

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: ESTABLISHMENT AND IMPLEMENTATION
OF CIVIL CASE MANAGEMENT PLAN

ADMINISTRATIVE
ORDER
NO. 1.13

WHEREAS, it is in the best interest of the citizens of the Twentieth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of civil cases in the civil division of the Circuit Court;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.545 and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follows:

1. There is established within the Twentieth Judicial Circuit a Civil Case Management Plan applicable to circuit civil cases, which will be administered by the Administrative Office of the Courts through direction of the Circuit Administrative Judges in each county for the implementation of enhanced case management procedures and guidelines for the timely and efficient processing of circuit civil cases and reduction in the pending backlog of civil cases.

2. The basis for the Civil Case Management Plan is attached hereto, identified in Attachment A as the "Civil Differentiated Case Management (DCM) Procedures and Backlog Reduction Plan," and is incorporated as if fully set forth herein. The Civil Case Management Plan is to be used as a model for the purpose of establishing time standards, improving the courts ability to provide early and continuous management of civil cases as required by Fla. R. Jud. Admin. 2.545, and to promote uniformity of practice throughout the Twentieth Judicial Circuit.

3. It is intended that the Civil Case Management Plan be implemented uniformly and circuitwide within the Twentieth Judicial Circuit. However, recognizing variations as it relates to staffing and resources among the five counties within the Twentieth Judicial Circuit, the full Civil

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ADMINISTRATIVE
OFFICE

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Case Management Plan and DCM procedures will be implemented first as a pilot in Lee and Collier counties, effective January 1, 2011, with full implementation to be later expanded, as appropriate, to other counties within the Twentieth Judicial Circuit. Recognizing that Charlotte, Hendry and Glades counties may have differing needs requiring certain deviations from the model plan attached hereto, the Circuit Administrative Judge of each respective county may submit to the Chief Judge a distinct written proposed plan with procedures that, upon approval by the Chief Judge, may be implemented in the respective county.

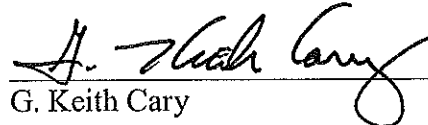
4. Full implementation of the Civil DCM Case Management Procedures (Attachment A), including all uniform circuitwide procedures and forms, shall apply to all civil cases filed in Lee and Collier counties, effective January 1, 2011. Even though full implementation may be delayed in Charlotte, Hendry, and Glades counties, all civil time standards and goals, and the use of civil Case Managers and Magistrates to assist trial judges in the process of civil case management and backlog reduction programs, shall be effective circuitwide immediately.

5. It shall be noted that the forms included with Attachment A are intended as models, and any updates or modifications shall be posted and available for viewing on the Court's website at <http://www.ca.cjis20.org/web/main/civil.asp>. It shall be the responsibility of all parties to check the website for the most recent forms to be used in conjunction with the Civil Case Management Plan and DCM procedures.

6. The procedures and time standards set forth in the model plan, or in any other written plan approved by the Chief Judge, are intended to facilitate the timely, fair and effective resolution of civil cases while ensuring the efficient use of court resources. The procedures and time standards do not supplant any existing rule, statute, or law. Neither this Administrative Order nor the Civil Case Management Plan shall be construed as granting any rights not already provided for by rule, statute, or law.

7. To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 10 day of December, 2010.


G. Keith Cary
Chief Judge

History. – New.

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 10 Day of Dec 2010 Record in Circuit
Book 54 Page 40043 and Record Verified.
CHARLIE GREEN By Mary Montgomery
Clerk Circuit Court Deputy Clerk

I certify this document to be
a true and correct copy of the
original on file in my office,
Charlie Green, Clerk Circuit
Court, Lee County, Florida


Deputy

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ATTACHMENT A

Twentieth Judicial Circuit

*Civil Differentiated Case Management (DCM) Procedures and Backlog
Reduction Plan*

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I. Purpose and Goals

This Twentieth Judicial Circuit Civil Caseflow Management and Backlog Reduction Plan seeks to use innovative strategies to address the growing backlog and to implement modern differentiated caseflow management procedures in the circuit civil courts for the future to accomplish the following goals:

- Improve the courts ability as required by Fla. R. Jud. Admin. 2.545, to provide early and continuous control of case processing through use of additional Magistrate and Case Management resources, to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case.
- Identify immediate strategies for civil and foreclosure case backlog reduction plans to assist in prompt resolution of the current 31% of civil cases pending over 18 months.
- Improve the courts ability to respond to the growing number of commercial, business and other economic based civil filings having a direct impact on economic recovery in the circuit.
- Develop uniform procedures for effective early judicial intervention and management of complex cases consistent with Fla. R. Civ. P. 1.201 for managing complex litigation.
- Reduce public costs of civil litigation through early identification and expedited handling of relatively simple two-party cases to ensure prompt resolution of expedited matters through early referral to mediation or expedited hearing where appropriate.
- Improve the quality and timeliness of Management Information from the Clerk/Court MIS systems to assist judges and the court in management of civil cases and identification of cases pending beyond the Florida Supreme Court time standards set forth in Fla. R. Jud. Admin. 2.250.

II. Circuit-wide Civil and Foreclosure Backlog Reduction Goals

Each Circuit Administrative Judge, in consultation with the civil judges and the local Bar Association, has developed a civil and foreclosure backlog reduction plan to be effective January 1, 2011.

Economic Recovery Funds provided by the state may only be used for Foreclosure backlog reduction. No funds provided under this program can be used for other civil backlog reduction efforts.

Each county backlog reduction effort may include the following components or other calendar management options as determined by the Circuit Administrative Judge in each county based on nature and volume of civil backlog:

a. Backlog Reduction Goals

1. To reduce the number of pending/backlogged Foreclosure cases by 62% circuitwide by June 30, 2011.
2. To reduce the number of economic-related circuit civil cases over 18 months of age by 10 % by June 30, 2011.

b. Civil and Foreclosure Backlog Reduction Strategies

- Expedited Foreclosure Default Dockets will be set before Senior Judges to accelerate early disposition of default judgments
- Accelerated Foreclosure Trial Dockets will be set before the Magistrate or Senior Judge – Foreclosure cases pending over 6-12 months with no activity will be set for Trial before the Foreclosure Magistrate. If not tried on that date, the case should be resolved or set for summary judgment or date certain trial;
- Case Management/Settlement Conferences in Backlogged Circuit Civil Cases– Cases may be scheduled before a Magistrate or Case Manager. Cases not disposed will result in a Case Management Order/Report to the trial judge with firm discovery cut-off dates, pretrial issues to be resolved and date matter to be ready for trial.

III. Civil DCM Case Management Plans - Time Standards & Goals

These time standards/goals are developed consistent with those established by the Florida Supreme Court pursuant to Fla. R. Jud. Admin. 2.250 and are intended to be flexible, presumptive time periods for disposition of civil cases.

