

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2021-012 PA/PI-CIR

**RE: MANDATORY REVIEW OF PENDING CIVIL CASES AND SUBMISSION OF
AGREED CIVIL CASE MANAGEMENT ORDERS**

The Florida Supreme Court has issued several administrative orders implementing temporary measures essential to safely administering justice during the COVID-19 pandemic. The high court amended its COMPREHENSIVE COVID-19 EMERGENCY MEASURES FOR FLORIDA TRIAL COURTS, AOSC20-23, by provisions in *Amendment 11* which directed chief judges to issue administrative orders requiring presiding judges in specifically defined civil cases to issue case management orders that contain deadlines for completing certain pretrial matters and setting trial dates consistent with the time standards specified in the Florida Rules of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

The Supreme Court AOSC20-23, in *Amendment 11*, section III. G. (on pages 16 through 21) sets forth specific provisions for Case Management and Resolution that include provisions applicable to the existing civil backlog of cases. These “civil cases” are defined (in footnote 13 on page 16) as actions to which the Florida Rules of Civil Procedure apply.

In order to implement these specific provisions, as directed by the Florida Supreme Court, and in accordance with Article V, section 7, Florida Constitution, Rule of General Practice and Judicial Administration 2.215, and section 43.26, Florida Statutes,

IT IS ORDERED:

1. Counsel for the parties and pro se individuals who are representing themselves in these pending “civil cases”, whether in circuit court or county court civil divisions, shall review the Supreme Court case management and resolution provisions contained in AOSC20-23, *Amendment 11*, as well as Fla. R. Jud. Admin 2.250 and 2.545. Thereafter, they shall review their pending civil cases with the requirements of the Supreme Court and this local administrative order in mind.

2. In AOSC20-23, *Amendment 11*, the three categories of civil cases to be considered are: complex cases, general cases, and streamlined cases. “Complex Civil Cases” are defined as actions that have been or may be designated by court order as complex under Fla. R. Civ. Pro. 1.201. Pursuant to AOSC20-23, *Amendment 11*, the undersigned has determined that “Streamlined Civil Cases” are those civil non-jury actions that will be tried before a judge and “General Civil Cases” are those actions that will be subject to a jury trial.

3. Since complex litigation is governed by the specific case management procedures in Rule 1.201, the provisions in AOSC20-23, *Amendment 11*, do not control issuance of such orders in those cases. Therefore, within 15 days of this Administrative Order, counsel for the plaintiff in any pending complex case shall, as an alternative to the other provisions in this order, send a letter

to the presiding judge notifying the court of the present status of the cause. If there is an existing case management order in effect a copy shall be included for the judge to review.

4. Counsel for the parties and pro se individuals who are representing themselves in “General Civil Cases” and in “Streamlined Civil Cases” are hereby advised that the undersigned chief judge will be entering administrative orders in conformity with the mandates in AOSC20-23, *Amendment 11*, and that the presiding judges in the civil divisions will be required to issue comprehensive case management orders in their cases. The Supreme Court order requires such orders in cases filed before April 30, 2021 to be issued within 30 days of service of the complaint on the last of all named defendants or by May 28, 2021, whichever date is later.

5. Counsel for the parties and pro se individuals representing themselves are hereby noticed that case management orders will be issued by the presiding judges in an effort to comply with the Supreme Court mandate and that these orders will be sent to the parties and counsel as listed in the service addresses in the court file. All parties are ordered to review the service addresses on file to confirm the addresses, including email addresses, are correctly listed. Counsel for the parties are ordered to enter service email addresses within Judicial Automated Workflow System (JAWS) or confirm that existing service email addresses are correctly listed. Pro se parties who do not have access to JAWS are ordered to update their addresses on file with the Clerk of Court in the county in which the case is filed and may do so by filing a Notice of Change of Address in each civil case in which the pro se litigant is a party.

