



OFFICE OF
CIRCUIT JUDGE LYNN GERALD JR.
LEE COUNTY JUSTICE CENTER

FORT MYERS, FL 33901
TELEPHONE: (239) 533-9152
FAX NO: Emergencies Only - Call Judicial Assistant

FOURTH FLOOR - COURTROOM "4-J"

DIANA GOLDEN, JUDICIAL ASSISTANT

CIVIL - OFFICE AND COURTROOM PROCEDURES

Other Contacts:

Court Administration - (239) 533-1700
Clerk of the Court - (239) 533-5000
Trial Clerk - (239) 533-2505
Foreclosure Clerk - (239) 533-8459
Court Mediation - (239) 533-3353
Probate – (239) 533-2513

UPDATED - 11/08/2010

INDEX

1. Scheduling Pgs. 3
2. Motions Pgs. 3, 4, 5
3. Drafting of Orders Pg. 5
4. Pre-trials Pgs. 5, 6
5. Mediation Pg. 6
6. Trials - Jury/Non-Jury Pgs. 6, 7, 8
7. Professional Courtesy - Can be found in Judge Gerald's hearing room.
8. Case Management Conferences (Medical Mal Practice) Pgs. 9, 26&27
9. Forms:
 - a. Jury Trial Order (Complex Litigation) ONLY ON JUDGE GERALD'S REQUEST
 - b. Pre-trial Check List
 - c. Uniform Pre-trial Conference Order
 - d. Uniform Order Setting Jury Trial (Used Regularly)
 - e. Order Setting Non-Jury Trials
 - f. Order Continuing Jury Trials
 - g. Order Continuing Non-Jury Trials
 - h. Plaintiff/Defendant Agreed Discovery Plan (*Required on three days or longer trials*)
 - i. Order Motion to Withdraw as Counsel
 - j. Case Management Order – Medical Mal-practice cases.

1) **SCHEDULING HEARINGS** - *All Motions must be filed (docketed) prior to calling the judicial assistant.* Hearings are scheduled by telephone, Tuesday through Friday between the hours of 9:30 a.m. and 3:30 p.m. held in Courtroom "4-J", 4th Floor, Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901. (Secretaries and paralegals shall follow all procedures listed.) **TIP: Have the attorney's calendar available, the style and number of the case and a realistic estimate of time needed for the hearing.)**

A) **EMERGENCY HEARINGS** - Shall be submitted in writing to Judge and must be approved before being scheduled.

B) **CANCELLATIONS/CHANGES/ADDITIONS TO HEARINGS SCHEDULED MAY ONLY BE DONE BY THE ATTORNEY WHO SCHEDULED THE HEARING. OPPOSING COUNSEL MUST GET APPROVAL OF THAT ATTORNEY AND THE JUDICIAL ASSISTANT MUST BE NOTIFIED THAT THE ATTORNEYS PLAN TO SHARE TIME.**

C) **EXCEPTION** - Attorneys requesting time periods longer than one hour must submit them in writing for the Judge's approval prior to the Judicial Assistant scheduling the hearing.

D) **APPOINTED GUARDIANS, ADMINISTRATOR AND ATTORNEY AD LITEMS** - Must be available and present either by telephone or in person at the time of the final hearings in their cases to testify before Judge Gerald.

E) **TELEPHONIC APPEARANCES** - Telephonic hearings are a courtesy to the attorneys from Judge Gerald for **short** 5, 10, or 15 minute hearings. To schedule a telephonic appearance, call the judicial assistant two (2) weeks prior to the scheduled hearing time or at the time of setting the hearing inform her of your wish to appear by phone. Courtcall is available at **(888-882-6878)** however everyone who wishes to appear by phone must contact Courtcall at least (6 days) prior to the hearing. If one attorney appears through Courtcall everyone may appear by Courtcall. **THE NOTICE OF HEARINGS SHALL REFLECT THE TELEPHONIC APPEARANCE AND THE CONFERENCE CALL TELEPHONE NUMBER (Above) TO COURTCALL FOR ALL PARTIES TO CONTACT COURTCALL AND ATTEND BY PHONE.** (Remember this IS a courtesy from the judge and the attorneys shall be waiting for the judge's call through Courtcall. He will only try the phone call once, maybe twice). If the attorney is unable to be reached, the hearing will have to be completely rescheduled.

