

**IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY, FLORIDA
CIVIL DIVISION**

Case No. _____

Plaintiff(s),

vs.

Defendant(s).

**ORDER SETTING JURY TRIAL
AND PRE-TRIAL CONFERENCE**

Pre-Trial Date and Time: _____

VIA OUR CONFERENCE LINE: 727-582-2255 Pin: 753716

Calendar Call Date and Time: _____

VIA OUR CONFERENCE LINE: 727-582-2255 Pin: 753716

Jury Trial Date and Time: _____ at 8:45 A.M.

TRIAL DOCKET – COURTROOM _____

*Note paragraph 18 regarding any conflicts with this trial date.

Judge: _____

Location: _____

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled to, at no cost to you, the provision of certain assistance.

For proceedings in the Court of Pinellas County, please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) at least 7 days before your scheduled Court appearance, or immediately upon receiving this

notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

For proceedings in the Courts of Pasco County, please contact either the Pasco County Customer Service Center, 8731 Citizens Drive, New Port Richey, FL 34654, (727) 847-2411 (V) or the Pasco County Risk Management Office, 7536 State Street, New Port Richey, FL 34654, (727) 847-8028 (V) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

I hereby certify that a copy of this Order has been furnished by U.S. Mail, electronic service, [or other approved delivery method] this _____ day of _____, 20____ to:

ATTORNEY OF RECORD

THIS CAUSE being at issue and the Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

PRE-TRIAL CONFERENCE

1. A **PRE-TRIAL CONFERENCE** will be held as noticed on the preceding cover page.

JURY TRIAL

2. A **JURY TRIAL** will be held as noticed on the preceding cover page.

WITNESS AND EXHIBIT DISCLOSURE

3. At least **150 days before the Pre-Trial Conference**, counsel for all parties, and any unrepresented party, must file and serve opposing counsel and any unrepresented party with:
 - a) a list of the names and addresses of all lay and expert witnesses who are expected to testify at trial, whether for substantive, corroborative, impeachment, or rebuttal purposes.
 - b) all information listed in Fla. R. Civ. P. 1.280(b)(5)A.i. and iii. Such information provided under Fla. R. Civ. P. 1.280(b)(5)A.iii. must be limited to three years before the date of the Pre-Trial Conference, unless the parties agree otherwise or by order of the Court. The parties must also provide:
 1. a copy of any written reports issued by the expert regarding this case; and
 2. a copy of the expert's curriculum vitae.

- c) a list of all exhibits which are expected to be admitted at trial whether for substantive, demonstrative, corroborative, impeachment, or rebuttal purposes.
4. Witnesses and exhibits which are not listed as described above may provide testimony or be admitted at trial only upon stipulation of all parties or as allowed by order of the Court **at or before the Pre-Trial Conference.**
5. At least **30 days before the Pre-Trial Conference**, counsel for each defendant and any unrepresented party must serve a list of the names and addresses of all non-parties (Fabre defendants) defendant intends to request the Court to include on the verdict form.

COMPLETION OF DISCOVERY

7. All discovery matters, including all depositions and examinations of persons conducted pursuant to Fla. R. Civ. P. 1.360, must be completed at least **30 days before** the Pre-Trial Conference. Discovery occurring after deadline will be permitted only by order of the Court. However, the deposition of any examiner pursuant to Fla. R. Civ. P. 1.360(c) will be allowed without order of Court any time **within 30 days of service** of their report and no less than **10 days before** the date trial is scheduled to commence. Any discovery requiring a response from the adverse party must be served in time for the response to be due prior to the deadline date established herein. Unavailability of hearing times on motions prior to the Pre-Trial Conference will not be grounds for extension of deadlines or continuation of the Pre-Trial Conference or Trial, absent exceptional circumstances, as determined by the Court.
8. **EXPERT DEPOSITIONS.** At the deposition of any expert witness taken within the time periods set forth in this Order, all expert witnesses must provide, and all parties must provide, all information listed in Fla. R. Civ. P. 1.280(b)(5)A.i. and iii. If the expert is not prepared to fully testify regarding such matters at a deposition scheduled **no later than 30 days before the Pre-Trial Conference** or if a party does not provide complete information regarding such matters in answering interrogatories served **no later than 60 days before the Pre-Trial Conference**, the Court may consider excluding the testimony of the expert at trial or, in the alternative, may limit the testimony of the expert to those matters revealed at any such deposition or in answers to any such interrogatories. Pursuant to Fla. R. Civ. P. 1.280(b)(5)(C), the party seeking this discovery must pay experts a reasonable fee for the time spent in responding to discovery and pay the responding party a fair part of the fees and expenses reasonably incurred by the responding party in obtaining facts and opinions from the expert. Objections made at expert witness depositions taken pursuant to this paragraph **must** be resolved by stipulation or by properly bringing them before the Court in such a manner as to not result in delay of the trial and, in any event, before the date the trial is to begin. Failure to comply with this paragraph may result in removal of the case from the trial calendar or such other sanctions as deemed appropriate by the Court. While the Court is prohibited from appointing a general or special master/magistrate without the consent of the parties, the parties should feel free to agree upon a master/magistrate to resolve such objections if hearing time before the Court is not available. Any such master/magistrate will be governed by Fla. R. Civ. P. 1.490. Care must be taken to allow sufficient time for compliance with the time periods set forth in the rule.