6. The number of cases presently pending in each judge’s section that must be coordinated, scheduled, and noticed for case management conference far exceeds the amount of time presently available on the judge’s docket. Consequently, the presiding judges may be forced to issue case management orders in cases without a noticed hearing and without any input from the litigants. It should be apparent from a review of AOSC20-23, *Amendment 11*, that such a sua sponte case management order will contain deadlines for service of complaints, service under extensions, adding new parties, completion of discovery, objections to pleadings, pretrial motions, and mediation. The order must also address setting trial even though the case may not be at issue.

7. Counsel for the parties and pro se individuals representing themselves in these cases may believe that the unique circumstances presented in their cases support the entry of a case management order tailored to the cause and agreed to by the litigants rather than an order unilaterally issued by the presiding judge. Therefore, the parties are encouraged to consult and confer in an effort to draft a mutually acceptable Agreed Mandatory Civil Case Management Order for submission to the court that addresses the mandatory deadlines in AOSC20-23, *Amendment 11*, and moves the case to disposition in a timely fashion. Proposed case management orders should be uploaded to JAWS for the county where the case is located. This should be done as soon as reasonably possible.

8. In any Agreed Mandatory Civil Case Management Order submitted pursuant to this Administrative Order, the parties must address each requirement specified by AOSC20-23, *Amendment 11*, on page 18. The Agreed Mandatory Civil Case Management Order shall be in substantially the same form as the exemplar attached hereto as “Exhibit A”. This order may also be found on the circuit’s website at www.jud6.org along with other relevant

information.

DONE AND ORDERED in Chambers in St. Petersburg, Pinellas County, Florida, this _____ day of March 2021.

ORIGINAL SIGNED ON MARCH 31, 2021
BY ANTHONY RONDOLINO, CHIEF JUDGE

Exhibit A – Agreed Mandatory Civil Case Management Order

cc: All Judges
The Honorable Bruce Bartlett, State Attorney
The Honorable Sara Mollo, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Circuit Court, Pinellas County
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
Gay Inskip, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi Acholonu, Assistant Regional Counsel, Second District
Lillian Simon, Director of Administrative Services, Pasco County
Kimberly Thompson, Chief Operations Officer, Pasco County Clerk's Office
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

Plaintiff(s),

Case No. _____

vs.

Defendant(s),
_____ /

AGREED MANDATORY CIVIL CASE MANAGEMENT ORDER

The Florida Supreme Court has mandated the issuance of case management orders in certain civil actions pending in the trial courts. The parties to this action have reviewed AOSC21-17 and its amendments and acknowledge the requirements cited therein. They have thereafter consulted and conferred in an effort to agree upon an order that addresses the mandatory deadlines in the administrative orders and moves the cause to a timely disposition as soon as reasonably possible in conformity with the Florida Rules of General Practice and Judicial Administration. This order contains those agreed provisions.

Case Category

This cause is a civil case (as defined in AOSC21-17) that is governed by the Florida Rules of Civil Procedure. It is not a complex case subject to Rule 1.201 and is presently in one of the following categories:

- _____ A “General Civil Case” which may require a jury trial for final disposition.
- _____ A “Streamlined Civil Case” which will be a non-jury case tried before a judge.

Prior Case Management or Pretrial Orders

The purpose of this mandatory case management order is for the presiding judge to actively manage the cases and control the progress of the matter. If there has been a prior case management or pretrial order in this case such order(s) may satisfy this requirement.

- _____ There is not a prior order.
- _____ There is a prior order but the deadlines and dates require further update in light of AOSC21-17. Such revised deadlines and dates are indicated in the paragraphs below.
- _____ There has been a prior order that included all the required deadlines and dates. No updates or further deadlines are needed to comply with AOSC21-17. That order was entered on _____ (date). The following paragraphs restate the dates and deadlines previously ordered therein.

Deadlines for Service of the Complaint

- _____ Service of the formal pleadings has been completed.
- _____ Service has not been completed but will be made in conformity with the time limits contained in Fla. R. Civ. P. 1.070(j).

- _____ The service deadlines have passed and a motion for extension was timely filed and is still pending. The date of the hearing is _____ (date).
- _____ The service deadlines have passed and no extension was timely filed.