2) **MOTIONS - ALL MOTIONS MUST BE FILED WITH THE CLERK PRIOR TO CALLING THE JUDICIAL ASSISTANT TO SCHEDULE ANY HEARING TIME. (All attorneys must abide by the Standards of Professional Courtesy.)**

A) MOTION TO COMPEL, MOTION FOR PROTECTIVE ORDERS, AND MOTION IN LIMINE

- a) The attorneys are required to talk to each other in person or by telephone (**not secretaries or paralegals**) to resolve the issues for the motion. Once that has been completed and a resolution cannot be reached, that good faith effort shall be placed in the motion and the motion filed with the Clerk of the Court.
- b) In all motions to compel and motions for protective orders, the particular matters that are sought to be produced or the questions to be answered must be attached to the motions along with the answers given or the reasons for not answering the question and not providing the information. **After all of these requirements have been met, the motion may be scheduled for hearing.**

B) MOTIONS FOR COSTS AND/OR FEES.

- a) The attorneys for both sides shall confer in regard to whether there is a basis for the allowance of costs and/or fees. If not, the matter obviously needs to be set for hearing. If there is an agreement either as to costs and/or fees but the question is to amounts, the parties need to stipulate as to which costs they can agree on and which costs are in dispute. A brief summation explaining particularly disputed costs should or should not be allowed shall be submitted by each side to the judge. A hearing will not be set in regard to determining the amount of costs and fees until this procedure is done so that an accurate gage of time can be used for the setting of a hearing.

C) MOTIONS IN LIMINE - All Motions in Limine shall be heard ten (10) days prior to the trial. (**Judicial exceptions only**).

D) FORECLOSURES - MOTIONS FOR SUMMARY JUDGMENT OR FINAL JUDGMENT. (**ALL residential foreclosure hearings are set through massforeclosure@leclerk.org. Commercial cases are set through the assigned judge's judicial assistant.**)

- a) Final Judgments - File motion, supporting affidavits and original documents. All cases involving attorney fees (**read Sloan 525 So.2d 1000**) shall be set for a Summary Judgment hearing. This can be done at the judge's discretion ex parte **without** attorney's fees.
- b) Scheduling for commercial foreclosures should be done through JAC's **WITH THE ASSIGNED JUDGE**. All requirements for telephone appearances must be met if appearing by phone.

c) Orders for Summary Judgments or Final Judgments shall not include the following clauses:

1. If the plaintiff or it's representative is not present to bid the sale, the sale of the property shall not be conducted; and
2. If plaintiff is the purchaser at the sale, the original documents may be returned and replaced in the court file with copies. **(Exception - Only if an Order Vacating Final Judgment or Final Summary Judgment is entered.)**

E) MOTION FOR REHEARING OR NEW TRIAL - A copy of the motion must be submitted to the Judge prior to scheduling. Judge Gerald will either rule on the motion or have his Judicial Assistant contact the attorney to schedule the hearing. Please provide a cover letter to the Judicial Assistant explaining why the copy is being received or it may end up in file "13" where most copies are filed.

3) DRAFTING OF ORDERS and ORDER STATUS.

The attorney designated in the judge's correspondence to prepare the written order shall have ten (10) days from the date of the letter or if ruled on in Court to prepare said order and provide copies to the opposing parties.

A) The opposing attorney or party shall consent to the proposed order by contacting the attorney directed to prepare the order. (Attorneys are required to communicate with each other regarding any objection and resolve the differences if they can and submit an agreed order to the judge within ten (10) days. If they are unable to resolve the differences, contact the judges office and schedule a status conference to have the order clarified by the judge.)

B) All orders submitted to the Court must have copies and self-addressed, stamped envelopes for all parties provided. The judicial assistant will conform the copies and return them to counsel.

C) Please contact the Clerk's office for status of orders. The Clerk's telephone number is on the front page of this packet. DO NOT CALL THE JUDGES OFFICE FOR STATUS OF ORDER!

4) PRETRIAL - Pretrials are scheduled in Jury Trials and optional in Non-Jury trials. If the Attorneys need a pre-trial scheduled in a non-jury case they must contact the Court's Judicial Assistant to schedule one. The attorneys can pre-try the case themselves and submit a pretrial order to the Court and have it executed one full week before the pre-trial to be excused from attending the hearing. Attorneys are required to attend the pretrial conference. There is a pre-trial check list included in this packet.