9. **DEPOSITION DESIGNATIONS.** Except as set forth in paragraph 7 above, no later than **25 days before the Pre-Trial Conference**, each party must serve designations of depositions (video or otherwise) each party intends to offer as testimony in their case-in-chief. No later than **15 days before the Pre-Trial Conference**, each opposing party must serve counter designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than **5 days before** the day of the Pre-Trial Conference, each party must serve their objections to counter designations served by an opposing party. **All such objections must be resolved prior to the Pre-Trial Conference or the objection(s) will be considered waived.** Video depositions to be shown at trial must be appropriately edited **prior to the Pre-Trial Conference**. Failure to comply with this paragraph may result in removal from the trial calendar or such other sanctions as may appear appropriate.

MOTIONS

10. All motions, including motions in limine, must be filed and served at least **30 days before** the Pre-Trial Conference. Unless good cause exists as to why the motions were not heard previously, such motions **must be heard prior to the Pre-Trial Conference**. All motions to continue and motions to allow deposition after the Pre-Trial Conference based on witness unavailability must be served prior to the Pre-Trial Conference, unless good cause exists for such failure. All motions for summary judgment must be filed and served at least **60 days before** the Pre-Trial Conference and must be heard before the Pre-Trial Conference. All motions in limine must relate to specific evidence to be offered at trial. The Court will not hear or consider “boiler-plate” motions in limine. Some examples of “boiler-plate” motions in limine are motions seeking the exclusion of “golden rule” arguments in closing, motions seeking to prevent counsel from expressing personal beliefs, etc. All attorneys and all unrepresented parties are responsible for knowing the applicable rules of evidence. Any motions challenging the admissibility of expert evidence must be heard prior to the Pre-Trial Conference. Any party seeking to exclude expert evidence must file a motion identifying the specific basis for the challenge. All motions challenging the admissibility of expert evidence not scheduled and heard before the Pre-Trial Conference will be considered waived, absent exceptional circumstances.

TRIAL WITNESSES

11. The parties must, **prior to the Pre-Trial Conference**, contact each witness they will call at trial to determine their availability to appear at trial.
12. **A copy of the Notice titled “Notice Regarding Scheduling of Experts for Trial Testimony”** must be provided to any expert witness subpoenaed as an expert witness for trial, **no later than 30 days before trial**.

PRE-TRIAL CONFERENCE

PRIOR TO THE PRE-TRIAL CONFERENCE:

13. The attorneys and unrepresented parties must meet and confer as coordinated by the Plaintiff(s), and draft one proposed Pre-Trial Conference Order (using the form attached) that must be received by the Court (submit original and a copy for each party) **at least 3 business days before the Pre-Trial Conference** by US Mail or courier **AND** by email attachment to the Court's section email. In the event the parties are unable to agree on any matter in the Pre-Trial Conference Order, they must place each of the competing provisions within the same draft order **in bold letters** and the Court will resolve the dispute at the Pre-Trial Conference. The parties must also discuss the possibility of settlement, stipulate to as many facts and issues as possible, examine all exhibits and demonstrative aids (including any to be used in opening statement, unless they are completely unaltered enlargements or compilations of items already disclosed in discovery, in which case, they may be exchanged the morning the trial is to begin), review all video depositions and complete all other matters which may expedite both the Pre-Trial Conference and the Trial of this case. **This meeting is mandatory and cannot be waived by agreement of the parties. Trial counsel must attend the meeting.**
14. The parties must provide a complete set of proposed jury instructions and verdict form(s) by the method described in paragraph 24 of this Order.
15. Any request for a "view" must be made **30 days before the Pre-Trial Conference** and included in the Pre-Trial Conference Order.
16. **UNIQUE QUESTIONS OF LAW. Prior to the Pre-Trial Conference**, counsel for the parties are directed to exchange and simultaneously submit to the Court appropriate memoranda, with citations of legal authority, in support of any unique legal questions which may reasonably be expected to arise during the course of the trial.

AT THE PRE-TRIAL CONFERENCE:

17. The Court will consider all matters as may be appropriate as set forth in Fla. R. Civ. P. 1.200(b).
18. Each party, including any unrepresented litigant(s), must appear at the Pre-Trial Conference. For each represented party, at least one of the attorneys who will participate in the trial and will be authorized to make binding decisions must be in attendance. Any attorney or party having conflicts with the trial date set forth above must provide the Court and opposing counsel/party with written notification of such conflict (including, at a minimum, the court, location, case number, and the date any conflicting trial was set), as soon as practicable but, no later than the Pre-Trial Conference. **The Court and opposing counsel must be provided written notification immediately in the event any such conflicts are resolved.**
19. Counsel and unrepresented litigants must be prepared to negotiate settlement. Counsel must obtain full authority to make stipulations and to settle the case or have available by telephone, or in person, a party or representative who has full authority to make stipulations and to settle the case.

