____ TRACK ASSIGNMENT REQUESTED (CIRCLE ONE) <b>EXPEDITED   STANDARD   COMPLEX</b>
---	--

ATTORNEY NAME(S):  <hr/> ATTORNEY ID(S):  <hr/> FIRM NAME:  <hr/> ADDRESS:  <hr/> <hr/> <hr/> TELEPHONE NUMBER:  <hr/> FAX NUMBER:  <hr/> E-MAIL ADDRESS:  <hr/> <hr/>	IDENTIFY ANY RELATED CASES NOW PENDING IN THE SUPERIOR COURT BY CAPTION AND CIVIL ACTION NUMBER INCLUDING JUDGE'S INITIALS  <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> <hr style="border-top: 1px dashed black;"/> EXPLAIN THE RELATIONSHIP(S):  <hr/> <hr/> <hr/> <hr/> OTHER UNUSUAL ISSUES THAT AFFECT CASE MANAGEMENT:  <hr/> <hr/> <hr/> (IF ADDITIONAL SPACE IS NEEDED, PLEASE ATTACH PAGE)
--	--

**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 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>  AADM- Administrative Agency  ACER - Certiorari  ACCP - Court of Common Pleas  AIAB - Industrial Accident Board  APSC - Public Service Commission  AUIB - Unemployment Insurance Appeal Board</p> <p><b>COMPLAINTS</b>  CASB - Asbestos  CAAA - Auto Arb Appeal *  CBEN - Benzene Cases *  CMIS - Civil Miscellaneous  CACT - Class Action  CCON - Condemnation  CDBT - Debt/Breach of Contract *  CDEJ - Declaratory Judgment  CDEF - Defamation *  CEJM - Ejectment  CATT - Foreign &amp; Domestic Attachment  CFJG - Foreign Judgment *  CFRD - Fraud Enforcement  CINT - Interpleader  CLEM - Lemon Law *  CLIB - Libel *  CMAL - Malpractice *  CMED - Medical Malpractice *  CPIN - Personal Injury *  CPIA - Personal Injury Auto *  CPRL - Products Liability *  CPRD - Property Damage *  CRPV - Replevin  CSER - Seroquel Cases *  CSPD - Summary Proceedings Dispute  CCCP - Transfer from CCP*  CCHA - Transfer from Chancery *</p> <p><b>INVOLUNTARY COMMITMENTS</b>  INVC- Involuntary Commitment</p>	<p><b>MISCELLANEOUS</b>  MAFF - Application for Forfeiture  MAAT - Appointment of Attorney  MGAR - Appointment of Guardianship  MCED - Cease and Desist Order  MCDR - Child Death Review  MCON - Civil Contempt/Capias  MCVP - Civil Penalty  MSOJ - Compel Satisfaction of Judgment  MCRO - Complaint Requesting Order  MCTO - Consent Order  MIND - Destruction of Indicia of Arrest  MESP - Excess Sheriff Proceeds  MHAC - Habeas Corpus  MTOX - Hazardous Substance Cleanup  MFOR - Intercept of Forfeited Money  MISS - Issuance of Subpoena/Material Witness  MMAN - Mandamus  MOUT - Out of State Deposition  MROP - Petition for Return of Property  MRAT - Motion for Risk Assessment  MROD - Road Resolution  MSAM - Compel Satisfaction of Mortgage  MSEL - Sell Real Estate for Property Tax  MSEM - Set Aside Satisfaction of Mortgage  MSSS - Set Aside Sheriff's Sale  MSET - Structured Settlement  MTAX - Tax Ditches  MREF - Tax Intercept  MLAG - Tax Lagoons  MVAC - Vacate Public Road  MPOS - Writ of Possession  MPRO - Writ of Prohibition</p> <p><b>MORTGAGES</b>  MORT - Mortgage</p> <p><b>MECHANICS LIENS</b>  LIEN - Mechanics Lien *</p>
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**\* Case types subject to Rule 16.1 - Alternative Dispute Resolution**