This order shall contain the following: (a sample is attached to this packet for your convenience and must be submitted during pre-trial.)

A) Expert Witnesses - If a real question arises as to whether or not a particular expert scheduled to testify in a trial is going to be deemed competent to testify as an expert, either party calling that expert may have the option to have an evidentiary hearing, strictly on the competency of that expert, to be conducted before the trial to determine whether or not that particular witness would be allowed to testify as to his/her supposed expertise. This is not to show any bias or any other thing that would go to weight but merely as to competency as is required; and

B) The attorneys may add anything else to the order they would like. Attorneys shall attend the pre-trial conference. **Any case that does not have a signed pretrial order will not go to trial.**

5) **MEDIATION** - Mediation is required in all cases and will be set through Court Mediation; this is prompted by a Notice of Trial. Should you want to schedule mediation earlier contact court mediation (phone number on front of packet). Mediation cannot be canceled without Court approval once set through Court Mediation. Parties may seek private mediation by petitioning the Court for a private mediation. The stipulation and order must outline the named mediator, date, time and place for that mediation.

6) **TRIALS - JURY OR NON-JURY **READ YOUR TRIAL ORDERS****

A) **COMPLEX CASES - (Four days or longer)** If a proposed trial looks like it is going to be fairly complex or have unique matters or any other issues that would keep it from flowing like a normal trial, counsel are strongly encouraged to have an early status conference so that these matters can be discussed, agreements can be worked out, and guidance can be given by the Court. **(FORM TRIAL ORDER ATTACHED FOR COMPLEX CASES “used only upon Judge Gerald’s request”.)**

B) PROCEDURES FOR SETTING CASES FOR TRIAL - The attorneys office shall prepare and submit to this Court the following:

- 1) File original Notice for Trial with Clerk of Court and a copy to JA;
- 2) Original uniform trial order (see attached);
- 3) Self-addressed stamped envelopes for all parties;
- 4) Copies of trial order for all parties;
- 5) Original Discovery Plan (see "C").

C) DISCOVERY PLAN - THREE DAYS OR LONGER - Prior to a trial date being given, the attorneys shall meet and formulate a discovery plan, reduce it to writing and submit it to this Court at the time of filing the Notice for Trial and original trial order. The discovery plan shall outline discovery cut-off dates so there are no questions as to procedure limits and time factors. It should provide this Court with an approximate time that this case will be ready for trial. If you have not done this before, you might talk with lawyers that have done this in Federal Court because it is very common there. If a plan cannot be worked out among the attorneys, a Case Status Conference in which the Court will have to make the discovery plan shall be scheduled. The Court does not look real favorably upon this. The attorneys should be able to handle a discovery plan. **(See attached example.)**

D) CONTINUANCES AND/OR ROLLOVER TRIALS - The jury trials will run on a four-week trial period. *If your trial has been scheduled as a #2 case etc. and is not reached during the trial period, the attorney's office is responsible for preparing and submitting to the Court the following:*

- 1) Original uniform Continuance Order (see attached sample);
- 2) Self-addressed, stamped envelopes for all parties; and
- 3) Copy of order for all parties.

E) STIPULATED CONTINUANCES - Attorneys shall prepare a stipulation and attach a form continuance order to the stipulation. The stipulation must include DETAILED reasons for the continuance.

F) REMOVAL FROM DOCKET - If a case has been scheduled for trial and it is decided either by the Court or stipulated to by the parties that the case is not ready for trial because of additional issues or problems, the attorney shall draft an order removing the case from the trial docket and will have to re-notice that case for trial when at issue.

G) SETTLEMENTS - Settlements on cases shall be telephoned in to the Court, placed in writing to the Court and followed by the appropriate dismissal pleadings.

H) STATEMENT OF FACTS - If the attorneys can agree on a short statement of facts concerning the case, I would like them to prepare this to be provided to the jury prior to Voir Dire.

D) LIST OF WITNESS NAMES - At the beginning of trial, counsel shall provide two copies of a list of the names of the witnesses to be called and the time they will be called to testify for both the Court and the Court Reporter.