20. **Any claim for statutory preference or advancement on the trial calendar** not previously made **must** be made immediately and must be clearly stated and discussed at the Pre-Trial Conference. Failure to comply with this paragraph may be considered a waiver of any such claim.
21. The parties must **be prepared to discuss the time required for voir dire at the Pre-Trial Conference**, keeping in mind that voir dire is for selection of a fair and impartial jury, not for argument or “conditioning” the jurors. The parties should attempt to agree on a reasonable time for voir dire, however, the Court will have the final decision on the length of voir dire.
22. The parties must **be prepared to discuss the time required for opening statements and for closing arguments at the Pre-Trial Conference**. The parties should attempt to agree on a reasonable time for opening statement, however, the Court will have the final decision on the length of opening statements.
23. At the Pre-Trial Conference, counsel and pro se litigants will finalize jury instructions, verdict forms, and any other matters the court considers appropriate.

MEETING PRIOR TO TRIAL

24. Trial counsel for the parties and all unrepresented litigants, each with full authority to make all inspections, stipulations, agreements, and admissions described below, are directed to meet and confer at least **10 days before** the commencement of trial, to:
- a) mark all exhibits for identification and prepare a chronological exhibit list for use by the Clerk and Court at trial (actual exhibits and documentation evidence must be available for inspection at this time);
 - b) admit or not admit items as evidence and list specific objections, if any;
 - c) stipulate as to any matter of fact and/or law about which there is no issue, to avoid unnecessary proof;
 - d) review all depositions which are to be offered for any purpose other than impeachment, to resolve objections to the portions to be offered in evidence;
 - e) discuss the possibility of settlement;
 - f) submit an itemized statement of special damages plaintiff expects to prove; and
 - g) discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference, and trial.

JURY INSTRUCTIONS

25. **Prior to the Pre-Trial Conference**, the Plaintiff must provide to the Court a complete set of proposed jury instructions and verdict form(s), with a copy to opposing counsel and any unrepresented litigant. The Defendant(s) must provide only special instructions or those standard instructions not included in the proposal submitted by Plaintiff, together with any

specific objections to the instructions submitted by Plaintiff and must do so no later than the date of the Pre-Trial Conference. All instructions submitted to the Court must be sent in by hard copy via U.S Mail and a courtesy copy sent to the Court's section email in Microsoft Word format, or as otherwise instructed by the Court at a prior hearing. All instructions must be in a form suitable for submission to the jury and, in the case of standard instructions, must bear the number and title assigned in the standard instructions approved by the Florida Supreme Court. These requirements are completely separate from anything the parties intend to submit to the Clerk for purposes of any appellate record. This paragraph will not foreclose the right of each party to seek to modify instructions up to and including the instruction conference at the close of evidence.

TRIAL

26. Counsel for the parties must provide to the jury blank notepads and advertising-free pens for the purpose of taking notes. Jurors will be permitted to submit questions for consideration by the Court and counsel after the completion of each witness' examination by the parties.
27. The parties must be prepared to discuss the time required for voir dire, the time required for opening statements, and the time required for closing arguments as stated in paragraphs 21 and 22 of this Order.
28. **ADDITIONAL EXHIBITS, WITNESSES, OR OBJECTIONS.** At trial, the parties will be strictly limited to exhibits and witnesses disclosed, and objections reserved, on the schedules attached to the Pre-Trial Conference Order, absent agreement specifically stated in the Pre-Trial Conference Order or by order of the Court upon good cause shown. Failure to reserve objections will constitute a waiver. A party desiring to use an exhibit or witness not disclosed when counsel conferred pursuant to paragraphs 13 and 23 of this Order must immediately furnish the Court and opposing party(-ies) with a complete description of the exhibit or with the witness' name and address, the expected subject matter of the witness' testimony, and the reason for the late discovery of the witness or exhibit. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

ALTERNATIVE DISPUTE RESOLUTION AND NOTICE OF SETTLEMENT

29. All methods of alternative dispute resolution, including non-binding arbitration and meditation, must be completed before the Pre-Trial Conference.
30. Counsel and unrepresented litigants must **immediately provide written notification** to the Court in the event of settlement, and promptly submit a stipulation for an order of dismissal and a final disposition form. Written notification must include service and email sent to the Court, with copies to all counsel. Failure to provide written notification of settlement to the Court may result in sanctions against parties and/or counsel, including, but not limited to, fines equal to the expense incurred in summoning a jury when a trial is not conducted.

SANCTIONS

31. Failure to comply with the requirements of this Order may subject counsel and unrepresented litigants to such sanctions as the Court determines just and proper under the circumstances. Such sanctions may include striking of pleadings, dismissal of the case, and monetary sanctions. All provisions of this Order that require compliance by counsel are likewise applicable to any unrepresented party.
32. PLEASE REVIEW THIS ORDER TO SEE THAT IT HAS BEEN SERVED UPON ALL PROPER PARTIES. FAILURE TO IMMEDIATELY NOTIFY THE COURT OF ANY ERRORS MAY RESULT IN REMOVAL FROM THE TRIAL CALENDAR AND APPROPRIATE SANCTIONS WITHIN THE DISCRETION OF THE COURT.

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

Circuit Judge