Complex case time standard/goal is expanded to 24 months upon designation of a case as complex consistent with Fla. R. Civ. P. 1.201 regarding management of complex civil litigation. The local goal of 80 - 90% disposition of cases within time standards recognizes, consistent with Fla. R. Jud. Admin. 2.250(a), that there are a portion of cases that present unique pretrial problems that may cause reasonable delay. Time standards established by case track are:

- | | |
|--------------------|-------------------------------|
| a. Complex cases | 80% disposed within 24 months |
| b. Standard cases | 80% disposed within 18 months |
| c. Expedited cases | 90% disposed within 12 months |

IV. Case Track Definition and Criteria

a. Complex Case Track – (Goal 24 months)

The complex case track involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judicial management. Complex cases are defined by Fla. R. Civ. P. 1.201. Cases may be designated for management on the complex track in one of the following ways:

1. Complex cases designated by motion or stipulation and approved by the court as cases meeting complex litigation criteria under Fla. R. Civ. P. 1.201(a); OR,
2. Cases identified by the court on its own motion as complex case under Fla. R. Civ. P. 1.201 due to extraordinary procedural complexity, number of parties or other case factors that will require or benefit from individual judicial management;

Presumptive Case Types:- Local plans may establish presumptive complex case types for review with the assigned Judge based on local needs and filing trends.

Examples of presumptive complex case types that may be appropriate for early screening and review of case complexity are:

- **Class Action** Cases as noted on Civil Cover Sheet (Form 1.997, section V.)
- **Environmental/Toxic Tort/Mass Tort** Litigation (Form 1.997, section II)
- **Anti-Trust/Securities** Litigation
- **Malpractice** – Medical (or involving Wrongful Death)
- **Nursing home negligence**
- Other complex cases with extraordinary number of parties, experts, pretrial discovery issues

Presumptive complex case types may be designated for early screening and review by Case Managers. Multiple parties are a key factor, as referenced by the rule; however procedures should be developed in cooperation with the Clerk's Office to identify "presumptive" case types from the Civil Case Cover Sheet.

The Case Manager should be notified of presumptive case types upon filing by the clerk so that they may be actively monitored by the Case Manager after all defendants have been served, an appearance has been entered in response to the complaint by each party or a default entered. The Case Manager will review with the assigned Judge each case by evaluating the Civil Cover Sheet, Answer(s) and Complaint to determine the need for assignment to complex track.

b. Standard Case Track – (Goal 18 months)

Standard case track involves the large majority of standard cases that normally will not require a high level of judicial case management to reach timely resolution unless unusual pretrial delay arises. Examples of general case types that would be defined as standard cases, assuming no unusual complexity are:

- Personal injury/tort
- Auto negligence
- Standard contract cases without extraordinary pretrial discovery complexity

1. Case Management Conferences in Standard Cases- a Case Management Conference will be scheduled in standard cases, to be held generally within 190 days from the date of filing the initial complaint. The parties may set the initial case management conference or the Court, in its discretion may set the date for initial case management conference. Parties may also request a case management conference by written request through the Magistrate's office.

The Initial Case Management Conference may be waived/canceled upon submission of the Counsel Stipulated (Agreed) Case Management Plan, signed by all parties, and approved by the Court. Forms will be available on the Court's website.

2. Stipulated (Agreed) Case Management Plan – A Stipulated (Agreed) Case Management Plan may be developed jointly by counsel for the parties as well as any parties appearing pro se and filed within 150 days from the filing date of the initial complaint. This will allow counsel and pro se parties to consult early in the case, devise an agreed upon case plan and waive an initial case management conference, if the case plan is approved by the Court.

The use of a Stipulated (Agreed) Case Management Plan early in the case (within 150 days) is intended to allow all parties, pro se or through counsel, to set a reasonable case plan targeting dates for discovery, expert reports and referral to alternative dispute resolution (ADR), without court intervention, provided that the general time parameters are set and adhered to.

c. Expedited Case Track - (Goal 12 months)

Expedited cases are those cases normally requiring little judicial intervention with relatively simple procedural and legal issues that can be resolved promptly by early referral to mediation, ADR or expedited hearing.

Expedited cases may include:

- Contested Residential and Commercial Foreclosure
- Simple, two-party Collection/Indebtedness cases under \$50,000.00
- Non Jury cases

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Contested cases identified as expedited may be set directly by counsel or pro-se litigant for mediation within 270 days, or as practical, as part of the Stipulated (Agreed) Case Management Plan.

Foreclosure cases will not require a Stipulated (Agreed) Case Management Plan and would continue to be set on an expedited hearing docket, possibly before a Senior Judge.

NOTE: Effective July 15, 2010, Homestead Residential Mortgage Foreclosure cases will be handled through a separate managed mediation/conciliation process developed per Florida Supreme Court Administrative Order No. SC09-54 and local Administrative Order No. 1.12.

V. Civil DCM Case Management Procedures

a. Screening and Assignment to Case Tracks

1. Civil Cover Sheet (Fla. R. Civ. P. Form 1.997)
To be filed with the Clerk by the plaintiff along with the initial complaint. After review, data entry clerk will forward Cover Sheet/Complaint/Answer for cases that meet presumptive complex criteria to Case Manager.
2. Case Review and Screening by Case Manager
After responsive pleadings are filed, cases meeting presumptive complex case criteria will be reviewed by a Case Manager for recommended track decision. Potentially complex cases will be reviewed with, and approved by, the assigned trial judge for assignment to the appropriate case track. (Upon complex case designation, case management procedures will follow Section V.b. of this document).
3. Standing Order for Case Management/Stipulated (Agreed) Case Management Plan
Plaintiff will attach the Standing Order for Case Management and Request for Stipulated Case Management Plan with the initial complaint for service on all parties (with the exception of Homesteaded or defaulted Foreclosure actions).

b. Case Management Procedures – Complex Cases

1. Designation to the complex track
Cases may be designated to the complex track as provided under Fla. R. Civ. P. 1.201 by:
 - Motion or Stipulation by Parties
Motion or stipulation for designation as a complex case under Fla. R. Civ. P. 1.201 must be filed with the Clerk of Court. The Clerk will provide a copy to the Case Manager in order to assist the judge in case preparation for Initial Case Management Conference or motion hearing;

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- On Court's Motion

Case Manager may recommend designation as a complex case to trial judge after receipt of responsive pleadings and review of complaint, answer and civil case cover sheet in presumptive case types.