J) DOCKET SOUNDING - Docket sounding is completed by the Court's Judicial Assistant eleven (11) days (second Friday before trial) prior to trial **telephonically**. The Court's Judicial Assistant will contact the plaintiff's attorney to give them a definite date for trial within the two week (non-jury) or four week (jury trial) periods. The Judicial Assistant will then request the Plaintiff's attorney to contact all other parties to inform them of the definite date for trial. Should there be problems concerning the definite date given to the attorneys, a conference call shall be set up with the Judicial Assistant to work out a different date for trial within the trial period. If this is unable to be done, the case will stay on the definite date given and the Court will have to make a determination as to when the case will be set within that trial period.

a) Advancement on trials docket - Attorneys are urged to keep in contact with each other regarding the status of the cases. Cases settle and/or continue and are removed frequently from the trial docket after docket sounding. (Ask the judicial assistant what cases are before yours and who the plaintiff's attorney is in the cases before you on the docket. **(You can contact them to keep up with how quickly your case is moving.)**)

K) LENGTHY TRIALS - Attorneys shall schedule a Case Management Conference with the Judicial Assistant as soon as possible to determine if the case will take the length of time requested. **(Complicated cases such as these are better managed with an early Case Management hearing with the Court.)**

L) TRIAL EQUIPMENT (Audio/Video) - Contact Court Administration.

M) COURT REPORTERS - Court Reporters are the responsibility of the Attorneys involved in the trial. **We do not have Official Court Reporters in this County.**

N) LARGE COURTROOMS - Large Courtrooms are assigned to the Circuit Civil Judges on an as needed basis. If the attorney believes that they are in need of a large courtroom, they should contact the Judicial Assistant as soon as possible. At that time the Judicial Assistant will make a determination as to whether a large courtroom is needed and will make the appropriate arrangements for a large courtroom (if one is available) at that time. **(Early bird gets the worm.)**

7) **Professional Courtesy** – A copy can be found hanging in Judge Gerald’s Courtroom “4-J” on the bulletin board.

8) **MEDICAL MAL-PRACTICE CASES** – After filing a complaint for a medical mal-practice case the Court wants any party to the case to schedule a case management conference within 45 days after an answer has been filed. This will help with planning and scheduling purposes and keep these cases moving and insure a timely completion.

COMPLEX LITIGATION

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

Plaintiffs,

vs.

CASE NO.: CA-LGJ

Defendant.

**UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL
(JURY TRIAL)**

THIS CAUSE being at issue and the Court being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

1. That the above entitled cause is hereby set for JURY TRIAL during the week of _____, commencing at _____ a.m., or as soon thereafter as the cause may be heard.
2. That a PRE-TRIAL CONFERENCE shall be held in Chambers before the Honorable Lynn Gerald, Jr., Circuit Judge, Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901, Courtroom "4-J", 4th Floor, on _____, at _____ M., pursuant to Rule 1.200, Florida Rules of Civil Procedure, to consider all matters suggested therein and to simplify the issues to expedite the trial of this cause.
3. At least 45 days before the Pre-Trial Conference, counsel for the Plaintiff shall furnish to counsel for the Defendant and file directly with the Clerk, a list of the names and addresses of all witnesses who are expected to testify at the trial of this cause, including experts. At least 30 days before the Pre-Trial

Conference, counsel for the Defendant shall furnish to counsel for Plaintiff, and file directly with the Clerk, a list of names and addresses of all witnesses that are expected to testify at the trial of this cause, including experts. The witness lists shall specifically designate all expert witnesses.

4. That the attorneys for all parties are directed to meet together by agreement, initiated by counsel for the Plaintiff, no later than 7 days before the Pre-Trial conference, to:
 - a) Mark all exhibits for identification;
 - b) Prepare an exhibit list for the clerk and Court (actual exhibits and documentation evidence shall be available for inspection at this time);
 - c) Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit;
 - d) Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;
 - e) 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;
 - f) Discuss the possibility of settlement;
 - g) Submit an itemized statement of special damages Plaintiff expects to prove;
 - h) 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;

