IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

PLAINTIFF NAME,	)	
	)	
Plaintiff,	)	C.A. NO. N2*-**-*** PRW
	)	
v.	)	
	)	NON-JURY TRIAL
DEFENDANT NAME,	)	
	)	
Defendant.	)	

TRIAL SCHEDULING ORDER

Having considered the parties' initial pleadings, the Court hereby enters the following Order governing both the __- day **NON-JURY TRIAL** that is to commence on _____ at 9:30 a.m., and the above-captioned matter's related pretrial proceedings:

(a) **Filing of Motions to Add or Amend.** Such motions are to be filed no later than _____.

(b) **Discovery.** Discovery Cut-Off: All discovery is to be initiated such that it will be completed by _____.

(c) **Filing of Dispositive Motions.** Such motions are to be filed no later than _____. Responses are due 14 business days after filing.

(d) **Filing of Motions in Limine.** Motions in Limine (including *Daubert* motions, or any motion to exclude all or part of a witness's testimony) are to be filed no later than _____. Motions in Limine must include all supporting authority with the motion. Motions in Limine shall be noticed for presentation at the Pretrial Conference and will be resolved (if appropriate) at that time. If not resolved at the Pretrial Conference, a date and time will be set at the Pretrial

Conference for presentation of motions in limine in advance of trial.

Unless a specific order entered in this case provides otherwise, a Response (with all supporting authority) is due no later than 7 business days after the filing of the motion in limine. Failure to file a timely Response may result in the Court deeming the motion as unopposed.

(e) **Mandatory ADR** is to be conducted by _____. The parties should notify the Court in writing of the date of the scheduled ADR. The parties may be excused from this deadline only by order of the Court. **All** parties must attend and participate in the ADR in good faith, unless expressly excused by the Court upon written application. Insurance adjusters with authority up to policy limits must also be present. Neither the fact nor the result of the ADR shall be admissible at trial. The ADR proceedings shall not be transcribed unless specifically authorized by the Court for good cause shown.

(f) An **Interim Status Report** will be due no more than 14 days after ADR has been conducted. Among other issues, the parties shall advise the Court of the outcome of mandatory ADR.

(g) **Pretrial Stipulation and Pretrial Conference.** On _____ at _____a.m., the Court will hold a Rule 16(b) pretrial conference in chambers. **Trial Counsel *must* attend the pretrial conference.** At least 15 days before that conference, Plaintiff's Counsel shall forward to Defendant's Counsel a draft of the Pretrial Order with the information Plaintiff proposes to include in that Order. Within 5 days from the date of receiving that draft, Defendant's Counsel shall provide Plaintiff's Counsel with comments on the Plaintiff's draft and the information the Defendant proposes to include in the Order. The proposed Order shall, at a minimum, cover the matters set forth in Form 46 (pretrial stipulations) contained in the appendix of Superior Court Civil Rules. **The completed Pretrial**

Stipulation must be received by the Court on or before _____. Failure to comply with this deadline may result in sanctions being imposed upon the responsible party or parties.

Please refer also to the Court's Judicial Preferences page at http://courts.delaware.gov/superior/judgespref/judges_pref_jwallace.aspx and to the New Castle County Civil Case Management Plan for further guidance.

(h) **Trial Fee.** The trial fee shall be paid no later than the date of the pretrial conference. If the trial fee is not paid within two business days of the pretrial conference, the case will be removed from the Court's trial calendar. A new trial date will then be scheduled upon payment of the trial fee.

(i) First amendment of this initial Trial Scheduling Order will be liberally granted upon the parties' joint application made within 7 days of its first docketing. Counsel are advised that all of the deadlines established by this Trial Scheduling Order are firm deadlines. Failure to meet these deadlines, absent good cause shown, likely will result in the Court refusing to allow extensions regardless of the consequences. Amendments to this Trial Scheduling Order must be by Order of the Court on appropriate motion or stipulation of the parties.

Dated:_____

_____
Judge Paul R. Wallace

ADDITIONAL INFORMATION AND PROCEDURES

Settlement Negotiations. The parties are required actively to engage in settlement discussions and determine whether the matter may be resolved in accordance with Civil Rule 16. **In the event the case settles, Plaintiff's Counsel shall notify chambers immediately by e-mail to Judge Wallace's Administrative Specialist, Civil Case Manager, and Law Clerk, all of whom are identified at http://courts.delaware.gov/superior/judgespref/judges_pref_jwallace.aspx.**

Interim Status Report. The Interim Status Report is to be filed by Plaintiff(s)'s Counsel with a copy to the assigned Judge, together with a check for the $150.00 trial fee made payable to the "Prothonotary." The interim report will advise the Court on the nature of the matters in issue, the progress of discovery to date, and the results of mandatory alternate dispute resolution used to date to resolve this matter. Do not include information on offers or demands. This document should reflect input from both parties. Plaintiff's counsel is responsible for obtaining defense counsel's consent to form or additional input to be included in the Report in sufficient advance of the submission deadline to ensure compliance with the deadline.

Case Dispositive Motions. Case dispositive motions will be scheduled by obtaining a date and time from Judge Wallace's Chambers which can be reached at **255-0660.** The original motion and the response thereto shall be filed with the Prothonotary's Office with **one courtesy copy (with exhibits) delivered to Judge Wallace in chambers**. The response is due no later than fourteen 14 days (excluding weekends and holidays) after the filing of the motion. The motion and the response shall not exceed 6 pages in length and shall have a notice page indicating the date and time of the motion hearing. No reply by the moving party is permitted. Further briefing on the motion will be as ordered by the Court.

Routine Civil Motions. Judge Wallace's routine civil motions are on Mondays at 9:00 a.m. Motions must be filed **no less than fifteen 15 calendar days** prior to the noticed presentation date with **one courtesy copy (with exhibits) delivered to Judge Wallace in chambers**. Responses are due **no later than 7 calendar days** after the filing of the motion and in no case later than the Wednesday prior to the motion's hearing, with **one courtesy copy of a response (with exhibits) delivered to Judge Wallace in chambers**. If no response is timely filed, the Court may deem the motion unopposed, grant the motion before the hearing, and will so notify the parties. A **Motion to Continue a Trial Date** is filed as a routine motion. The Court **strongly** discourages requests for relief submitted in the form of letters or emails. Such requests should be made by motion.

Pretrial Conference. Trial Counsel ***must*** attend the pretrial conference.

Please refer to the Court's Judicial Preferences page at http://courts.delaware.gov/superior/judgespref/judges_pref_jwallace.aspx and to the New Castle County Civil Case Management Plan for a fuller explanation of these procedures and further guidance.

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