

	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 Court Call 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.
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3. **Trial Period**

For Lee County	This cause is set for trial during the <i>[# of weeks]</i> week trial period <i>[beginning & ending date of trial period]</i> in Courtroom <i>[]</i> , <i>Floor</i> , Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901, before the undersigned judge. Docket Sounding will be held on <i>[date]</i> at <i>[time]</i> in Courtroom <i>[]</i> . <i>[# days]</i> have been requested for this trial. The Court will continue this trial if it appears that additional time is required and the other cases set for this 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.
For Collier County	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 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 that 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 if represented, 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 to¹:

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

¹ 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.

(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 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 the Plaintiff expects to prove.
7. If a jury trial has been demanded, discuss jury instructions and verdict forms and reach agreement, if possible, on same.
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)², signed by all participating counsel and pro-se parties. The Pretrial Conference Order shall be submitted directly to:

For Lee County	The Civil Case Manager at least 7 days prior to the Pretrial Conference. The Agreed Pretrial Conference Order will also be considered timely if the parties submit a courtesy copy of the signed original to the Civil Case Manager via facsimile (239)485-2948 or e-mail transmission to CivilCM@ca.cjis20.org not later than 7 calendar days prior to the Pretrial Conference, and if the original is mailed or hand delivered on the same day along with self-addressed and stamped envelopes for all parties. Upon written approval by the Court, the original Agreed Pretrial Conference Order will be filed with the Clerk of Court, a copy served on all counsel and/or parties of record, and the Pretrial Conference shall be cancelled. If the Court does not approve the
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² The Pretrial Conference Order can also be downloaded from the Court's website at <http://www.ca.cjis20.org/web>.

	Agreed Pretrial Conference Plan, the Pretrial Conference will <u>not</u> be cancelled.
For Collier County	The Magistrate at the Pretrial Conference.

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

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 by the *earlier* of docket sounding or 10 days prior to the commencement of the trial period** and **must be 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 a showing of good cause.

E. Discovery. Counsel shall complete all discovery, including examinations and Frye hearings, pursuant to the Plan, if any. 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.

For Lee County	All parties are required to participate in mediation or other Alternative Dispute Resolution prior to trial. Unless alternative dispute resolution has already occurred at the time this order is issued and a report has been filed with the Clerk of Court, or the parties file a stipulation agreeing to a mutually acceptable mediator setting forth the name of the mediator, and date and place set for mediation within 10 days after the issuance of this Order, Court Mediation will schedule this cause for mediation. Scheduled mediation may be cancelled only upon Court order.
For Collier County	Alternative Dispute Resolution should have already occurred at the time this order is issued and a report was 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 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

³ 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.

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 must be stated.

Any stipulation must be approved or motion heard by the Court no later than docket sounding. **No Motion will be heard that is not in compliance with this Order except upon good cause shown.**

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 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 attorneys' fees, fines, striking of pleadings, and/or dismissal of the case.

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

Circuit 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 James Sullivan, Operations Division Manager whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901 and whose telephone number is (239) 533-1700, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before your scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