- i) Draft one Pre-Trial Conference Order (using the form attached), signed by all participating counsel, that shall be submitted directly to the Court 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 shall leave the matter blank and same will be resolved at the pre-Trial Conference.
5. All motions shall be filed prior to the Pre-Trial Conference. All motions, except Motions in Limine, not heard by the Pre-Trial Conference shall be deemed abandoned. All motions in Limine shall be heard ten (10) days prior to trial and this cannot be changed by stipulation of counsel.
6. Counsel are urged to complete all discovery, including independent medical examinations, at least 30 days prior to the Pre-Trial Conference. The conduct of discovery subsequent to the Pre-Trial Conference shall be permitted only on the order of the Court for good cause shown and which will not delay the trial of this cause.
7. The case shall be mediated or arbitrated prior to the Pre-Trial Conference unless waived by the Court.
8. No later than the last business day of the week prior to the trial week, each party shall submit to the Court with a copy to opposing counsel, written jury instructions and proposed verdict forms. Each jury instruction shall be on a separate sheet of paper. Counsel should confer prior to trial and attempt to agree as to the jury instructions and verdict forms. This paragraph shall not foreclose the right of instruction conference at the close of evidence. Any

party who intends to request that the Court provide a set of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

9. Counsel shall be prepared to negotiate settlement at the Pre-Trial Conference and have full authority to settle the case or have available at the conference a party or representative who does have full authority to settle.
10. That in order for the full purpose of the Pre-Trial procedures to be accomplished, it is directed that each party be represented at all meetings and hearings herein provided for by an attorney and parties or agent who will participate in the trial of the cause and a person who vested with full authority to make admissions and disclosures of fact and to bind his or her clients by agreements in respect to all matters pertaining to the trial of the cause and the Pre-Trial Conference.
11. Failure to comply with the requirements of this Order shall subject counsel and the parties to such sanctions as the Court shall determine just and proper under the circumstances.
12. The parties shall do all things reasonable and necessary to 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 Civil Procedure.
13. Counsel shall immediately notify this Court in the event of settlement and submit a stipulation for an Order of Dismissal and a Final Disposition form.

14. All provisions of this order that require compliance by counsel are likewise applicable to any party appearing pro se.

15. **In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Operations Division Manager, not later than seven days prior to the proceeding, at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901. Telephone 941-533-1700; 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service.**

16. _____

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

LYNN GERALD, JR.
Circuit Judge

Conformed Copies to:

BY: _____
Diana Golden
Judicial Assistant

DATED: _____

PRE-TRIAL CHECK LIST

_____ Counsel are to meet ten (10) days prior to trial to prepare a package of agreed upon and supplemental jury instructions. In addition, proposed verdict forms; exchange final exhibit list, have exhibits available for opposing counsel; review any depositions to be read at trial except impeachment objections to be in writing by the 1st day of trial.

_____ Estimated amount of days for trial.

_____ Minutes for opening statements.

_____ Minutes for Voir Dire.

_____ Preemptory Challenges per side.

_____ Standard Jury Panel.

_____ Jurors Requested.

_____ Large Courtroom Needed.

_____ Audio/Video Needed.

_____ Steno Pads and pencils for Jurors.

_____ Witness Lists Cutoff.

_____ Discovery Cutoff.

_____ Expert Witness List Cutoff.

_____ Exhibit Lists Exchanged and Pre-marked.

_____ Special Needs.

_____ No appearances by attorneys.

_____ Attorney will prepare a stipulated Pre-trial order.

_____ will prepare the Pre-trial order.

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

Plaintiffs,

vs.

CASE NO.: CA-LGJ

Defendant.

UNIFORM PRE-TRIAL CONFERENCE ORDER
(JURY TRIAL)

Present:

Plaintiff -

Defendant -

1. Statement of the Case:
2. Amendments to pleadings:
3. Issues:
4. Number of peremptory challenges:
5. Admissions to avoid unnecessary proof:
6. List of witnesses with addresses attached:
7. Any problems with attendance of witnesses:
8. Limitations on the number of witnesses (e.g. expert witness, “before and after” witnesses, etc., to prevent cumulative testimony):
9. List of special damages attached with stipulations as to relevance, materiality, reasonableness and/or necessity:
10. Other than routine matters of law, evidence or procedures that may arise, with attached memoranda when anticipated to be necessary:

