

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

Estate of Lennell Shepherd, Jr., by its)
Personal Representative Shannon Mathis)
and Michael A. Waters,)

Plaintiffs,)

v.)

C.A. No. 09C-05-254-JRJ

Melvin E. Samuel, Samuel Transportation,)
Inc., A Maryland Corporation, Recall)
Corporation, A Pennsylvania Corporation,)
And Global Logistics Group, A Maryland)
Corporation)

Defendants.)

ORDER

AND NOW TO WIT, this 10th day of March, 2011, the Court having heard and duly considered a discovery motion, and having learned that the parties stipulated without prior Court approval to an extension of the Court ordered expert discovery cutoff in violation of the Court's November 9, 2009 scheduling order, **IT IS HEREBY ORDERED** as follows:

1. The parties shall immediately provide the Court with a copy of the stipulation modifying the expert discovery cutoff which was referred to during the hearing;

2. This Court's scheduling orders are not guidelines.¹ The parties shall review the Court's November 9, 2009 Scheduling Order and strictly adhere to it.²

Jan R. Jurden, Judge

cc: Prothonotary – Original

¹ See *Todd v. Delmarva Power and Light Co.*, C.A. No. 06C-10-304, Parkins, J. (Del. Super. January 14, 2009) (Mem. Op.) (holding that scheduling orders are not mere guidelines but have full force and effect as any other order of the Superior Court.)

² Although the Supreme Court has noted that “scheduling orders are routinely ignored,” (see *Drejka v. Hitchens Tree Service, Inc.*, No. 748,2009 (Del., December 28, 2010) Slip. Op. at 7. (“Unfortunately, it is not uncommon for litigants to disregard scheduling orders.”)), it is a rare circumstance (and will continue to be) where lawyers ignore this judge’s scheduling orders. See e.g. *Barrios v. E.I. DuPont de Nemours and Co.*, C.A. No. 08C-11-196-BEN, Jurden, J. (Del. Super. February 4, 2011) (ORDER) (“...[P]laintiff’s violation of the scheduling order warrants a monetary sanction.... Plaintiff’s failure to comply with the scheduling order has disrupted the schedule and possibly jeopardized the trial date which the Court takes very seriously.”)