

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

	)	
	)	
	)	
Plaintiff,	)	C.A. No. N CEB
	)	
v.	)	
	)	
	)	
Defendant.	)	

TRIAL SCHEDULING ORDER

The Court hereby enters the following order in the above-captioned case:

1. **Trial** - A jury trial in this matter is hereby scheduled to commence on _____ beginning at 9:30 a.m. The Court has set aside ____ days to try this matter.
2. **Filing of Motions to Add or Amend** _____.
3. **Discovery** -
 - a. Discovery Cut-Off: All discovery to be initiated such that it will be completed by_____.
 - b. Plaintiff's Expert Report (or Rule 26(b)(4) Disclosure) Deadline _____.
 - c. Defendant's Expert Report (or Rule 26(b)(4) Disclosure) Deadline _____.
4. **Filing of Dispositive Motions** _____.
5. **Mandatory ADR** - 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 ADR practitioner. 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.

6. **Interim Status Report** _____. Among other issues, the parties shall advise the Court of the outcome of mandatory ADR.

7. **Pretrial Conference** - On _____ at _____ the Court will hold a Rule 16(b) pretrial conference via CourtScribes. 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. Motion(s) in Limine to be filed by _____ Response(s) to Motions in Limine to be filed by _____. 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.

8. **Jury Instructions** - Counsel shall consult among themselves and attempt to agree upon appropriate jury instructions. If there are areas of disagreement, counsel shall present their respective proposed instructions and supporting authority. This order shall not prevent the parties from submitting additional proposed instructions that may be justified by the evidence presented at trial. Jury instructions

must be submitted to the Court on or before _____.

9. **Special voir dire** - Counsel shall submit to the Court any special voir dire questions any party proposes to ask of the jury panel. Special voir dire questions must be submitted to the Court on or before _____.

10. **Final Office Conference** - Counsel shall attend an office conference on the Wednesday before the trial date at 9:30 a.m., via CourtScribes, on _____. Counsel are excused from attending if the Court is advised prior to that date and time, that the following has occurred:

- a. all exhibits have been exchanged or reviewed by the parties or counsel, and there are no objections to any exhibit;
- b. proposed jury instructions have been exchanged, there are no exceptions, and a copy is attached to the letter notifying the Court of the status;
- c. any request for *voir dire* has been reviewed by the opposing party and there are no exceptions or objections, and a copy of the requested, special *voir dire* is attached to the letter notifying the Court of the status; and
- d. the parties and counsel agree there are no remaining evidentiary and/or legal issues for the Court to resolve prior to jury selection and opening statements.

11. Additional instructions are attached to this Order.

12. 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:_____

/s/ Charles E. Butler
Judge Charles E. Butler

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.

Case Dispositive Motions.

When a case dispositive motion is filed, it should be noticed to “the convenience of the Court.” An answering brief thereto is due 30 days thereafter. If a party wishes to file a reply brief, the party should seek leave of Court to do so. The parties may request oral argument on a case dispositive motion, but argument will not be scheduled unless the Court feels it would be helpful.

In filing a case dispositive motion, Judge Butler will routinely grant dispensation from the 6 page limit for briefs of Superior Court Civil Case Management Plan IV A.2.c. The original motion and response should be e-filed with 2 courtesy copies delivered to chambers. If no response is timely filed, the Court may deem the motion unopposed and grant the motion. Contrary to the NCC Plan at IV.A.2.c., an appendix may exceed 25 pages as necessary.

Routine Civil Motions.

Judge Butler’s routine motion calendar is on Wednesday at 9:00 a.m. Motions must be filed ten (10) days prior to the noticed date for presentation. Responses are due no later than four (4) days prior to the presentation date. 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.