

Plaintiff(s),

vs.

Case No.

Defendant(s).

\_\_\_\_\_ /

(JUDGE HAYES)

**UNIFORM ORDER SETTING PRETRIAL CONFERENCE**

**THIS CAUSE** having come before the Court upon the filing of a Notice for Trial and/or Agreed Case Management Plan ,and it appearing to be otherwise at issue, pursuant to Rule 1.440, Florida Rules of Civil Procedure, it is hereby,

**ORDERED AND ADJUDGED** as follows:

**1. Pretrial Conference**

A Pretrial Conference is scheduled on (date) \_\_\_\_\_, at (time) \_\_\_\_\_, in Courtroom (#) \_\_\_\_\_, \_\_\_\_\_ floor, at the Collier County Courthouse, 3315 East Tamiami Trail, Naples, Florida pursuant to Rule 1.200 of the Florida Rules of Civil Procedure, FOR THE PURPOSE OF COMPLETION AND CONFIRMATION OF THE PRETRIAL CONFERENCE ORDER FORM.

**2. Attendance at Pretrial Conference**

Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory even if an agreement is reached on the form of the Pretrial Conference Order. If the Pretrial Conference is held before the Magistrate, represented parties may appear by telephone. Parties wishing to appear by telephone shall make arrangements with the Court through CourtCall no later than ten (10) days prior to the Pretrial Conference. If any objection is made to the Magistrate conducting the Pretrial Conference, the Judge will conduct the Pretrial Conference and lead counsel, all represented parties, and all pro-se parties must attend in person.

**3. Trial Period**

\_\_\_\_\_The Court will confirm a trial period at the Pretrial Conference.

**4. Pre-trial Events**

\_\_\_\_\_ A. Exchange of Expert & Lay Witnesses. No later than thirty (30) days prior to the Pretrial Conference date, counsel and/or parties shall file and exchange a list of the names and addresses of **all** witnesses they in good faith intend to call at trial and include a concise statement of facts about which the witness will testify or the opinion of any expert witness. This is not intended to extend the time frames set forth in the Plan, but rather to identify those witnesses who will in good faith actually be called. No party shall be permitted to call any witness not so disclosed, without prior permission of the Court, or written stipulation executed by all parties, or their counsel.

B. Fabre Defendants. No later than thirty (30) days prior to the Pretrial Conference date, all 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 person or entity not so disclosed may be placed on the verdict form without good cause shown.

C. Meeting Before Pretrial Conference. The attorneys for all parties (initiated by counsel for the Plaintiff) and all pro-se parties shall meet no later than ten (10) days before the Pretrial Conference to <sup>1</sup>:

1. Identify all exhibits each party in good faith intends to offer into evidence at trial and prepare an exhibit list for use by the clerk and the court at trial (actual exhibits and documentary evidence shall be available for inspection at this time). This is not intended to extend the time frames set forth in the Plan, but rather to identify those exhibits that will in good faith actually be offered into evidence at trial. Any exhibits not so identified will not be admissible absent prior approval of the court or a written stipulation of all parties.
2. Agree to admit or not admit evidence and list specific objections, if any.
3. Stipulate to any matter of fact or law about which there is no issue in order to avoid unnecessary proof (i.e., chain of custody or records custodian predicates).
4. Review all depositions or any other evidence which will be offered for any purpose other than impeachment in order to resolve objections to the portions to be offered in evidence.
5. Discuss the possibility of settlement.
6. If applicable, submit an itemized statement of special damages a party expects to prove.
7. If a jury trial has been demanded, discuss jury instructions and verdict forms and reach agreement, if possible.
8. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, the Pretrial Conference, and trial.
9. Draft one Pretrial Conference Order (using the attached form)<sup>2</sup>, signed by all participating counsel and pro-se parties. The Pretrial Conference Order shall be submitted directly to the Magistrate at the Pretrial Conference.

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<sup>1</sup>  
Counsel and/or parties involved in cases to be tried without a jury need not address jury instructions or other pretrial matters that involve a jury, and need not complete these sections of the Pretrial Conference/Trial Order.

