IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR

COLLIER COUNTY, FLORIDA CIVIL ACTION

,

Plaintiff(s),

vs. CASE NO. -CA--XX

,

Defendant(s).

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

**UNIFORM ORDER SETTING JURY/NON JURY TRIAL AND PRETRIAL CONFERENCE**

***(effective october 01,2020)***

THIS CAUSE comes before the Court on the Approved Agreed Case Management Plan of the Parties (the “Plan”). Under the Plan this cause may be set for trial at this time pursuant to Rule 1.440, Florida Rules of Civil Procedure, and it appearing this cause is otherwise at issue, it is hereby:

**ORDERED AND ADJUDGED** as follows:

1. **Pretrial Conference**

A Pretrial Conference is scheduled on\_\_\_\_\_\_\_\_\_**, 2021 at** **1:30 P.M.**. in Courtroom 4-D (or Zoom), Fourth Floor, Collier County Courthouse,3315 East Tamiami Trail, Naples, Florida 34112pursuant to Rule 1.200 of the Florida Rules of Civil Procedure.

2. **Attendance at Pretrial Conference**

Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory **UNLESS** an Agreed Pretrial Conference Order (which can be downloaded at www.ca.cjis20.org) has been submitted to the Court at least 5 calendar days in advance of the scheduled Pretrial Conference.

3. **Trial Period**

This cause is set for trial during the **\_\_\_\_\_\_\_\_\_ , 2021 -\_\_\_\_\_\_\_\_\_, 2021 trial** period beginning November 10, 2021in Courtroom 4-D (or Zoom)***,*** Collier County Courthouse,3315 East Tamiami Trail, Naples, FL before the undersigned judge. Docket Sounding will be held on **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2021 at 9:30 AM** in Courtroom 4-D(or Zoom). **Appearance at the Docket Sounding by lead counsel trying the case and all pro-se parties is mandatory.** 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.

4. **Pretrial Events**

A. Exchange of Expert & Lay Witnesses. No later than **thirty (30) days prior to the Pretrial Conference date**, counsel and/or pro se parties shall file and exchange a list of the names and addresses of **all** witnesses that 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:

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 specific 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 written and video depositions or any other evidence which will be offered for any purpose (other than impeachment) and resolve objections to the portions to be offered in evidence. See paragraph H.

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.

D. Motions. All motions shall be filed in accordance with the Plan except Motions in Limine. 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 a showing of good cause. All motions not heard prior to 10 days before trial, as set forth above will be deemed abandoned. **Please be aware that if a party waits until the last minute to request a hearing time, there may not be any available*.***

E. Discovery. Counsel shall complete all discovery, including examinations and Daubert hearings, 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. Daubert. **All Daubert Hearings must be heard prior to the Pretrial Conference or any objections to the admissibility of expert opinions or issues related thereto will be considered** **abandoned and/or waived**.

G. Alternative Dispute Resolution. All parties are required to participate in mediation (Rule 1.700) or other Alternative Dispute Resolution prior to trial in accordance with the Plan. In lieu of mediation, the parties may be required to attend non-binding arbitration in accordance with Section 44.103, Florida Statutes and Rule 1.800 Rules of Civil Procedure. (Please note, although captioned “non-binding” arbitration, the rendition of an arbitrator’s decision is subject to ratification in a binding judgment in the event a party fails to object, both timely and correctly as required by Florida law.)

H. Depositions for Use at Trial. In the interest of time, particularly out of respect and in appreciation of the jury’s dedicated time, objections raised in deposition transcripts/videos **must be** resolved prior to the Docket Sounding, either by written agreement/stipulation or by a timely filed motion to be heard prior to Docket Sounding. Otherwise said objections are waived. Videos (DVD’s) shown at trial should be edited, as appropriate, prior to trial in order to avoid excessive pausing, fast-forwarding, rewinding, etc. of the video, which further ensures that the jury may not be inadvertently exposed to inadmissible testimony.