**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 first responsive pleading.

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

PETER PLAINTIFF,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 00C-01-001-JEB
	)	
DAVID DEFENDANT,	)	
	)	
Defendant.	)	

***CASE SCHEDULING ORDER***

WHEREAS, the Court having reviewed the Prothonotary file in the above-captioned case in which Joe Smith, Esquire is representing the plaintiff and Don Brown, Esquire is representing the defendant,

IT IS ORDERED that the following will control all future events in this case until the status conference. Any amendments or modifications to the event deadlines established in this Order may require a scheduled office conference. The event deadlines are as follows:

*Filing of motions to add/amend*

*Discovery initiated to be completed by*

*Filing of dispositive motions*

*Status conference*

(If a personal injury case: defendant(s) shall indicate at the status conference whether liability will be contested.)

\_\_\_\_\_  
Judge

Dated:

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

PETER PLAINTIFF,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 00C-01-001-JEB
	)	
DAVID DEFENDANT,	)	
	)	
Defendant.	)	

**TRIAL SCHEDULING ORDER**

WHEREAS, the Court having conducted a status conference on \_\_\_\_\_ in the above-captioned case which Joe Smith, Esquire is representing the plaintiff and Don Brown, Esquire is representing the defendant,

IT IS ORDERED that the following will control all future events in this case until trial. Any amendments or modifications to the event deadlines established in this Order will require a scheduled office conference. The event deadlines are as follows:

*Pretrial Stipulation due*

*Pretrial Conference*

*Trial calendar call*

*Trial*

[Court ordered mediation will occur with \_\_\_\_\_]

\_\_\_\_\_  
Judge

Dated:

[cc:           Mediator]



**SUPERIOR COURT  
OF THE  
STATE OF DELAWARE**

**SHARON D. AGNEW**

PROTHONOTARY, NEW CASTLE COUNTY

NEW CASTLE COUNTY COURT HOUSE  
500 N. KING STREET  
LOWER LEVEL 1, SUITE 500  
WILMINGTON, DE 19801-3746  
(302) 255-0800

JUDGMENT DEPARTMENT  
500 N. KING STREET  
1<sup>ST</sup> FLOOR, SUITE 1500  
WILMINGTON, DE 19801-3704  
(302) 255-0556

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

Don Brown, Esquire  
Brown & Brown  
P.O. Box 456  
Wilmington, DE 19899

JEB - 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** this case is dismissed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge

**SUPERIOR COURT  
OF THE  
STATE OF DELAWARE**

**SHARON D. AGNEW**

PROTHONOTARY, NEW CASTLE COUNTY

NEW CASTLE COUNTY COURT HOUSE  
500 N. KING STREET  
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(302) 255-0556

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P.O. Box 123  
Wilmington, DE 19899

Don Brown, Esquire  
Brown & Brown  
P.O. Box 456  
Wilmington, DE 19899

JEB - 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 a written explanation of good cause why service has not been made within 120 days after the filing of the 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 yours,

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** this action is hereby dismissed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge

**SUPERIOR COURT  
OF THE  
STATE OF DELAWARE**

**SHARON D. AGNEW**

PROTHONOTARY, NEW CASTLE COUNTY

NEW CASTLE COUNTY COURT HOUSE  
500 N. KING STREET  
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P.O. Box 456  
Wilmington, DE 19899

JEB - 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 settle this matter as to all claims and 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.

DATED:

Sincerely yours,

Case Manager

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 action is hereby dismissed by the Court with prejudice.