Deadlines for Answers

- _____ Answers to initial complaints, cross claims, and counterclaims have or are expected to be filed within 20 days of service.
 - _____ Answers to initial complaints, cross claims, and counterclaims are not expected to be filed within 20 days of service, but as otherwise permitted or agreed are expected to be filed by: _____ (date).
- List any parties that have been defaulted _____

Deadlines for Initial Motions

- _____ Motions raising lack of jurisdiction, improper venue, insufficiency of process, and any other preliminary matter purporting to suspend the time to file formal answers and defenses have been ruled upon.
- _____ Such initial motions are pending but are now set for hearing on _____ (date) or have been provided to the Court for review based on written submission pursuant to Administrative Order 2020-012.

Amendments to Pleadings and Additional Parties

- _____ No amendments to the pleadings or additional parties are anticipated.
- _____ Such amendments may be filed and, if objected to, a hearing on the motion set as soon as possible. It is understood that motions to amend are generally liberally granted. However, the parties agree that the court, in determining whether to grant such motions, shall consider the time standards in Rule 2.250 and the movant's good faith efforts to advance the cause to a timely disposition.
- _____ Any pending motions to amend or add parties have been set for hearing on _____ (date) or have been provided to the Court for review based on written submission pursuant to Administrative Order 2020-012.

Deadlines for Motions after an Answer

- _____ There are no pending pretrial motions.
- _____ There are pending pretrial motions that as agreed are expected to be filed by: _____ (date).
- _____ There are pending pretrial motions that are either set for hearing or will be set in a timely fashion so as not to delay the disposition of the case in conformity with the time standards. It is agreed that a good faith effort to resolve such motions shall be undertaken before setting any such motion for hearing.

Deadlines for Discovery

The parties understand that Florida's liberal discovery rules are to be construed to secure the just, speedy, and inexpensive determination of every action. Such discovery should be conducted in conformity with the Rule 1.250 time standards. Those standards contemplate a period of 18 months from filing to disposition in jury cases and 12 months from filing to disposition in non-jury cases. To accomplish this the court concludes fact and expert witnesses should

generally be disclosed and discovery completed within 270 days of service of the complaint on the last of all named defendants in jury cases, or within 150 days in non-jury cases. The parties have agreed to specific discovery deadlines to move this case to resolution without delay:

_____ Discovery has been completed or is anticipated to be completed within the 270 day or 150 day time periods described by the court above.

_____ Disclosure of fact and expert witnesses has not been completed however the deadlines for such disclosure are as follows: (list the disclosure deadlines in detail)

The parties will use their best efforts to complete all discovery and the anticipated date for completion is reasonably expected to be _____ (date).

Scheduling Mediation or ADR

Once there has been sufficient discovery for the parties to know the strengths and weaknesses of their respective positions in the case then alternative dispute resolution should be considered as a way to reduce the time and expense associated with continued litigation.

_____ Mediation/ADR has already occurred and/or Mediation/ADR is not agreed to by any party.

_____ One party feels Mediation/ADR is appropriate and will file a motion seeking a court order.

_____ Mediation/ADR has been set for _____ (date).

_____ Mediation/ADR will be scheduled by the parties as soon as sufficient discovery has been completed.

Setting a Trial Date

Rule 1.440 governs setting a trial date and requires the case to be “at issue” before a court can enter a formal order with a firm date. However, AOSC21-17 requires the inclusion of a “projected date of trial” in a case management order.

_____ A formal trial order has been issued and trial is now pending.

_____ The case is at issue and can be set for trial. The parties have or will be scheduling a noticed hearing with the presiding judge to discuss appropriate dates to set the trial. If a hearing date has been secured provide the date: _____.

_____ The case is not at issue pursuant to the rule. It is anticipated that the projected date of the trial will be _____. (Please indicate the approximate year and month the action could reasonably be expected to be included on the docket.)

Therefore, the undersigned accepts the above detailed agreed or previously ordered deadlines and dates, and orders that they shall be complied with.

Done and Ordered this _____ day of _____, 2021.

Presiding Judge