11. Time allowed for each opening statement:
12. Time allowed for each closing argument:
13. Stipulations:
 - a) Less than 6 jurors if one becomes incapacitated:
 - b) Use of expert testimony anytime:
 - c) Waive x-ray technicians:
 - d) Waive records custodians:
 - e) Waive photographers:
 - f) Copies of ordinances or foreign laws:
 - g) Other:
14. Necessity of taking judicial notice:
15. Estimated length of trial:
16. Resolution of any objections to depositions to be read into evidence:
17. View of scene necessary:
18. Any elements of surprise or surveillance:
19. All discovery complete:
20. List of pending motions:
21. Settlement possibilities:
22. Instructions and verdict forms shall be submitted to the Court at the beginning of the trial. Each instruction shall be on a separate sheet of paper. Counsel shall confer prior to trial as to any agreement they can reach on the instructions and verdict forms and advise the court.

23. List of all photographs, documents and exhibits attached (Counsel shall confer prior to trial and initial ones agreed to shall be admitted into evidence).

24. Failure to comply with the requirements of this Order will subject the party and/or counsel to appropriate sanctions.

DONE AND ORDERED in chambers, at Fort Myers, Lee County, Florida, this ____ day of _____, 2010 .

LYNN GERALD, JR.
Circuit Judge

Copies Furnished To:

BY: _____
Diana Golden, Judicial Assistant

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR LEE COUNTY, FLORIDA - CIVIL DIVISION

Plaintiff(s),

vs.

CASE NO.:

Defendant(s).

_____ /

ORDER SETTING CAUSE FOR JURY TRIAL AND PRE-TRIAL CONFERENCE

This cause is ready to be set for jury trial; it is therefore

ORDERED AND ADJUDGED as follows:

1. The trial is set for the four week trial period beginning **Tuesday**, _____, _____, **Case No. __, at 9:00 A.M.**, in Courtroom "4-J", 4th Floor, Lee County Justice Center.
2. **Mediation is a requirement by this Court and cannot be cancelled without Court approval. This case is set for Mediation on _____.** **Mediation has been completed and an impasse or partial impasse result was reached on _____.**
3. The pretrial conference is set for **Friday**, _____, _____, **at 8:30 a.m.** in Courtroom "4-J", 4th Floor, Lee County Justice Center. The parties may elect to pre-try this case themselves, but shall attend the pretrial conference in person. Pending motions will, on request, be resolved at this conference.
4. At least 10 days prior to the pre-trial conference all parties shall file a complete list of witnesses and a complete list of all exhibits. All trials three days or longer shall follow the agreed discovery plan approved by the Court. Witnesses and exhibits not listed may not be used at trial except by agreement between the parties or by leave of Court. ***A copy of the jury instructions in "Word" format shall be prepared and ready at the beginning of trial along with a copy provided to the Court on computer disc.***
5. If either party thinks that a Case Management Conference is necessary to further facilitate the trial after receiving this order, they should contact the Court by telephone and request a five or ten minute hearing on the motion calendar.
6. **"Fabre Defendants.** All Plaintiffs, 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 later than 60 days before the pretrial conference. No person or entity not so disclosed may be placed on the verdict form without good cause shown."
7. All discovery shall cease 10 days prior to the date set forth in Paragraph 1. All Motions in Limine shall be heard ten (10) days prior to trial and may not be changed by stipulation of counsel.
8. **_____ days have been requested for the trial of this case. If additional time is requested the Court will continue this trial if it appears that the trials of the other cases set in this four week 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.**
9. Docket sounding will be handled telephonically on Friday, _____, _____, beginning at 9:00 a.m. The Court's Judicial Assistant will contact the plaintiff's attorney to determine the status of this case and advise the attorney of their definite date for trial. ***The plaintiff's attorney will notify***

all other parties of the definite date and time for trial. To avoid a continuance or mistrial the court must be notified at least 30 days prior to docket sounding of the need for additional time.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Operations Division Manager, not later than seven days prior to the proceeding, at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901. Telephone 941-533-1700; 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service..

DONE AND ORDERED in Chambers this ____ day of _____, _____.

LYNN GERALD, JR.
CIRCUIT JUDGE

Conformed Copies to:

BY: _____
Diana Golden
Judicial Assistant

DATED: _____

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

Plaintiff,

vs.

CASE NO.:

Defendant.

