

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

MARTHA DELL FINLATOR, FRANCA,
LLC, a Delaware Limited Liability Company,
PATRICIA ANNE BARTHOLOMEW,
THOMAS P. DELANY, JR., LINDA M.
DELANY, DAVID M. CENSITS, JEAN
HOFFMAN-CENSITS, DENNIS L.
HUDSON, EILEEN A. COUGHLIN,
BARRY A. FURMAN, GAIL E. FURMAN,
STEVEN REED SPANGLER and SANDRA
CAROL SPANGLER,

Plaintiffs,

vs.

ALICE P. ROBINSON, individually, ALICE
P. ROBINSON, TRUSTEE, BATTLE
ROBINSON, MARY ROBINSON
MONIGLE, THOMAS P. ROBINSON, JR.,
CAROLINE ROBINSON LUCKTT, THE
EDGE GROUP, INC., a Delaware
Corporation, OCEAN BAY MART, INC., a
Delaware Corporation, JAMES W. TELLO,
PETER R. WALYNETZ, VINCENT
SCIARRA, VALERI PELUSO, MICHAEL
E. MULLIGAN, ANGELA MARIE
CARBONELL-MULLIGAN,

Defendants.

C.A. No. S18C-04-002 ALR

Consolidated With: S19C-10-012 ALR

Upon Parties' Motion for Stay of Litigation
Denied in part; Granted in part

ORDER

Upon consideration of the request of the parties as set forth in the letter dated January 10, 2020 from John A. Sergovic, Jr., Esquire; the Superior Court Rules of Civil Procedure; applicable statutory law; and the entire record in this case; as well as consideration for due process and judicial economy, the Court finds as follows:

1. The first of these consolidated actions was initiated with the filing of a Verified Complaint on April 2, 2018. Plaintiffs sought a declaratory judgment and/or appointment of a commission pursuant to 25 Del. C. §§ 1103, 1104, 1105, and 1106.

2. The case was specially assigned to this judicial officer by Order dated August 29, 2018 and a Trial Scheduling Order was issued by Order dated September 17, 2018 setting a trial date for a four-day bench trial starting on July 20, 2020.

3. In lieu of an answer, the defendants moved to dismiss for plaintiff's alleged failure to include indispensable parties.

4. A second lawsuit was initiated with a Complaint docketed on October 9, 2019, and was subsequently reassigned to this judicial officer.

5. The Court conducted a conference on November 7, 2019. A motion to consolidate the actions was discussed. Thereafter, the parties requested that the Court vacate the Trial Scheduling Order, which was granted, and a two-week stay was also granted.

6. Thereafter, in an effort to keep these cases on track for resolution, the Court scheduled a hearing to take place on January 17, 2020 to address consolidation of the two actions; the procedural mechanism(s) by which the Court will resolve the issues in dispute; briefing schedules for dispositive and other pre-trial motions; whether it might be necessary for the Court to appoint a special master and/or retain an independent expert; and trial scheduling.

7. In the meantime, the Court has granted the motion to consolidate the actions and the motion to dismiss for failure to include indispensable parties has been withdrawn.

8. The parties have now asked to postpone the scheduled January 17 conference and request that the Court grant a stay of this litigation for 90 days.

NOW, THEREFORE, this 14th day of January, 2020, the relief requested is hereby granted in part and denied in part. The following schedule will control all events in this case until May 6, 2020 when the Court will confer with the parties to set a trial date. Any amendments or modifications to the event deadlines established in this Order will require a Court Order. Failure to meet these deadlines, absent good cause shown, may result in the Court refusing to allow extensions regardless of the consequences. The event deadlines are as follows:

1. The conference scheduled for January 17 is postponed until May 6, 2020 at 9:30 a.m.

2. Plaintiffs shall file an Amended Complaint in the consolidated action **no later than February 14, 2020.**

3. The parties shall engage in good faith settlement discussions to resolve the issues in dispute: (i) limited discovery shall be exchanged **no later than February 28, 2020**; and (ii) a settlement conference shall take place **no later than March 27, 2020.**

4. **No later than March 6, 2020,** Plaintiffs' counsel shall file a status report with the Court (i) confirming that any limited discovery requested has been exchanged and (ii) identifying the date(s) and format of formal settlement conference(s).

5. **No later than March 31, 2020,** Plaintiffs' counsel shall file a status report with the Court identifying which claims will be litigated and which claims will be resolved by agreement.

6. **No later than April 9, 2020,** any Defendants who have not reached agreement regarding the disputed claims shall answer or otherwise respond to the Amended Complaint.

7. Plaintiffs shall respond to any motions to dismiss filed in lieu of answers **no later than April 23, 2020.**

8. **No later than April 30, 2020**, to the extent any claims are resolved, all legal documents establishing the agreed property boundaries shall be executed and filed with the Sussex County Recorder of Deeds and stipulations of dismissal with proposed orders of dismissal with prejudice shall be filed with the Court.

9. With respect to any claims that remain pending, a hearing and/or conference shall take place on **Wednesday, May 6, 2020 at 9:30 a.m.** (i) for oral argument on any motions to dismiss the Amended Complaint; (ii) to address the manner in which disputed claims shall be presented to the Court for resolution on the merits; and (iii) a trial schedule shall be established. Every party must be represented at this May 6 court conference unless a stipulation of dismissal has been filed resolving the dispute as it relates to that party.

IT IS SO ORDERED.

/s/ Andrea L. Rocanelli
Judge Andrea L. Rocanelli