I. Court Reporting/Interpreters/Translators. Counsel should discuss retention of a court reporter in advance of the trial and make appropriate scheduling arrangements so as to ensure the court reporter’s timely appearance. It is the responsibility of counsel or pro se parties to coordinate, retain, and pay for the services of a qualified interpreter or translator in accordance with Rule 2.565, Fla. R. Jud. Admin., as necessary to present their case, unless the court has ordered otherwise. **Trial will not be delayed due to the failure to make timely arrangements for a court reporter, interpreter or translator to appear at the duly noticed time.**

J. Exhibits. It is suggested that a sufficient number of clean duplicate copies be made of any proposed/potential exhibits for all counsel and the Court, which would include ample copies of cases/precedent/statutory provisions that may be argued at trial. Reduction of exhibits to an 8½ x 11 format facilitates the use of the digital projector which allows one to publish and project images of documents/exhibits. It is strongly suggested counsel make arrangements for digital projectors, stands, and/or screens with the IT Department **10 days in advance** of the trial so as to avoid delay. Counsel is responsible to bring their own electronic device necessary to connect to said equipment and making sure such device is compatible. Trial will not be delayed by Counsel’s failure to familiarize themselves with the use of said electronics and may result in the waiver of admission of said exhibit if no other alternative is readily available.

K. 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. **SEE: Rule 1.545 re Final Disposition Form 1.998.**

L. 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.

M. Continuances. This Court adheres strictly to Florida Rule of Judicial Administration 2.545(e) and Florida 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 and the attorney requesting the continuance

2. A concise statement of the reasons for a continuance. If based on non-availability of a witness, a statement of when it is believed the witness will be available.

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.**

N. Approved Case Management Plan. Except as modified by this Order, the Approved Case Management Plan shall remain in full force and effect.

5. **Trial Events**

A. Voir Dire/Opening/Closing Statements for JURY TRIALS. As a general rule, and absent an extension by the Court, voir dire will generally be limited to **45 minutes maximum** per side, exclusive of the Court’s inquiry and **30** minutes for opening statements unless additional time is requested and approved by the Court at the Pretrial Conference. Voir dire is for the selection of a fair and impartial jury, not for arguments between counsel in the presence of the prospective jurors. During voir dire with the panel of prospective jurors, Counsel shall not discuss the specific facts of their case, other than those facts set forth in the Statement of the Case or as agreed to by the parties. Juror background investigations and motions related thereto must be brought to the Court’s attention before the jury is sworn; otherwise any such issues will be deemed waived.

B. Opening/Closing Statements for NON-JURY TRIALS: Each party will be limited to 30 minutes for an Opening Statements and 45 minutes for their Closing Statements.

6. **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.

7. **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, costs, striking of pleadings, and/or dismissal of the case.

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| **DONE AND ORDERED** in Chambers, Collier County, Florida on this **\_\_\_ day of\_\_\_\_\_, 2020**.      Hugh D. Hayes, Circuit Court Judge |

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| **For Jury Trials:** | | **The Court requires someone with**  **full settlement authority to be**  **physically present at the start of trial.** |  |
|  | **Jury Instructions shall be**  **Submitted as one agreed upon**  **Packet with any disputed**  **Instructions flagged for review** | | **Each party shall submit to the Court**  **both an electronic version in Microsoft**  **Word & a typed copy of the proposed**  **jury instructions and verdict form(s) at Docket Sounding.** |
| **For Non-Jury Trials:** | | **The Court requires someone with**  **full settlement authority to be**  **physically present at the start of trial.** | **Each party shall submit to the Court**  **both an electronic version in Microsoft**  **Word & a typed copy of the proposed Final Judgment in conformance with their respective positions at Docket Sounding.** |

**“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, Administrative Services Manager, whose office is located at 3315 Tamiami Trail East, 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.”**

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| **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, AT LEAST 7 DAYS BEFORE YOUR SCHEDULED COURT APPEARANCE, OR IMMEDIATELY UPON RECEIVING THIS NOTIFICATION IF THE TIIME BEFORE THE SCHEDULED APPEARANCE IS LESS THAN 7 DAYS. IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 711.** |