

**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 NON-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

Non-Jury Trial Date and Time: _____ at 10:00 A.M.

TRIAL DOCKET – COURTROOM _____

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.

NON-JURY TRIAL

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

WITNESS AND EXHIBIT DISCLOSURE

3. A. At least 45 days before the Pre-Trial Conference, counsel for all parties, and any unrepresented party, must serve opposing counsel and any unrepresented party and file directly with the clerk:

1) a list of the names and addresses of all lay and expert witnesses who are expected to testify at trial, whether for substantive, collaborative, impeachment, or rebuttal purposes; and

2) a list of all exhibits which are expected to be admitted at trial whether for substantive, demonstrative, collaborative, impeachment, or rebuttal purposes.

B. At least 35 days before the Pre-Trial Conference, counsel for all parties, and any pro se party, may serve a list of additional witnesses and exhibits as described above.

C. 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.

D. At least 60 days before the Pre-Trial Conference, counsel for each defendant must serve a list of the names and addresses of all non-parties (Fabre defendants) the defendant intends to request the Court include on the verdict form.

COMPLETION OF DISCOVERY

4. All depositions and discovery, including all examinations of persons conducted pursuant to Fla. R. Civ. P. 1.360, must be completed prior to the Pre-Trial Conference. Deadlines may be changed by order of the Court. Depositions and discovery after the Pre-Trial Conference will be permitted only as agreed by all parties or as allowed by order of the Court. However, the deposition of any examiner pursuant to Fla. R. Civ. P. 1.360 will be allowed without order of the Court any time within 30 days of service of their report and no less than seven days prior to the date trial is scheduled to commence.

5. At the deposition of any expert witness taken within 30 days of the Pre-Trial Conference and in answering any interrogatories concerning expert witnesses which were served by the party submitting such interrogatories within 45 days of the Pre-Trial Conference, all expert witnesses must provide, and all parties must provide (1) complete information regarding the witness' qualifications as an expert; (2) the subject matter upon which the expert witness is expected to testify; (3) the substance of the facts and opinions to which the expert witness is expected to testify; and (4) a summary of the grounds for each opinion. If the expert is not prepared to fully testify regarding such matters at a deposition scheduled within 45 days of the Pre-Trial Conference or if a party does not provide complete information regarding such matters in answering interrogatories served within 45 days of the Pre-Trial Conference, the Court will consider excluding the testimony of the expert at trial or, in the alternative, 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(c)(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, such payment to be made after an expert deposition or service of expert interrogatory answers.

MOTIONS

6. All motions, except motions in limine, must be filed and heard prior to the Pre-Trial Conference unless good cause exists why the motions were not heard prior to the Pre-Trial Conference, including the inability to obtain hearing time prior to the Pre-Trial Conference. If such good cause exists, the Court will hear such motions at the Pre-Trial Conference or at a separate hearing following 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. 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.

TRIAL WITNESSES

7. The parties must contact each witness they will call at trial to determine their availability to appear **prior to the Pre-Trial Conference.**

8. A copy of the Notice titled “Uniform Notice Regarding Scheduling of Experts for Trial Testimony” attached hereto as **Exhibit “A” must be provided to any expert witness subpoenaed as an expert witness for trial no later than 10 days prior to trial.**

PRE-TRIAL CONFERENCE

9. Prior to the Pre-Trial Conference, the attorneys and pro se parties are directed to communicate and draft one proposed Pre-Trial Conference order (using the form attached as Exhibit “B”) that must be submitted directly to the Court (submit original and a copy for each party) at least 3 days prior to the Pre-Trial Conference. In the event the parties are unable to agree on any matter in the Pre-Trial Conference Order, they must leave the matter blank and the Court will resolve the dispute at the Pre-Trial Conference.

10. The Court will consider all matters as may be appropriate as set forth in Fla. R. Civ. P. 1.200.

11. At the Pre-Trial Conference, each pro se litigant will appear and each party will be represented by at least one of the attorneys who will attend trial, unless the Court is informed prior to the Pre-Trial Conference that all attorneys who will attend trial on behalf of a party have unavoidable scheduling conflicts and the nature of such conflicts. In such case, another attorney may attend the Pre-Trial Conference on behalf of the lawyer who has the unavoidable conflict.

12. At the Pre-Trial Conference, counsel and pro se litigants must be prepared to negotiate settlement at the Pre-Trial Conference. Counsel must have full authority to make stipulations and to settle the case at the Pre-Trial Conference or have available by telephone, or in person, a party or representative who has full authority to settle.

13. At the Pre-Trial Conference, counsel and pro se litigants must finalize any other matters that the Court deems appropriate.

MEETING PRIOR TO TRIAL

14. The attorneys for the parties and all pro se litigants are directed to meet 5 days before the commencement of trial, to:

a) mark all exhibits for identification and prepare a chronological exhibit list for use of Clerk and Court at trial (actual exhibits and documentation evidence must be available for inspection at this time);

b) admit or not admit as evidence and list specific objections, if any;

c) stipulate as to any matter of fact and 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;

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; and

h) prepare and deliver a joint trial notebook to the presiding judge.

15. At the meeting prior to commencement of trial, each party will be represented by one of the attorneys who will attend trial and all pro se litigants. Such attorney or individual must be vested with full authority to make all inspections, stipulations, agreements, and admissions as described above.

FIRST DAY OF TRIAL

16. On the first day of the trial, each party and each pro se litigant must submit to the Court, with a copy to opposing counsel and any pro se litigant, written motions in limine.

ALTERNATIVE DISPUTE RESOLUTION AND NOTICE OF SETTLEMENT

17. All methods of alternative dispute resolution, including non-binding arbitration and meditation, must be completed before the trial date.

18. Counsel and pro se litigants must immediately notify the Court in the event of settlement and submit a stipulation for an order of dismissal and a final disposition form.

SANCTIONS

19. Failure to comply with the requirements of this Order will subject counsel and pro se litigants to such sanctions as the Court determines just and proper under the circumstances.

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

CIRCUIT JUDGE

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

**NOTICE REGARDING SCHEDULING OF EXPERT WITNESSES
FOR NON-JURY TRIAL TESTIMONY TO BE SERVED WITH TRIAL SUBPOENAS**

Usually all cases are scheduled to begin at 9:00 a.m. Consequently, the lawyer requesting your testimony at trial in this case will not know the exact time your testimony will be needed. It is for this reason that experts are subpoenaed for the trial period and a definite time for your testimony is rarely able to be set in advance. The expert is, therefore, placed on “standby” or “alert” status. The lawyer will periodically keep you advised as to the progress of the trial so that you will have as much advance notice as possible, hopefully resulting in a minimal disruption to your routine schedule. If you have been subpoenaed for trial and it is subsequently determined that your testimony will not be needed, the lawyer will notify you as soon as that determination has been made. If you are going to be unavailable during the trial period, you should immediately notify the lawyer subpoenaing you so that lawyer may take action he or she deems appropriate.