

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CHAMBERS OF
LEONARD P. STARK
U.S. DISTRICT JUDGE



U.S. COURTHOUSE
844 N. KING STREET Unit 26
WILMINGTON, DELAWARE 19801-3568
302 573-4571

October 15, 2014

An open letter to counsel who practice in the District of Delaware, from Chief Judge Stark

I am writing today to provide clarification regarding the Court's new filing and service deadline of 6 p.m., which was announced via the Standing Order issued on October 2, 2014.

Last week, Judge Robinson and I had a productive meeting with the leadership of the District's Chapter of the Federal Bar Association ("FBA"). I want to thank the FBA for bringing to the Court's attention questions some of you may have about the new deadline.

As of tomorrow, Thursday, October 16, the deadline for filing and serving papers will move from 11:59 p.m. to 6:00 p.m., Eastern Time. In order for any filing or service to be timely, it must be completed no later than 6:00 p.m., Eastern Time, on the date it is due.

For clarity, please understand that ***the 6:00 p.m. Eastern Time deadline applies to every filing and service deadline in every case in the District of Delaware***, other than initial pleadings. Hence, the 6:00 p.m. deadline applies to the exchange among parties of discovery requests and discovery responses, and it applies even if such requests or responses are made by hand delivery.

Parties will not be permitted to alter the new deadline on a case-by-case basis. While each individual Judge retains the discretion to set a different deadline in a specific case with respect to a particular paper, the Judges of the Court agree that this discretion will be exercised rarely (most likely during trial).

Our new deadline does not apply to proceedings pending in Bankruptcy Court, which are governed by the Bankruptcy Court's local rules. It does, of course, apply to bankruptcy appeals and any other bankruptcy-related cases to the extent those cases are on the District Court's docket.

I understand that the FBA is forming a committee to explore work-life balance issues, which may lead to further recommendations to the Court. I and my colleagues applaud these efforts. We look forward to working with the FBA on this important matter.