2. Initial Case Management Conference

Set by the assigned trial judge to occur within 60 days of designation as a complex case with assigned Judge or Magistrate in selected cases;

3. Joint Statement of Parties

At least 20 days prior to the date of the initial case management conference, counsel for the parties as well as any parties appearing pro se shall confer and prepare a joint statement outlining a discovery plan, which shall be filed with the clerk of court no later than 14 days before the conference under Fla. R. Civ. P. 1.201;

4. Case Management Order

To be consistent with the uniform circuit Case Management Order resulting from the conference which provides:

- Pretrial Discovery/Case scheduling plan
- Plan for referral to ADR
- Next Case Management Conference Date
- Date for next Pretrial Conference (not less than 90 days prior to the trial date)
- Estimated date for trial/readiness date within 24 months

5. Interim Case Management Conference or Pretrial Conference

At the trial judge's discretion, an interim case management conference or Pretrial Conference may be set with the Judge or Magistrate to facilitate resolution of pretrial management or discovery matters, resolve outstanding issues and set a firm trial date.

6. Trial

Trial date set by judge at the Final Case Management Conference.

c. Case Management Procedures – Standard/Expedited Cases

1. Standing Order for Case Management/Stipulated (Agreed) Case Management Plan-

The Plaintiff will attach the Standing Order for Case Management and Request for Stipulated (Agreed) Case Management Plan with the initial complaint for service on all parties (with exception of Homesteaded and Defaulted Foreclosure actions).

2. Case Management Conference

In standard cases, counsel for the parties as well as any parties appearing pro se may waive the initial case management conference by filing a Stipulated (Agreed) Case Management Plan, approved by the Court, within 150 from the date of filing the initial complaint.

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In cases where all of the parties, pro se or through counsel, do not file a Stipulated (Agreed) Case Management Plan within 150 days, or in cases where the plan has been filed but not approved by the Court, all parties will be required to attend an initial Case Management Conference as scheduled by the Court to establish a case management/scheduling plan.

3. Presumptive case scheduling plan/time goals

Stipulated (Agreed) Case Management Plans may be flexible and based upon individual case factors, but should be consistent with reasonable and presumptive pretrial discovery and ADR time goals as follows:

| <u>Case Track</u> | <u>Completion Discovery and ADR</u> | <u>Trial/Disposition</u> |
|-------------------|-------------------------------------|--------------------------|
| Standard | 450 days | 540 days |
| Expedited | 270 days | 365 days |

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IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, FLORIDA CIVIL ACTION

CASE NO:

Petitioner(s),
vs.

Defendant(s).
_____ /

STANDING ORDER IN CIVIL CASES IN THE TWENTIETH JUDICIAL CIRCUIT

PURSUANT to Florida Rule of Civil Procedure 1.200(a), Florida Rule of Judicial Administration 2.545, and Administrative Order 1.13 entered by the Chief Judge of this Circuit, the parties are ordered to adhere to the following information and procedures applicable to civil lawsuits:

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this order with each Summons issued in this case. One copy of this Order is to be filed with the Clerk of the Circuit Court with proof of service. The Plaintiff shall pay the appropriate statutory clerk's fees on copies for each Standing Order issued and attached to the Summons.

2. **CIVIL CASE MANAGEMENT SYSTEM.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases (other than foreclosures, involuntary commitment of sexually violent predators and eminent domain cases), the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan, early interaction with a Civil Case Manager and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in a good faith attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.¹ The Agreed Case Management Plan may be accessed at the Court's website at: [<http://www.ca.cjis20.org/web/main/civil.asp>].

Unless all of the Defendants have been served and have defaulted, an Agreed Case Management Plan will be submitted to the Civil Case Manager, at the (location by County) _____, on or before 150 days from the date of filing of the initial complaint. If the parties are unable to agree on an Agreed Case Management Plan, a case management conference will be scheduled by the Court. If a case management conference is scheduled, attendance by trial counsel and those parties who are not represented by counsel is mandatory.

3. **ALTERNATIVE DISPUTE RESOLUTION (ADR).** ADR provides parties with an out-of-court alternative to settling disagreements. The Court requires the parties to participate in ADR prior to trial. Mediation is mandatory unless the parties agree to another form of ADR. Mediation is a conference at which an independent third party attempts to arrange a settlement between the parties.

¹ Case Track options include Expedited, Standard or Complex. Case Tracks have been established in order to comply with the case disposition standards set forth in Florida Rule of Judicial Administration 2.250(a)(1)(B).

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4. **RULES OF PROFESSIONALISM.** The Twentieth Judicial Circuit has adopted Administrative Order 2.20, which sets forth standards of professional courtesy and conduct for all counsel or pro-se litigants practicing within the Circuit. The Court requires that all familiarize themselves and comply with Administrative Order 2.20. Administrative Order 2.20 may be viewed on the Court's website at: http://www.ca.cjis20.org/web/main/ao_admin.asp

DONE AND ORDERED in Chambers at _____, _____ County, Florida, on
_____.

Circuit Judge

Civil DCM Form 10/14/10

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IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
____ COUNTY, FLORIDA CIVIL ACTION

CASE NO:

Plaintiff(s),
vs.

Defendant(s),
_____ /

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

The Court has scheduled a case management conference in this case, before the Case Manager, _____, pursuant to Florida Rule of Civil Procedure 1.200(a), and Florida Rule of Judicial Administration 2.545, on (date) _____ at (time) _____, in Courtroom _____, (location) _____.

1. **Prior to Case Management Conference.** Each counsel **must** confer with his or her client(s) prior to the case management conference in order to determine the client's position with respect to settlement, pleading, admissions, and other matters that require the consent of the client. Counsel shall be prepared to make the representation that this conference has taken place. Trial counsel and those parties who are not represented by counsel (hereinafter referred to as "pro se" parties) **must** confer not later than **14 calendar days** prior to the case management conference and discuss agreements on as many of the issues listed below in paragraph 2.A. as possible. Trial counsel and/or the parties shall be prepared to discuss the possibility of settlement of the case. Trial counsel and pro se parties shall work together to agree on the provisions of an agreed Case Management Plan, in the form attached hereto, and shall be prepared to discuss any unresolved issues at the Case Management Conference.

2. **Case Management Conference.** Trial counsel and pro se parties **must** personally appear and attend the case management conference. Those attending shall bring their personal calendars to the case management conference. Those attending **must** have a thorough knowledge of the case, be prepared to discuss it and make stipulations and admissions when appropriate.