_____ /

ORDER SETTING NON-JURY TRIAL

YOU WILL PLEASE TAKE NOTICE that the above-styled cause has been set on a two-week docket to begin on **TUESDAY**, _____, _____ at **9:00 A.M.** before the undersigned Circuit Judge at the Lee County Justice Center, 1700 Monroe Street, 4th Floor, Courtroom "4-J", Fort Myers, Florida.

1. **Mediation is a requirement by this Court and cannot be cancelled without Court approval. Mediation is set on _____ . An impasse or partial impasse result was reached on _____ .**

2. DOCKET SOUNDING IS SET FOR FRIDAY, _____, _____ and will be completed by the Court's Judicial Assistant telephonically. The date certain will be determined at Docket Sounding.

3. At least 20 days prior to the trial date the parties shall file a complete list of exhibits and a complete list of witnesses. All motions in limine shall be heard ten (10) days prior to trial.

4. If it is determined that a pre-trial is needed in this case, contact the Court's Judicial Assistant to schedule this on the docket.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Operations Division Manager, not later than seven days prior to the proceeding, at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901. Telephone 941-533-1700; 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this _____ day of _____, 2010.

LYNN GERALD, JR.
Circuit Judge

Conformed Copies to:

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

Plaintiffs,

vs.

CASE NO.:

Defendants.

ORDER CONTINUING JURY TRIAL

THIS CAUSE having come before the Court, it is

ORDERED AND ADJUDGED as follows:

1. The jury trial in this cause scheduled for the four week trial period _____, _____, is continued to the **four week** trial period beginning Tuesday, _____, _____ at 9:00 a.m. Lee County Justice Center, 1700 Monroe Street, 4th Floor, Courtroom "4-J", Fort Myers, Florida

2. DOCKET SOUNDING IS SCHEDULED ON FRIDAY, _____, _____ AND WILL BE COMPLETED TELEPHONICALLY BY THE COURT'S JUDICIAL ASSISTANT. THE DATE CERTAIN WILL BE DETERMINED AT DOCKET SOUNDING.

3. PRE-TRIAL is scheduled Friday, _____, _____, at 8:30 a.m. in Courtroom "4-J" of the Lee County Courthouse. The parties may elect to pre-try this case themselves, but shall notify the Court prior to the date set. Pending motions, will, on request, be resolved at this conference.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Operations Division Manager, not later than seven days prior to the proceeding, at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901. Telephone 941-533-1700; 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this _____ day of _____, _____.

LYNN GERALD, JR.
Circuit Judge

Copies furnished to:

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

Plaintiff,

vs.

CASE NO.

Defendant.

ORDER CONTINUING NON-JURY TRIAL

THIS CAUSE having come before the Court, it is

1. The trial in this cause is continued from Tuesday, _____, _____ to the two week docket beginning **TUESDAY, _____, _____, at 9:00 A.M.** before the Honorable Lynn Gerald, Jr., Circuit Judge, in the Lee County Justice Center, 1700 Monroe Street, 4th Floor, Courtroom "4-J", Fort Myers, Florida.

2. If it is determined that a pre-trial conference is needed in this case, the attorney shall contact the Court's Judicial Assistant to schedule this on the docket. **DOCKET SOUNDING IS SET FOR FRIDAY, _____, _____, beginning at 9:00 a.m.** and will be completed by the Court's Judicial Assistant telephonically. The date and time certain will be determined at Docket Sounding.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Operations Division Manager, not later than seven days prior to the proceeding, at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901. Telephone 941-533-1700; 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this _____ day of _____, _____.

LYNN GERALD, JR.
Circuit Judge

Conformed Copies to:

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

Petitioner,

vs.

CASE NO.:

Respondent.

PLAINTIFF/DEFENDANT AGREED DISCOVERY PLAN

The following dates are the applicable dates reached by the parties in this action:

Plaintiff's Dates

1. Fact witness disclosure date _____.
2. Expert witness disclosure date _____.
3. Expert opinion available to opposing party _____.
4. Availability of exhibit list _____.
5. Discovery cut-off for Plaintiff's fact witnesses _____.
6. Discovery cut-off for Plaintiff's expert witnesses _____.

Defendant's Dates

1. Fact witness disclosure date _____.
2. Expert witness disclosure date _____.
3. Expert opinion available to opposing party _____.
4. Availability of exhibit list _____.
5. Discovery cut-off for Defendant's fact witnesses _____.
6. Discovery cut-off for Defendant's expert witnesses _____.