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

\_\_\_\_\_  
Judge

***DUTIES OF THE OFFICE JUDGE***

<b><i>CIVIL DUTIES</i></b>	<b><i>CRIMINAL DUTIES</i></b>
<ol style="list-style-type: none"><li>1. Does not do trial work.</li><li>2. Presides over Hearings and Miscellaneous Matters on <b>Fridays at 10:00 a.m.</b></li><li>3. Reviews/orders various types of Misc.civil cases (unassigned):<ul style="list-style-type: none"><li>Cease and Desist Orders</li><li>Complaints requesting an Order</li><li>Consent Orders</li><li>Issuance of Subpoenas</li><li>Petitions for Out-of State Deposition</li><li>Petitions to compel Satisfaction of Judgment</li><li>Petitions to Satisfy a Mortgage</li><li>Writs of Possession</li><li>Toxic Consent Orders</li><li>Judgment Cases</li></ul></li><li>4. Handles emergency applications when assigned Judge is unavailable.</li><li>5. Petitions for Sheriff Sale</li></ol>	<ol style="list-style-type: none"><li>1. Presides over capias returns in the Commissioners absence or finds coverage for capias returns</li><li>2. Expungement Petitions</li><li>3. Material Witness Petitions</li><li>4. Search Warrants</li><li>5. Grand Jury: Swears in Grand Jurors, Presides over Grand Jury Returns</li><li>6. Reviews pro se applications (unassigned)</li><li>7. Presides over Miscellaneous Motions on <b>Mondays at 1:30 p.m.</b></li><li>8. Habeas Corpus petitions - when not sentenced by Superior Court Judge.</li><li>9. Petition for Forfeitures</li></ol>

**NOTE:** Office Judge will not preside over trials during assigned Office Judge week.

**SUPERIOR COURT  
OF THE  
STATE OF DELAWARE**

**SHARON D. AGNEW**

PROTHONOTARY, NEW CASTLE COUNTY

NEW CASTLE COUNTY COURT HOUSE  
500 N. KING STREET  
LOWER LEVEL 1, SUITE 500  
WILMINGTON, DE 19801-3746  
(302) 255-0800

JUDGMENT DEPARTMENT  
500 N. KING STREET  
1<sup>ST</sup> FLOOR, SUITE 1500  
WILMINGTON, DE 19801-3704  
(302) 255-0556

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

Don Brown, Esquire  
Brown & Brown  
P.O. Box 456  
Wilmington, DE 19899

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

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:

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

**JUDICIAL ASSIGNMENTS**

1. Judges Assigned Full-time Criminal:

Judge Richard S. Gebelein  
Judge Jerome O. Herlihy  
Judge Joseph R. Slights

2. Judges Assigned to Civil and Criminal on a Three-Month Rotating Basis:

Group A	Group B
Judge John E. Babiarz	Judge Susan C. Del Pesco
Judge Fred S. Silverman	Judge Charles H. Toliver, IV
Judge Jan R. Jurden	Judge Richard R. Cooch
Judge Calvin L. Scott	Judge William C. Carpenter, Jr.
Judge Mary M. Johnston	Judge Peggy L. Ableman

Group A			Group B		
Assigned	Beginning	Ending	Assigned	Beginning	Ending
Civil	01/05/04	04/02/04	Criminal	01/05/04	04/02/04
Criminal	04/05/04	07/02/04	Civil	04/05/04	07/02/04
Civil	07/05/04	10/01/04	Criminal	07/05/04	10/01/04
Criminal	10/04/04	12/31/04	Civil	10/04/04	12/31/04
Civil	01/03/05	04/01/05	Criminal	01/03/05	04/01/05
Criminal	04/04/05	07/01/05	Civil	04/04/05	07/01/05
Civil	07/04/05	09/30/05	Criminal	07/04/05	09/30/05
Criminal	10/03/05	12/30/05	Civil	10/03/05	12/30/05

3. Assignments by the President Judge:

II.D.2 Asbestos Cases (CASB): **Judge Babiarz**

II.D.4 Involuntary Commitments (INVC):  
Approval of Commissioner's Recommendations  
and Fee Applications: **Judge Silverman**

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

4. Routine Motions Time Slots

Monday	9:00 a.m.	Judge Toliver Judge Ableman
Tuesday	9:00 a.m.	Judge Cooch Judge Scott
	4:00 p.m.	Judge Babiarz
Wednesday	9:15 a.m.	Judge Carpenter Judge Jurden
Thursday	9:00 a.m.	Judge Johnston
Friday	9:00 a.m.	Judge Del Pesco Judge Silverman

Approved:

/s/ Henry duPont Ridgely  
President Judge

3/30/04  
Date