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A. Those attending must be prepared to discuss:

- i. Scheduling or rescheduling deadlines for the service of motions, pleadings and other papers. This shall include adding, dropping or amending claims or defenses and adding or dropping parties.
- ii. Determining the existence of issues that may be severed and/or resolved pre-trial.
- iii. Limiting, scheduling, ordering and expediting discovery. This shall include the desirability of creating document depositories and addressing the handling of privilege and confidentiality claims.
- iv. Scheduling hearings and/or deadlines for motions (including motions addressed to the pleadings, motions to declare the case "complex" pursuant to Florida Rule of Civil Procedure 1.201(a) and motions for summary judgment), mediation, alternative dispute resolution and other conferences.
- v. Requiring interim status reports, and determining other matters that may aid in the disposition of the action and resolution of pretrial motions, discovery and preparation for mediation, alternative dispute resolution and trial.
- vi. Determining whether issues can be narrowed by the filing of preliminary stipulations.
- vii. Organizing counsel to include the designation of lead counsel and liaison counsel, the role of other counsel, and responsibility for the preparation and maintenance of a service list.
- viii. Establishing procedures for addressing emergencies, including the use of telephone conferences.
- ix. Identifying present or potential future related litigation, including the transfer and consolidation of intra-circuit civil cases; civil cases in other circuits; and/or criminal proceedings and investigations.
- x. If the case is filed as a class action: establishing a procedure, discovery schedule and deadlines, and a hearing date to determine the issue of class certification, to include a briefing schedule, exchange of witness and exhibit lists, and clarifying disputed issues of fact and law.
- xi. Estimating the time needed for trial and setting a tentative trial date.

xii. Any of the issues set forth in Florida Rule of Civil Procedure 1.200(a).

B. At the case management conference, the Case Manager will address the unresolved provisions of the Case Management Plan and submit a proposed plan for the court's consideration and approval.

C. The proceedings at the case management conference shall be informal and will not be reported unless requested by a participant who makes prior arrangements with the court reporter.

3. **Referral of discovery matters to the General Magistrate.** In any civil case before the Court, discovery motions and other appropriate pending matters may be referred to the General Magistrate for hearing pursuant to an Order of Referral to Magistrate. Any party wishing to object to the referral of a matter to the General Magistrate must file an objection no later than the day of the scheduled hearing. The failure to timely object to the referral as set forth herein shall constitute a waiver of any objection to such referral.

4. **Alternative to attending Case Management Conference.** As an alternative to attending a case management conference, counsel and pro se parties may comply with this order by submitting an "Agreed Case Management Plan," in the form attached hereto, to the Civil Case Manager, at the (location) _____. The Plan must be signed by all counsel and pro se parties and received by the Civil Case Manager not later than **7 calendar days** prior to the conference. The Plan will also be considered timely if the parties submit a courtesy copy of the signed original to the Civil Case Manager via facsimile (Fax #) _____ or e-mail transmission (email address) _____ not later than 7 calendar days prior to the conference, **and** if the original is mailed or hand delivered on the same day along with self-addressed and stamped envelopes for all parties. Upon written approval by the Court, the original Plan will be filed with the Clerk of Court, a copy served on all counsel and/or parties of record, and the case management conference shall be cancelled. If the Court does not approve of the Plan, the case

management conference will not be cancelled. Applicable forms are available on the Court's website at: <http://www.ca.cjis20.org/web/services/jacs.asp>.

5. **Sanctions.** Counsel and/or parties are hereby cautioned that misconduct, failure to attend the case management conference or noncompliance with the terms of this order may result in sanctions by the Court. Sanctions may include the assessment of special costs, including attorney's fees, the striking of pleadings and/or the dismissal of the action.

DONE AND ORDERED in _____, _____ County on _____.

Circuit Judge

Conformed copies provided to Counsel/Parties of Record

(Insert ADA language)

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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
COUNTY, FLORIDA CIVIL ACTION

Plaintiff(s),

vs.

Case No.

Defendant(s)

AGREED CASE MANAGEMENT PLAN AND ORDER

The parties hereby submit the following Agreed Case Management Plan to the Court for approval:

Case Track Assignment¹ (check one – *must be completed for cases filed 1/1/10 or thereafter*):

_____ **Expedited Track (Case resolved within 12 months);**

(It is recommended that discovery and an alternative dispute resolution be completed within 270 days after the complaint is filed and a final disposition entered within 365 days after the complaint is filed)

_____ **Standard Track (Case is resolved within 18 months);**

(It is recommended that discovery and an alternative dispute resolution be completed within 450 days after the complaint is filed and a final disposition entered within 540 days after the complaint is filed)

_____ **Complex Track (Case resolved within 2 years)**

(Case will likely be declared complex per Florida Rule of Civil Procedure 1.201)

Case Deadlines and Events

| <i>DEADLINE OR EVENT</i> | <i>AGREED DATE</i> |
|--|---------------------------|
| Statement of Facts and/or Counterclaim(s) Plaintiff(s): Defendant(s): | |
| Identification of facts the parties believe to be disputed Plaintiff(s): Defendant(s): | |
| Identification of the issues of law to be decided by the Court | |
| Motions to Add Parties or to Amend Pleadings | |
| Disclosure of Fact Witnesses Plaintiff(s): Defendant(s): | |

¹ Case disposition times for all Case Tracks have been established in accordance with Florida Rule of Judicial Administration 2.250(a)(1)(B). Although Standard and Complex Track cases may or may not be resolved with a jury trial, it is expected that Expedited Track cases will be resolved without a jury trial.

| DEADLINE OR EVENT | AGREED DATE |
|---|--|
| Disclosure of Expert Witnesses Plaintiff(s): Defendant(s): | |
| Filing of Exhibit List Plaintiff(s): Defendant(s): | |
| Discovery Deadline for Fact Witnesses (All discovery must be commenced in time to be completed before this date) Plaintiff(s): Defendant(s): | |
| Expert Opinion Available to Opposing Party (It is recommended that the last exchange occur 4 months before trial and 1 – 2 months before discovery deadline to allow time for expert depositions. This does not require a written report unless otherwise required by the rule.) Plaintiff(s): Defendant(s): | |
| Discovery Deadline for Expert Witnesses Plaintiff(s): Defendant(s): | |
| Completion of Alternative Dispute Resolution (ADR) (Mediation is mandatory unless the parties agree to another form of ADR. If early ADR is selected and it does not result in settlement or disposition of this entire action, a case management conference will be scheduled within 45 days from the date of ADR) Deadline: Type of ADR: | |
| Deadline for Filing Dispositive Motions (Court requires filing not later than 10 days prior to the pretrial management conference) | |
| Pretrial Conference Date (Unless early ADR is selected, a pretrial conference date will be scheduled within 45 days of the date of ADR not resulting in settlement or disposition of this entire action.) | An Order will be issued by the Court scheduling the Pretrial Conference. |
| Other Deadlines or Events | |

Trial Information

| | |
|---|--|
| Estimated Date the Case Will Be Prepared To Go To Trial (If counsel and unrepresented parties do not agree on the estimated date on which the case will be prepared to go to trial, the Court may on its own motion set the case for trial) | |
| Estimated Length of Trial (<i>specify the number of trial days</i>): | |
| Identification of Jury or Non-Jury Trial | |

The above-referenced schedule of deadlines will be strictly adhered to by the parties unless a change is otherwise agreed to by the parties and approved by the Court. The Court will consider a request to approve changes to these deadlines upon a showing of good cause by either party based on matters arising from an emergency nature or unavailability. However, once the Agreed Case Management Plan has been approved by the Court, procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. The failure to abide by these deadlines may result in sanctions by the Court, including the award of attorney's fees, the striking of pleadings, and/or a dismissal of the action.