ESTIMATED DATE THE CASE WILL BE PREPARED TO GO TO TRIAL _____.

The following schedule will be strictly adhered to by the parties unless agreed to by the parties will remain firm. Either party may petition the court on good cause for matters arising from an emergency nature or an unavailability nature for changes. However,

availability of the lawyers or just not getting around to completing discovery once the plan is admitted are not acceptable reasons.

DATED _____.

Attorney

Attorney

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this ____ day of _____, ____.

LYNN GERALD, JR.
Circuit Judge

Conformed Copies To:

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

Plaintiffs,

vs.

CASE NO.:

Defendant.

_____/_____
ORDER ON MOTION TO WITHDRAW AS COUNSEL

THIS CAUSE having come before the Court on the (*Plaintiff/Defendant's*) Counsel, _____, Esquire's Motion to Withdraw and the Court having considered the Motion carefully, it is hereby

ORDERED AND ADJUDGED:

1. That _____, Esquire's Motion to Withdraw is granted.
2. (*Plaintiff/Defendant's name inserted here*) is granted thirty (30) days to retain new counsel. If no new counsel is retained, all future notices, pleadings, correspondence, or other matters concerning this cause shall be directed to ___(*plaintiff/defendant's name inserted here*)_____, at (*mailing address including zip code*).
3. DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this ___ day of _____, 20__.

Lynn Gerald, Jr.
Circuit Judge

Conformed Copies to:

******Where (Plaintiff/Defendant) is in order please name person whose attorney is withdrawing (John Smith).***

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

Plaintiffs,

vs.

CASE NO.:

Defendants.

ORDER FOR CASE STATUS CONFERENCE

THIS CAUSE having come before the Court on the Court's own Motion,
IT IS ORDERED as follows:

1. This cause is set for a case management conference on _____,
_____, 200__ at _____ a.m. or p.m. before the Honorable Lynn Gerald, Jr.,
Circuit Judge, in Courtroom "4-J", 4th floor, Lee County Justice Center, for the following
purpose

- s:
- a. Schedule or reschedule the service of motions, pleadings, and other papers;
 - b. Set or reset the time of trials, subject to rule 1.440(c);
 - c. Coordinate the progress of the action if complex litigation factors are present;
 - d. Limit, schedule, order, or expedite discovery;
 - e. Schedule disclosure of expert witnesses and the discovery of facts known and opinions held by such experts;
 - f. Schedule or hear motions in limine;
 - g. Pursue the possibilities of settlement;
 - h. Require filing of preliminary stipulations if issues can be narrowed;
 - i. Consider referring issues to a master for findings of fact;
 - j. Consider bifurcation of liability and damages issues; and
 - k. Schedule other conferences or determine other matters that may aid in the disposition of the action.

2. Each party to this action shall attend this case management conference by counsel who will try the case, or pro se, if such party does not have legal counsel. All parties shall attend in person. Those attending shall have a thorough knowledge of the case and be prepared to discuss it and make stipulations and admissions when appropriate.

Page Two – Order for Case Status Conference

3. Counsel shall confer before the date of the conference and discuss agreements on as many matters as possible. Counsel shall be prepared to discuss the possibility of settlement of the case and respond to any inquiry made by the Court on the matter.
4. A written statement of the matters agreed on shall be prepared in stipulation form, signed by counsel, and submitted at the conference.
5. Each counsel shall confer with his or her client prior to the 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 representation to the Court that this conference has taken place.
6. The proceedings at the case management conference shall be informal and shall not be reported unless requested by an attorney. The attorney requesting the reporting shall make prior arrangements with the court reporter.
7. In the event of the failure of a party to appear at the conference, the Court may dismiss the action, strike the pleadings, limit proof or witnesses, or take any other appropriate action. Counsel not attending shall further be subject to the assessment of special costs, including attorney's fees incurred by the parties who do attend the conference.

In accordance with the Americans With Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Operations Division Manager, not later than seven days prior to the proceeding, at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901. Telephone 941-533-1700; 1-800-955-8771 (TDD), or 1-800-955-8770 (V), via Florida Relay Service.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida this
____ day of _____, 2010.

LYNN GERALD, JR.
Circuit Judge

Conformed Copies to: