INSTRUCTIONS FOR

STANDING ORDERS

AND

CASE MANAGEMENT PLANS

IN CHARLOTTE COUNTY CIRCUIT CIVIL CASES1

1 Instructions updated 09/30/2014

Please be advised, the Court requires the following in ALL Circuit Civil cases in Charlotte County. These instructions are provided to assist Parties/Attorneys in complying with the Court’s requirements.

Standing Order in Civil Cases in Charlotte County

The “standing” order is already signed by Judge Porter. Plaintiff must copy this standing order, with the case style and service list. A copy is to be filed with the complaint; each defendant must also be served a copy with the Summons. This standing order provides all Parties with the requirements for submitting Agreed Case Management Plans within 150 days of the case being filed (some exceptions are noted). A hearing for an Order to Show Cause may be set by the Court, if the Standing Order is not properly filed/served.

Agreed Case Management Plan And Order

The Court requires a Case Management Plan to be submitted within 150 days of the filing date. Failure to submit a Case Management Plan may result in a hearing for an Order to Show Cause. The plan should generally be initiated by the Plaintiff, and discussed with / agreed to by the Defendant(s). If the Parties cannot agree on a plan, a Case Management Conference may be requested, for the Court to address the points of disagreement. One original hard copy must be provided to the Court for approval, with sufficient copies and envelopes for conformed service to all Parties. If the proposed Plan is not approved, the Court may set a Case Management Conference to finalize a plan.

Any questions regarding the Standing Order and/or Case Management Plan may be directed to the Charlotte County Civil Case Manager (Susana Fernandez) at:

**SFernandez@ca.cjis20.org or phone** (941) 637-2207**.**

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

Plaintiff(s), Case File No:

vs. Case Type:

Defendant(s),

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**AGREED CASE MANAGEMENT PLAN AND ORDER**

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

**Case Track Assignment[[1]](#footnote-1) (check one – *must be completed for cases filed 05/01/2012 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**

|  |  |
| --- | --- |
| ***DEADLINE OR EVENT*** | ***AGREED DATE*** |
| **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** Plaintiff(s):  Defendants(s): |  |
| **Motions to Add Parties or to Amend Pleadings**  Plaintiff(s):  Defendant(s): |  |
| **Disclosure of Fact Witnesses**  Plaintiff(s):  Defendant(s): |  |
| **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 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 within 12 months of trial date, unless the parties stipulate to non-binding arbitration.)  Deadline:  Type of ADR: |  |
| **Deadline for Hearing Dispositive Motions**  (All dispositive motions must be heard by the Court at least 10 days prior to the pretrial conference unless otherwise ordered by the Court.) | \_\_\_\_\_\_Ten days prior to pretrial conference/or  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Pretrial Management 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 this 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, or fail to file a Notice for Trial by the date indicated, the Court may on its own motion set the case for trial, or other status hearing. The filing of this plan does **NOT** supplant the requirement of filing a Notice for Trial.) |  |
| **Estimated Length of Trial** *(specify the number of trial days):* |  |
| **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: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

|  |  |
| --- | --- |
| Plaintiff  *Provide in the text boxes below the attorney or self-represented party’s name, address, telephone and signature(s). Attorneys must include bar number.* | Defendant  *Provide in the text boxes below the attorney or self-represented party’s name, address, telephone and signature(s). Attorneys must include bar number.* |
|  |  |
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**ORDER APPROVING AGREED CASE MANAGEMENT PLAN**

**THE COURT,** having reviewed the above **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 Punta Gorda, Charlotte County,Florida.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

HON. LISA S. PORTER, Circuit Judge

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. [↑](#footnote-ref-1)