Date: _____

Signature, address and telephone number of Counsel and Unrepresented Parties. Counsel must state Fl Bar number:

PLAINTIFF'S COUNSEL

Address
Telephone #
Fax #
E-Mail Address
Florida Bar #

DEFENDANT'S COUNSEL

Address
Telephone #
Fax #
E-Mail Address
Florida Bar #

Or, if pro se, PLAINTIFF
Address
Telephone #

Or, if pro se, DEFENDANT
Address
Telephone #

ORDER APPROVING AGREED CASE MANAGEMENT PLAN

THE COURT having reviewed the preceding Agreed Case Management Plan and finding it to be satisfactory, it is

ORDERED AND ADJUDGED that the Agreed Case Management Plan is hereby **APPROVED AND ALL PARTIES SHALL ABIDE BY THE TERMS HEREIN.**

DONE AND ORDERED in _____, _____ County, Florida on _____.

Conformed Copies To:

Circuit Judge

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
____ COUNTY, FLORIDA CIVIL ACTION

CASE NO:

Plaintiff(s)

VS

Defendant(s).

UNIFORM ORDER SETTING JURY TRIAL/NON-JURY TRIAL
PRETRIAL CONFERENCE
(Notice for Trial)

THE CAUSE having come before the Court upon the filing of a NOTICE FOR TRIAL, filed by _____ and it appearing to be otherwise at issue, pursuant to Rule 1.440, Florida Rules of Civil Procedure it is hereby:

ORDERED AND ADJUDGED as follows:

1. Pretrial Conference
- 2.

| | |
|--------------------|--|
| For Lee County | A Pretrial Conference is scheduled on (date) _____ at (time) _____ in Courtroom (#) _____ Floor, (location) Lee County Justice Center, 1700 Monroe St., Ft. Myers, FL 33901, pursuant to Rule 1.200 of the Florida Rules of Civil Procedure, FOR THE PURPOSE OF COMPLETION AND CONFIRMATION OF THE ATTACHED PRETRIAL CONFERENCE ORDER FORM. |
| For Collier County | _____ is ordered to schedule a Pretrial Conference through _____ the JACS System (www.ca.cjis20.org/web/services/jacs.asp) before Magistrate _____, at the Collier County Courthouse, Naples, FL 34112, Hearing Room 3-3 within ninety (90) days of the date of this Order. The Pretrial Conference may NOT be set within the first forty-five (45) days of the date of this Order to allow sufficient notice to all parties |

2. Attendance at Pretrial Conference

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| For Lee County | Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory UNLESS an Agreed Pretrial Conference Order (using the attached form) has been submitted to the Civil Case Manager at least 7 calendar days in advance of the scheduled Pretrial Conference <u>and</u> an Order approving the Agreed Pretrial Conference Order has been entered by the Court. |
| For Collier County | Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory even if an agreement is |

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| | reached on the form of the Pretrial Conference Order. If the Pretrial Conference is held before the Magistrate, represented parties may appear by telephone. Parties wishing to appear by telephone shall make arrangements with the Court through Court Call no later than ten (10) days prior to the Pretrial Conference. If any objection is made to the Magistrate conducting the Pretrial Conference, the Judge will conduct the Pretrial Conference and lead counsel, all represented parties, and all pro-se parties must attend in person. |
|--|--|

3. **Trial Period**

| | |
|---------------------------|--|
| For Lee County | This cause is set for trial during the <i>[# of weeks]</i> week trial period <i>[beginning & ending date of trial period]</i> in Courtroom <i>[#]</i> , <i>[# Floor]</i> , Lee County Justice Center, 1700 Monroe Street, Fort Myers, Fl 33901, before the undersigned judge. Docket Sounding will be held on <i>[date]</i> at <i>[time]</i> in Courtroom <i>[#]</i> . <i>[# days]</i> have been requested for this trial. The Court will continue this trial if it appears that additional time is required and the other cases set for this trial period are jeopardized. In the event this trial is commenced and it becomes apparent that sufficient time was not requested, a mistrial may be declared and costs assessed against the party causing the over-run. |
| For Collier County | The Court will confirm a trial period at the Pretrial Conference. |

4. **Pre-trial Events**

A. Exchange of Expert & Lay Witnesses. No later than thirty (30) days prior to the Pretrial Conference date, counsel and/or parties shall file and exchange a list of the names and addresses of all witnesses they in good faith intend to call at trial and include a concise statement of facts about which the witness will testify or opinion of any expert witness. This is not intended to extend the time frames set forth in the Plan, but rather to identify those witnesses that will in good faith actually be called. No party shall be permitted to call any witness not so disclosed, without prior permission of the Court, or written stipulation executed by all parties, or if represented, their counsel.

B. Fabre Defendants. No later than thirty (30) days prior to the Pretrial Conference date, all Defendants or other persons sought to be placed on the verdict form and against whom some measure of liability may be assessed by the jury, must be disclosed to the court and opposing counsel. No person or entity not so disclosed may be placed on the verdict form without good cause shown.

C. Meeting Before Pretrial Conference. The attorneys for all parties (initiated by counsel for the Plaintiff) and all pro-se parties shall meet no later than ten (10) days before the Pretrial Conference to¹:

¹ Counsel and/or parties involved in cases to be tried without a jury need not address jury instructions or other pretrial matters that involve a jury, and need not complete these sections of the Pretrial Conference/Trial Order.

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1. Identify all exhibits each party in good faith intends to offer into evidence at trial and prepare an exhibit list for use by the Clerk and the Court at trial (actual exhibits and documentary evidence shall be available for inspection at this time). (This is not intended to extend the time frames set forth in the Plan, but rather to identify those exhibits that will in good faith actually be offered into evidence at trial). Any exhibits not so identified will not be admissible absent prior approval of the Court or a written stipulation of all parties.
2. Agree to admit or not admit evidence and list specific objections, if any.
3. Stipulate to any matter of fact or law about which there is no issue in order to avoid unnecessary proof (i.e., chain of custody or records custodian predicates).
4. Review all depositions or any other evidence which will be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
5. Discuss the possibility of settlement.
6. If applicable, submit an itemized statement of special damages the Plaintiff expects to prove.
7. If a jury trial has been demanded, discuss jury instructions and verdict forms and reach agreement, if possible, on same.
8. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, the Pretrial Conference, and trial.
9. Draft one Pretrial Conference Order (using the attached form)², signed by all participating counsel and pro-se parties. The Pretrial Conference Order shall be submitted directly to:

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| For Lee County | The Civil Case Manager at least 7 days prior to the Pretrial Conference. The Agreed Pretrial Conference Order will also be considered timely if the parties submit a courtesy copy of the signed original to the Civil Case Manager via facsimile 239-485-2999 or e-mail transmission to CivilCM@ca.cjis20.org not later than 7 calendar days prior to the Pretrial Conference, <u>and</u> if the original is mailed or hand delivered on the same |
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² The Pretrial Conference Order can also be downloaded from the Court's website at <http://www.ca.cjis20.org/web>.