<sup>2</sup>  
The Pretrial Conference Order can be downloaded from the Court website at <http://www.ca.cjis20.org/web>.

In the event the parties are unable to agree on all matters in the Pretrial Conference Order, they shall leave the unresolved matter(s) blank and same will be resolved at the Pretrial Conference with the Court.<sup>3</sup>

D. Motions. All motions, except Motions in Limine shall be filed prior to the date of the Pretrial Conference or they are deemed abandoned. All dispositive motions, including Motions for Summary Judgment, must be filed and scheduled for hearing at least ten (10) days prior to the Pretrial Conference and must be heard no later than 30 days prior to the commencement of the trial period. Motions in Limine must be filed and heard no later than 10 days prior to the date of the trial. Motions not filed and scheduled in compliance with this Order will be heard only upon an emergency basis.

E. Discovery. Counsel shall complete all discovery, including examinations § 90.702 (Daubert<sup>4</sup>, Kumho progeny) pursuant to the Plan. The conduct of discovery subsequent to the Pretrial Conference will be allowed only as permitted by the Plan, upon stipulation of the parties or upon Order of the Court for good cause. Any discovery allowed subsequent to the Pretrial Conference shall not be a cause for delay of the trial of this cause.

F. Alternative Dispute Resolution. Alternative Dispute Resolution should have already occurred at the time this order is issued and a report filed with the Clerk of Court.

G. Settlement. In the event of settlement at any time prior to trial, Plaintiff's Counsel shall immediately notify the Court and submit a stipulation for an Order of Dismissal and a Rule 1.998 Final Disposition form.

H. Representation and Authority. In order for the full purpose of the Pretrial conference procedures to be accomplished, each party shall be represented at all meetings and hearings required herein by the attorney who will participate in the trial of the cause and who is vested with full authority to make admissions and disclosure of facts, and to bind the client by agreement in respect to all matters pertaining to the trial of this cause and the Pretrial Conference Order.

I. Continuances. This Court adheres strictly to Rule of Judicial Administration 2.545(e) and Rule of Civil Procedure 1.460. Accordingly, motions for continuance and stipulations must be in writing and set forth the following:

1. The signature of the party as well as the attorney.
2. A concise statement of the reasons for a continuance. If based on non-availability of a witness, a showing of when it is believed the witness will be available.

**No Motion will be heard that is not in compliance with this order except upon good cause shown.**

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Any disputes between the parties regarding the Uniform Pretrial Conference/Trial Order will be resolved at the Pretrial Conference by the magistrate or Judge. If the Magistrate conducts the Pretrial Conference, the Magistrate shall issue a Report and Recommended Order to the Judge on all such disputed issues. A final Uniform Pretrial Conference/Trial Order will be issued by the Judge once any timely exceptions have been filed and heard to the Report and Recommended Order of the Magistrate.

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See Chapter 2013-107 Laws of Fla. Effective July 1, 2013 modifying F.S.90-702 and 90.704.

5. **Notice.**

Plaintiff, or if represented, Counsel for Plaintiff is directed to review this Order to ensure that it was sent to all proper persons at current, proper addresses. The failure to immediately notify the Court of any problems or difficulties in the implementation of this Order may result in this matter not being heard at the scheduled time.

6. **Sanctions**

\_\_\_\_\_The failure to comply with the requirements of this Order may subject the party and/or attorney to appropriate sanctions, including the award of attorney's fees, fines, striking of pleadings, and/or dismissal of the case.

**DONE AND ORDERED** in Chambers, Collier County, Florida on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Hugh D. Hayes  
Circuit Court Judge

**AMERICANS WITH DISABILITIES ACT**

**“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 CONTACT CHARLES RICE, THE 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, WITHIN SEVEN (7) WORKING DAYS OF YOUR RECEIPT**

Pursuant to Rule 1.080 of the Florida Rules of Civil Procedure, conformed copies have been mailed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to the following:

\_\_\_\_\_  
Judicial Assistant.