

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

IN RE: The Marriage Of

Petitioner,

and

CASE NO:

Respondent.

\_\_\_\_\_ /

**PRE-TRIAL ORDER AND ORDER SETTING TRIAL**

**THIS CAUSE** being at issue, it is hereby ORDERED and ADJUDGED as follows:

1. **Trial Date:** This cause is set for non-jury trial during the one (1) week trial period beginning \_\_\_\_\_, 20\_\_ at 9AM at the Collier County Courthouse, Naples, Florida, before Judge Elizabeth V. Krier, as set forth on the attached Trial Docket. All parties and attorneys listed on this Trial Docket shall be ready for trial at 9AM on the first day of the trial period. However, **the order in which the cases will be tried will be determined by the Judge no later than 20 days prior to the beginning of trial week.** The Judge's JA will contact you as to your docket line-up or you can call 239-252-4260. Pro Se parties (parties who are not represented by attorneys) should call the JA at this phone number. **Remember it is your responsibility to arrange for a court reporter if you wish testimony to be recorded/transcribed AND for any interpreters that might be necessary.** *(Attorneys or parties may wish to retain one court reporter and share the cost.)*
2. **Pre-Trial Compliance Date:** This cause is set for a Pre-Trial Compliance hearing on \_\_\_\_\_ [day of the week], \_\_\_\_\_ [date], 2012 at \_\_\_\_ AM/PM. ONLY attorneys and/or parties not represented by attorneys are required to appear at this hearing. The Court holds the Compliance hearings approximately one (1) week prior to the first day of the trial period for which your case has been scheduled. The purpose of such a hearing is to confirm compliance with this Order. If you have complied with the terms of this Order by noon the day before this Compliance hearing, including filing your Pre-Trial Statement and all documents that are required to be filed in dissolution of marriage cases (See Trial Checklist), then you are not required to appear. This pre-trial hearing is not for any purpose other than to confirm compliance with this Order.

3. **Pre-Trial Statement:** No later than **fourteen (14) days prior to the first day of the trial period** for which your case has been scheduled pursuant to this Order, EACH party if they are not represented by attorneys or through their respective attorneys if they are so represented, shall file with the Clerk of Circuit Court a Pre-Trial Statement, with copies to opposing counsel or parties. **The Court specifically advises the parties and attorneys that failure to file this Pre-Trial Statement may result in the striking of the case from the trial docket, having exhibits or witnesses excluded, the Court issuing an Order to Show Cause to the parties and/or attorneys, and/or other appropriate sanctions as determined by the Court.** Parties who represent themselves are ***not*** excused from compliance with this Order. The Pre-Trial Statement shall set forth the following:

a) **The Marriage:**

- (1) Date and place of marriage.
- (2) Date of Separation.
- (3) Date of filing of the Petition.
- (4) Whether marriage counseling or cooling period is requested by either party.

b) **The Children:** *[if applicable]*

- (1) Name and ages of the children born of the parties' marriage or mutually adopted by the parties.
- (2) The current parenting plan or time sharing schedule. *(A previously filed agreed or ordered Parenting Plan, may be attached to the Pre-Trial Statement rather than describing it in the body of said Statement.)*
- (3) **Suggested Parenting Plan or Timesharing Schedule** if different from the current one. *(Attach suggested Plan as an exhibit to the Pre-Trial Statement.)*
- (4) The amount of child support proposed.
- (5) The amount of child care, after school care, or summer care expenses required for the children.
- (6) Whether or not the children are presently covered by any medical insurance policy, the cost, and which party is currently providing same.

- (7) What, if any, special medical problems do any of the children have.
- (8) Whether a custody evaluation has been conducted by either parent and if so, who or what office has performed the evaluation.
- (9) Completion date of the mandatory parenting class. (See "Standing Order")
- c) **Alimony:**
  - (1) Amount of Alimony, if any, proposed by each party and the proposed payor and payee.
  - (2) The nature of the alimony, e.g., permanent, rehabilitative, durational, lump sum, or a combination of the same.
- c) **Exhibits:** A schedule of all exhibits and documentary evidence which may be used at trial. This requirement replaces exchanges of separate exhibit lists. **Failure to list exhibits and documents and timely file your Pre-Trial Statement listing such, will result in the Court prohibiting their use at trial.**
- e) **Witnesses:** A **complete list** of all witnesses who may be called at trial.
- f) **Assets and Liabilities:** A list of all assets and liabilities legally or equitably owned and/or owed by the parties as of the date that is alleged to be the legally applicable date, with a designation as to whether they are marital or non-marital and their value. **This list of assets and liabilities MUST be set forth using the Uniform Asset and Liability Summary form that is available for downloading at Judge Krier's 20<sup>th</sup> Judicial Circuit website.** The completed Summary may then be attached to your Pre-Trial Statement.
- g) **Awards:** A list of all awards requested by each party including a proposed asset and liability distribution. **The proposed asset and liability distribution must be set forth on the Uniform Asset and Liability Summary described above** along with the other information required as described above.
- h) **Legal Issues:** All legal issues which remain to be decided by the Court – **Be Specific.**
- i) **Attorney's fees and Court costs:**
  - (1) Whether attorney's fees and court costs are being sought by either party.