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| | day along with self-addressed and stamped envelopes for all parties. Upon written approval by the Court, the original Agreed Pretrial Conference Order will be filed with the Clerk of Court, a copy served on all counsel and/or parties of record, and the Pretrial Conference shall be cancelled. If the Court does not approve the Agreed Pretrial Conference Plan, the Pretrial Conference will not be cancelled. |
| For Collier County | The Magistrate at the Pretrial Conference. |

In the event the parties are unable to agree on all matters in the Pretrial Conference Order, they shall leave the unagreed matter(s) blank and same will be resolved at the Pretrial Conference with the Court.³

D. Motions. All motions, except Motions in Limine, shall be filed prior to the date of the Pretrial Conference or they are deemed abandoned. All dispositive motions, including Motions for Summary Judgment, **must be filed and scheduled for hearing at least ten (10) days prior to the Pretrial Conference and must be heard no later than 30 days prior to the commencement of the trial period.** Motions in Limine **must be filed by the earlier of docket sounding or 10 days prior to the commencement of the trial period and must be heard no later than 10 days prior to the date of the trial.** Motions not filed and scheduled in compliance with this Order will be heard only upon a showing of good cause.

E. Discovery. Counsel shall complete all discovery, including examinations and Frye hearings, pursuant to the Plan, if any. The conduct of discovery subsequent to the Pretrial Conference will be allowed only as permitted by the Plan, upon stipulation of the parties or upon Order of the Court for good cause. Any discovery allowed subsequent to the Pretrial Conference shall not be a cause for delay of the trial of this cause.

F. Alternative Dispute Resolution.

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| For Lee County | All parties are required to participate in mediation or other Alternative Dispute Resolution prior to trial. Unless alternative dispute resolution has already occurred at the time this order is issued and a report has been filed with the Clerk of Court, or the parties file a stipulation agreeing to a mutually acceptable mediator setting forth the name of the mediator, and date and place set for mediation within 10 days after the issuance of this Order, Court Mediation will schedule this cause for mediation. Scheduled mediation may be cancelled only upon Court order. |
| For Collier County | Alternative Dispute Resolution should have already |

³ Any disputes between the parties regarding the Uniform Pretrial Conference /Trial Order will be resolved at the Pretrial Conference by the Magistrate or Judge. If the Magistrate conducts the Pretrial Conference, the Magistrate shall issue a Report and Recommended Order to the Judge on all such disputed issues. A final Uniform Pretrial Conference /Trial Order will be issued by the Judge once any timely exceptions have been filed and heard to the Report and Recommended Order of the Magistrate.

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| | occurred at the time this order is issued and a report was filed with the Clerk of Court. |
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G. Settlement. In the event of settlement at any time prior to trial, Plaintiff's Counsel shall immediately notify the Court and submit a stipulation for an Order of Dismissal and a Final Disposition form.

H. Representation and Authority. In order for the full purpose of the Pretrial Conference procedures to be accomplished, each party shall be represented at all meetings and hearings required herein by the attorney who will participate in the trial of the cause and who is vested with full authority to make admissions and disclosure of facts, and to bind the client by agreement in respect to all matters pertaining to the trial of this cause and the Pretrial Conference Order.

I. Continuances. This Court adheres strictly to Rule of Judicial Administration 2.545(e) and Rule of Civil Procedure 1.460. Accordingly, motions for continuance and stipulations must be in writing and set forth the following:

1. The signature of the party as well as the attorney.
2. A concise statement of the reasons for a continuance. If based on non-availability of a witness, a showing of when it is believed the witness will be available must be stated.

Any stipulation must be approved or motion heard by the Court no later than docket sounding. No Motion will be heard that is not in compliance with this Order except upon good cause shown.

5. Notice

Plaintiff, or if represented, Counsel for Plaintiff is directed to review this Order to ensure that it was sent to all proper persons at current, proper addresses. The failure to immediately notify the Court may result in this matter not being heard at the scheduled time.

6. Sanctions

The failure to comply with the requirements of this Order may subject the party and/or attorney to appropriate sanctions, including the award of attorneys' fees, fines, striking of pleadings, and/or dismissal of the case.

DONE AND ORDERED in Chambers, _____ County, Florida on this _____ day of _____, 20____.

Circuit Judge

Insert ADA language by County here

00000424

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, FLORIDA CIVIL ACTION

CASE NO:

Plaintiff(s)

vs

Defendant(s).

UNIFORM ORDER SETTING JURY TRIAL/NON-JURY TRIAL
PRETRIAL CONFERENCE
(Approved Case Management Plan)

THIS CAUSE comes before the Court on the Approved Case Management Plan of the Parties (the "Plan"). Under the Plan this cause may be set for trial at this time pursuant to Rule 1.440, Florida Rules of Civil Procedure, and it appearing this cause is otherwise at issue, it is hereby:

ORDERED AND ADJUDGED as follows:

1. **Pretrial Conference**

| | |
|---------------------------|--|
| For Lee County | A Pretrial Conference is scheduled on (date) _____ at (time) _____ in Courtroom (#) _____, _____ Floor, (location) <u>Lee County Justice Center, 1700 Monroe St., Ft. Myers, FL 33901</u> , pursuant to Rule 1.200 of the Florida Rules of Civil Procedure, FOR THE PURPOSE OF COMPLETION AND CONFIRMATION OF THE ATTACHED PRETRIAL CONFERENCE ORDER FORM. |
| For Collier County | Counsel for Plaintiff is ordered to schedule a Pretrial Conference through _____ the _____ JACS _____ System (www.ca.cjis20.org/web/services/jacs.asp) before Magistrate _____, at the Collier County Courthouse, Naples, FL 34112, Hearing Room 3-3 within forty-five (45) days of the date of the conclusion of Mediation or Alternative Dispute Resolution not resulting in settlement or disposition of the entire action. Sufficient and reasonable notice shall be given of the date and time of the Pretrial Conference to all parties. |

2. **Attendance at Pretrial Conference**

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| For Lee County | Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory UNLESS an Agreed Pretrial Conference Order (using the attached form) has been submitted to the Civil Case Manager at least 7 calendar days in |
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| | advance of the scheduled Pretrial Conference <u>and</u> an Order approving the Agreed Pretrial Conference Order has been entered by the Court. |
| For Collier County | Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory even if an agreement is reached on the form of the Pretrial Conference Order. If the Pretrial Conference is held before the Magistrate, represented parties may appear by telephone. Parties wishing to appear by telephone shall make arrangements with the Court through Court Call no later than ten (10) days prior to the Pretrial Conference. If any objection is made to the Magistrate conducting the Pretrial Conference, the Judge will conduct the Pretrial Conference and lead counsel, all represented parties, and all pro-se parties must attend in person. |

3. **Trial Period**

| | |
|---------------------------|--|
| For Lee County | This cause is set for trial during the <i>[# of weeks]</i> week trial period <i>[beginning & ending date of trial period]</i> in Courtroom <i>[#]</i> , <i>[# Floor]</i> , Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901, before the undersigned judge. Docket Sounding will be held on <i>[date]</i> at <i>[time]</i> in Courtroom <i>[#]</i> . <i>[# days]</i> have been requested for this trial. The Court will continue this trial if it appears that additional time is required and the other cases set for this trial period are jeopardized. In the event this trial is commenced and it becomes apparent that sufficient time was not requested, a mistrial may be declared and costs assessed against the party causing the over-run. |
| For Collier County | The Court will confirm a trial period at the Pretrial Conference. |

4. **Pre-trial Events**

A. **Exchange of Expert & Lay Witnesses.** No later than thirty (30) days prior to the Pretrial Conference date, counsel and/or parties shall file and exchange a list of the names and addresses of **all** witnesses they in good faith intend to call at trial and include a concise statement of facts about which the witness will testify or opinion of any expert witness. This is not intended to extend the time frames set forth in the Plan, but rather to identify those witnesses that will in good faith actually be called. No party shall be permitted to call any witness not so disclosed, without prior permission of the Court, or written stipulation executed by all parties, or if represented, their counsel.

B. **Fabre Defendants.** No later than thirty (30) days prior to the Pretrial Conference date, all Defendants or other persons sought to be placed on the verdict form and against whom some measure of liability may be assessed by the jury, must be disclosed to the court and opposing counsel. No person or entity not so disclosed may be placed on the verdict form without good cause shown.

C. **Meeting Before Pretrial Conference.** The attorneys for all parties (initiated by counsel for the Plaintiff) and all pro-se parties shall meet no later than ten (10) days before the

Pretrial Conference to¹:

1. Identify all exhibits each party in good faith intends to offer into evidence at trial and prepare an exhibit list for use by the Clerk and the Court at trial (actual exhibits and documentary evidence shall be available for inspection at this time). (This is not intended to extend the time frames set forth in the Plan, but rather to identify those exhibits that will in good faith actually be offered into evidence at trial). Any exhibits not so identified will not be admissible absent prior approval of the Court or a written stipulation of all parties.
2. Agree to admit or not admit evidence and list specific objections, if any.
3. Stipulate to any matter of fact or law about which there is no issue in order to avoid unnecessary proof (i.e., chain of custody or records custodian predicates).
4. Review all depositions or any other evidence which will be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
5. Discuss the possibility of settlement.
6. If applicable, submit an itemized statement of special damages the Plaintiff expects to prove.
7. If a jury trial has been demanded, discuss jury instructions and verdict forms and reach agreement, if possible, on same.
8. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, the Pretrial Conference, and trial.
9. Draft one Pretrial Conference Order (using the attached form)², signed by all participating counsel and pro-se parties. The Pretrial Conference Order shall be submitted directly to:

| | |
|-----------------------|---|
| For Lee County | The Civil Case Manager at least 7 days prior to the Pretrial Conference. The Agreed Pretrial Conference Order will also be considered timely if the parties submit a courtesy copy of the signed original to the Civil Case Manager via facsimile |
|-----------------------|---|

¹ Counsel and/or parties involved in cases to be tried without a jury need not address jury instructions or other pretrial matters that involve a jury, and need not complete these sections of the Pretrial Conference/Trial Order.

² The Pretrial Conference Order can also be downloaded from the Court's website at <http://www.ca.cjis20.org/web/main/civil.asp>.

| | |
|---------------------------|--|
| | 239-485-2999 or e-mail transmission to CivilCM@ca.cjis20.org not later than 7 calendar days prior to the Pretrial Conference, and if the original is mailed or hand delivered on the same day along with self-addressed and stamped envelopes for all parties. Upon written approval by the Court, the original Agreed Pretrial Conference Order will be filed with the Clerk of Court, a copy served on all counsel and/or parties of record, and the Pretrial Conference shall be cancelled. If the Court does not approve the Agreed Pretrial Conference Plan, the Pretrial Conference will not be cancelled. |
| For Collier County | The Magistrate at the Pretrial Conference. |

In the event the parties are unable to agree on all matters in the Pretrial Conference Order, they shall leave the unagreed matter(s) blank and same will be resolved at the Pretrial Conference with the Court.³

D. Motions. All motions shall be filed in accordance with the Plan except Motions in Limine. All dispositive motions, including Motions for Summary Judgment, **must be filed and scheduled for hearing at least ten (10) days prior to the Pretrial Conference and must be heard no later than 30 days prior to the commencement of the trial period.** Motions in Limine **must be filed by the earlier of docket sounding or 10 days prior to the commencement of the trial period and must be heard no later than 10 days prior to the date of the trial.** Motions not filed and scheduled in compliance with this Order will be heard only upon a showing of good cause.

E. Discovery. Counsel shall complete all discovery, including examinations and Frye hearings, pursuant to the Plan. The conduct of discovery subsequent to the Pretrial Conference will be allowed only as permitted by the Plan, upon stipulation of the parties or upon Order of the Court for good cause. Any discovery allowed subsequent to the Pretrial Conference shall not be a cause for delay of the trial of this cause.

F. Alternative Dispute Resolution. All parties are required to participate in mediation or other Alternative Dispute Resolution prior to trial in accordance with the Plan.

G. Settlement. In the event of settlement at any time prior to trial, Plaintiff's Counsel shall immediately notify the Court and submit a stipulation for an Order of Dismissal and a Final Disposition form.

H. Representation and Authority. In order for the full purpose of the Pretrial Conference procedures to be accomplished, each party shall be represented at all meetings and

³ Any disputes between the parties regarding the Uniform Pretrial Conference /Trial Order will be resolved at the Pretrial Conference by the Magistrate or Judge. If the Magistrate conducts the Pretrial Conference, the Magistrate shall issue a Report and Recommended Order to the Judge on all such disputed issues. A final Uniform Pretrial Conference /Trial Order will be issued by the Judge once any timely exceptions have been filed and heard to the Report and Recommended Order of the Magistrate.

hearings required herein by the attorney who will participate in the trial of the cause and who is vested with full authority to make admissions and disclosure of facts, and to bind the client by agreement in respect to all matters pertaining to the trial of this cause and the Pretrial Conference Order.