- (2) Whether testimony will be offered on this issue at trial or at subsequent hearing.
- j) **Miscellaneous:**
  - (1) Requested amendments to the pleadings.
  - (2) List of pending motions.
  - (3) Request for judicial notice.
4. **Trial Checklist:** Attorneys shall file a stipulated “**Trial Checklist**” separately from their Pre-Trial Statement, but attach a copy to said Statement. The Trial Checklist is available for down load at Judge Krier’s 20<sup>th</sup> Circuit web-page. *(The information required by the Checklist, is available on the Collier County Clerk’s web-site.)*
5. **Discovery:** Discovery shall cease as of five (5) business days prior to the first day of the trial period for which your case has been scheduled, unless the time limits are extended by agreement of the parties.
6. **Witness Lists:** Counsel for the parties shall exchange witness lists no later than sixty (60) days prior to the first day of the trial period for which your case has been scheduled. This exchange of information is intended to give attorneys and parties time to hold depositions if necessary. **Failure to timely file and exchange these trial witness lists may result in the Court prohibiting use of the testimony at trial.**
7. **Exhibits:** All composite exhibits shall be satisfactorily bound to avoid the loss and disintegration of component parts or pages - before presentation in court. Counsel are advised to follow the Rules of Procedure regarding use of summaries and submission of business records without live-authenticating witnesses. At the time of trial, the parties or their attorneys if they are so represented, shall provide a complete set of their exhibits to: (a) the Clerk for marking and possible admission as evidence; (b) the Court; AND, (c) the opposing party or attorney. **All exhibits should be marked prior to the beginning of your trial.** It is helpful to the Clerk if you give her a list of said exhibits in their numerical or alphabetical order.
8. **Required Documents Must be Filed:** Prior to trial, all of the documents set forth on the Trial Checklist must be filed with the Clerk’s Office. If such documents are not so filed such could result in the trial being continued, sanctions, an order to show cause being issued, or other relief as the Court deems appropriate.
9. **Memorandum of Law:** If a Memorandum of Law is to be submitted, it should be submitted to the Court two (2) working days prior to the first day of the trial period

for which your case has been scheduled. Such a Memorandum should be no longer than five (5) pages, cumulatively regarding all legal issues for which you have chosen to brief the Court.

10. **Trial Notebooks:** Please do NOT give the judge a “trial notebook” containing documents that have already been filed in the court file, except as set forth in this Paragraph. Attorneys are not required to submit such a ‘notebook.’ If one is submitted however, it may only include: Pre-Trial Statements; Memoranda of Law with case law or case law without a memoranda; an Asset and Liability Summary described in Paragraphs “1f” and “g” above; the parties most recent Financial Affidavits; child support calculations; and your proposed Parenting Plan.
11. **Testimony and Attendance of Minor Children:** Rule 12.407 of the Florida Family Law Rules requires that no child may be brought to court to attend or testify at a court proceeding without prior order of the Court. To obtain such an order, a motion for such should be filed and heard by the Court no later than during the Judge’s family law motion week immediately preceding the trial week in which your case has been scheduled – NOT at the time of your trial. **If child hearsay will be introduced, the requirements of Section 90.803(23) of the Florida Evidence Code must be adhered to. The hearing required by this Section should NOT be conducted just prior to the trial or whatever proceeding this evidence is intended to be used.**
12. **Mediation:** All cases must be fully mediated prior to trial. Such mediation requirement is in addition to that required in connection with temporary motions. (See Judge Krier’s “Family Law Procedures” on her 20<sup>th</sup> Circuit web-page.) If the parties cannot agree on a mediator, they shall notify the Court by motion and the Court will appoint such without a hearing. **Both parties are required to attend mediation as are their attorneys, if so represented.** Failure for parties or attorneys to attend mediation may result in fines, sanctions and/or the Court awarding attorney fees and costs against those persons who did not appear.
13. **Parenting Course:** Both parties are required to complete the mandated parenting course prior to trial. Certificates of completion should be filed with the Clerk.
14. **Continuances and length of trial:** If the length of time set aside for your trial is not sufficient, or if Counsel has a conflict, or for other reasons is in need of a continuance, counsel should so notify the Court by motion immediately, and state the reasons therefore. All Motions for Continuance MUST be heard by the Court no later than the Court’s family law motion-week immediately preceding the trial period for which your case has been scheduled. Each party will allocated one-half of the

total scheduled trial time. The Court will strictly enforce the allocated trial time. Each parties' one-half time will include that party's cross-examination of the other's witnesses.

15. **Compliance with this Order:** Failure to comply with this Pre-Trial Order and Order Setting Trial, may result in the Court prohibiting use of witnesses and exhibits at trial, the Court issuing an Order to Show Cause, and/or fines.
16. **Timely Appearance for Trial:** Please be ready to proceed with your trial at the time for which you are scheduled. If you need extra time for marking exhibits or last minute settlement negotiations, please plan to appear early for such. Courtrooms are generally open approximately 30 minutes prior to the beginning of court proceedings.
17. Please review this Order to confirm that it has been sent to all proper persons at their proper addresses. Failure to immediately notify the Court may result in this matter not being heard at the scheduled date and time.

DONE and ORDERED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Elizabeth V. Krier  
Circuit Court Judge, 20<sup>th</sup> Circuit

Conformed copies to:

**“If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please John Carter, Administrative Services Manager whose office is located at 3315 East Tamiami Trail, Suite 501, Naples, Florida 34112, and whose telephone number is (239)252-8800, 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.”**