I. Continuances. This Court adheres strictly to Florida Rule of Judicial Administration 2.545(e) and Florida Rule of Civil Procedure 1.460. Accordingly, motions for continuance and stipulations must be in writing and set forth the following:

1. The signature of the party as well as the attorney.
2. A concise statement of the reasons for a continuance. If based on non-availability of a witness, a showing of when it is believed the witness will be available must be stated.

Any stipulation must be approved or motion heard by the Court no later than docket sounding. **No Motion will be heard that is not in compliance with this Order except upon good cause shown.**

J. Approved Case Management Plan. Except as modified by this Order, the Approved Case Management Plan shall remain in full force and effect.

5. Notice

Plaintiff, or if represented, Counsel for Plaintiff is directed to review this Order to ensure that it was sent to all proper persons at current, proper addresses. The failure to immediately notify the Court may result in this matter not being heard at the scheduled time.

6. Sanctions

The failure to comply with the requirements of this Order may subject the party and/or attorney to appropriate sanctions, including the award of attorneys' fees, fines, striking of pleadings, and/or dismissal of the case.

DONE AND ORDERED in Chambers, _____ County, Florida on this
_____ day of _____, 20____.

Circuit Judge

Insert ADA language by County here

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
_____ COUNTY, FLORIDA CIVIL ACTION

CASE NO:

Plaintiff(s)

vs

Defendant(s).

UNIFORM PRETRIAL CONFERENCE/TRIAL ORDER

Present:

_____ for Plaintiff

_____ for Defendant

1. Statement of Case:
2. Amendments to pleadings:
3. Issues (agreed to and disputed):
4. Number of peremptory challenges:
5. Admissions to avoid unnecessary proof:

6. Witnesses:

Counsel and all pro-se parties shall list all witnesses they actually intend to call at trial from the approved Case Management Plan, if any, including a concise statement of the facts about which the witness will testify, by the ____ day of _____, 2010, and will be limited thereby except for good cause.

The parties shall assure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure. If a party expects to call an expert or treating physician to testify at trial, it is

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strongly suggested that such witness be deposed by video and the testimony transcribed. The Court may not be in a position to allow a witness to testify "out of order," over objection, or to take a recess or adjust its schedule for the convenience of such a witness.

7. **Attached**, if applicable, is a list of itemized statement of special damages claimed by any party.

8. Any problems or special needs for the attendance of witnesses:

9. Stipulations (checked):

- _____ a) Less than 6 jurors if one becomes incapacitated
- _____ b) Use of expert testimony any time
- _____ c) Waive X-ray technicians
- _____ d) Waive records custodians
- _____ e) Waive photographers
- _____ f) Copies of ordinances or foreign laws
- _____ g) Other: _____

10. Necessity of taking judicial notice:

11. Length of trial:

12. List Pending Motions:

13. Settlement possibilities:

14. Trial Date:

| | |
|---------------------------|---|
| For Lee County | Parties must be ready to go to trial on day #1 of the trial period, regardless of position on the docket. The docket will proceed numerically in the order established at docket sounding, unless time utilization can be enhanced or scheduling conflicts with other courts occur. In such instances, the sequencing of cases for trial may be adjusted by the Court. ¹ |
| For Collier County | Trial Month – Trial period(4 weeks) beginning: _____ |

¹ Dockets will be posted on each Judge's schedule as soon after Docket Sounding as reasonably feasible. Counsel and parties are responsible for checking the Judge's schedule for updates as to the docket and order in which cases will be tried.

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15. List the Fabre, 623 So. 2d 1182 (Fla. 1993), Defendant(s) disclosed in accordance with Paragraph 4B of the Order Setting Jury Trial/Non-Jury Trial, Pretrial Conference that Defendant actually intends to request be placed on the verdict form.

16. If depositions or video depositions of witnesses will be used in accordance with applicable law, are there stipulations as to which portions will be shown to the jury? YES
NO

If there are disagreements regarding the admissibility of any portion of the depositions, such matters must be resolved by hearing, if necessary prior to the trial.

17. Unless specifically directed by the Court to be filed at an earlier date, jury instructions and verdict forms shall be submitted at the beginning of the trial. Counsel and all pro-se parties shall meet prior to trial to agree upon the verdict form and as many standard instructions as possible. The submitted instructions and verdict forms shall include any of the Florida Standard Jury Instructions and verdict forms with appropriate adaptations for the specifics of the case. On the first day of the trial, the attorney for each party shall submit to the Court both an electronic version in Microsoft Word and a typed copy of the proposed jury instructions and verdict form(s). This paragraph shall not foreclose the right of each party to request modifications of the jury instructions and/or verdict form(s) at the charging conference. Any party who intends to request that the Court provide a set of written jury instructions for the jury's consideration, pursuant to Rule 1.470(b), shall be responsible for providing a clean copy (i.e., without citations to authority) of the jury instructions and verdict form(s) to the Court for this purpose prior to the submission of the case to the jurors.

18. **Attached** is a list of all photographs, documents and exhibits. Counsel shall confer prior to trial and initial those agreed to be admitted in evidence. All exhibits shall be pre-marked using numbers for Plaintiff's Exhibits and Letters for Defendant's Exhibits. Upon request the Clerk will provide Exhibit labels prior to commencement of the trial. To avoid the loss and disintegration of component parts of pages, all composite exhibits shall be satisfactorily marked and/or bound before presentation to the Court. Exhibits to be introduced which are larger than 8 1/2 x 11" may be used at trial, but if practicable, same shall be reduced to 8 1/2 x 11", and the reduced size copy shall be the exhibit retained by the Clerk in the court file. The oversized exhibits, if reduced, shall be returned to counsel at the close of the trial.

19. If a party desires that a proceeding be reported by a court reporter, it is the responsibility of that party to secure such services.

20. Failure to comply with the requirements of this Order may subject the party and/or counsel to appropriate sanctions, including attorneys' fees, fines, striking of pleadings, and/or dismissal of this action.

THE UNDERSIGNED HEREBY AGREE TO AND SUBMIT THE FOREGOING
PRETRIAL CONFERENCE/TRIAL ORDER TO THE COURT FOR APPROVAL.

PLAINTIFF'S COUNSEL

Address
Telephone #
Fax #
E-Mail Address
Florida Bar #

DEFENDANT'S COUNSEL

Address
Telephone #
Fax #
E-Mail Address
Florida Bar #

Or, if pro se, PLAINTIFF

Address
Telephone #

Or, if pro se, DEFENDANT

Address
Telephone #

THE COURT HEREBY APPROVES AND ADOPTS THE FOREGOING
PRETRIAL CONFERENCE/TRIAL ORDER AND THE PARTIES ARE ORDERED TO
COMPLY WITH IT.

DONE AND ORDERED in Chambers, _____ County, Florida on this _____
day of _____, 20____.

Circuit Court Judge

Insert ADA Language by County

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