

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
CHARLOTTE COUNTY, FLORIDA

CIVIL ACTION

IN RE: The Marriage of:

_____,
Petitioner,

Case No: CA

and

_____,
Respondent.

**ORDER SETTING FAMILY LAW ACTION FOR
DOCKET SOUNDING AND NON-JURY TRIAL**

THIS CAUSE having come on to be considered by the Court upon Notice for Trial, and it appearing that said cause is at issue and ready for trial, it is

ORDERED AND ADJUDGED as follows:

1. **Docket Sounding:**

Date: The above-styled cause is scheduled on _____ for Docket Sounding at the Charlotte County Justice Center, 350 East Marion Avenue, 4th Floor, Punta Gorda, Florida, before the Honorable Keith R. Kyle, pursuant to Rule 12.200 of the Florida Family Law Rules of Procedure, to consider all matters suggested in Rule 12.200 to simplify the issues and expedite the trial, or other disposition of the case. The trial date will be scheduled during the trial period set forth in paragraph 2 below.

THE DOCKET SOUNDING MUST BEEN PERSONALLY ATTENDED BY COUNSEL TRYING THE CASE, OR THE PARTIES, IF PRO SE. Requests for telephonic appearance at the Docket Sounding must be made and approved of in advance.

Motions: All pending motions should be noticed for a hearing that is set before or at the Docket Sounding. In the event the Court's calendar, despite the diligent efforts of the movants, will not permit such scheduling, the matter shall be brought to the Court's attention at the Docket Sounding. Any party wishing to have motions heard at the Docket Sounding, in addition to complying with the applicable rules, must notify the Judge's judicial assistant of the motion sought to be heard and the approximate amount of time required to dispose of same. **Motions set for hearing at Docket Sounding may cause the Docket Sounding to be rescheduled, or the Court, on its own motion, may decline to hear said motions at the Docket Sounding.** Any motions not so noticed are waived.

Attorneys/Pro Se Litigants Shall Meet. At least seven (7) days prior to Docket Sounding, the attorneys/pro se litigants shall meet and communicate concerning settlement, stipulations, and all aspects of the trial.

Attendance of Counsel/Parties Required At Docket Sounding. Attendance is excused only by (1) a prior Order of the Court, or (2) a Final Judgment in this matter executed and filed with the Clerk of Court **prior** to the scheduled Docket Sounding date.

Parties Required to Submit a Pretrial Catalogue. At least five (5) days prior to the Docket Sounding, each party shall file a Pretrial Catalogue. The Pretrial Catalogue shall contain the information listed in Exhibit A attached hereto. If the action is a post judgment matter, the Pretrial Catalogue attached hereto should indicate "Post Judgment." If you have received the incorrect Pretrial

Catalogue, counsel/parties shall contact the Court's Judicial Assistant at (941) 637-2257 to obtain a copy of the correct Pretrial Catalogue.

2. **Trial:**

Date: This action is set on the two-week trial docket beginning _____, at the Charlotte County Justice Center. If the trial is not held during this period, the trial will be rolled over to the next trial period and shall be rolled thereafter to the next trial period without further order until time is available. **The parties must be prepared to try the matter on any one of these days.**

FAILURE OF THE PETITIONER/COUNTER-PETITIONER TO ATTEND TRIAL MAY RESULT IN DISMISSAL. FAILURE OF THE RESPONDENT/COUNTER-RESPONDENT TO ATTEND TRIAL MAY RESULT IN ENTRY OF A DEFAULT JUDGMENT.

Automatic Deadline Adjustment. If the trial is continued and is not heard at the trial period set above, then the deadlines required in this Order are adjusted to the trial period during which the parties are noticed that this cause will come up rather than to the trial period stated herein.

3. **Discovery:**

A. **Deadlines.** Unless otherwise provided by Court Order or written, signed Stipulation of the parties, **all discovery (as defined in Rule 1.280(a), Florida Rules of Civil Procedure) shall be completed at least five (5) days before the Docket Sounding.** "Discovery" includes depositions, whether for discovery, trial or otherwise. The Pretrial Catalogue shall be amended and an updated copy presented to the Court at trial in the event additional discovery causes the Pretrial Catalogue to be inaccurate.

B. **Disclosure, Authorization Forms.** If requested by either party at any time hereafter, the parties shall sign and deliver to the requesting party authorization forms which permit the requesting party to obtain any document or information, without limitation, in the possession of banks, stock brokers, or other third party custodians of documents or facts pertaining to the assets and liabilities of the parties, whether marital or non-marital, in order to expedite discovery of such documents or facts or to verify any previously discovered.

4. **Mediation.**

If this cause has not been mediated or previously ordered to mediation, and unless Rule 12.740 or Florida law excludes this cause from mediation, the action is hereby **ORDERED TO MEDIATION** pursuant to Rules 12.740 and 12.741, Florida Family Law Rules of Procedure.

5. **Proposed Findings of Fact/Proposed Final Judgment.**

At the conclusion of trial, the parties shall submit to the Court proposed, written findings for equitable distribution in accordance with Florida Statute §61.075(1), and alimony in accordance with Florida Statute §61.08(1). To assist the Court, attorneys may be asked to submit a proposed Final Judgment with findings of fact at the conclusion of the trial.

6. **Conflicts.**

Conflicts shall be resolved in accordance with Rule 2.550 of the Florida Rules of Judicial Administration. Notices of conflict shall be promptly filed and shall set forth the style and case number of the conflicting case, the trial or hearing date, the nature of the proceeding, and the name of the presiding judge. If a trial is on a post-judgment modification petition, the date the petition for modification was filed should also be stated. **Copies of the notice of conflict shall be provided to the opposing party in this cause and directed to the office of the judge trying the case.**

7. **Settlement.**

Attorneys/pro se litigants shall immediately notify the Court, by calling the Court's Judicial Assistant at (941) 637-2186, in the event of a settlement and provide written confirmation of the same (e.g. letter). Thereafter, a proposed agreed order/judgment should be submitted within 30 days for the Court to execute, along with a Final Disposition Form.

8. **Guardian Ad Litem.**

If a Guardian ad Litem has been appointed, the petitioner's attorney shall immediately mail a copy of this Order to the Office of the Guardian ad Litem. The Guardian ad Litem shall file his or her original report and provide copies to all parties or, if represented, their respective attorneys no later than twenty (20) days prior to trial.

9. **Parenting Class.**

If this is a dissolution action and minor children are involved, the petitioner and the respondent shall each file, **prior to the Docket Sounding**, a Certificate of Attendance for the parenting class required by Florida law in dissolution actions.

10. **SANCTIONS.**

ALL PARTIES AND ATTORNEYS MUST STRICTLY COMPLY WITH THIS ORDER. FAILURE OF AN ATTORNEY OR PARTY TO FULLY AND COMPLETELY COMPLY WITH THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS INCLUDING, BUT NOT LIMITED TO, THE STRIKING OF PLEADINGS, THE ENTRY OF A DEFAULT OR DISMISSAL OF THE ACTION, AND /OR THE ENTRY OF A DEFAULT JUDGMENT. COPIES OF SANCTIONS ORDERS WILL BE SENT TO CLIENTS.

DONE AND ORDERED in Chambers at Punta Gorda, Charlotte County, Florida this _____ day of _____, 20____.

KEITH R. KYLE, Circuit Judge

Copies provided to:

Attachment: Exhibit A (Pretrial Catalogue OR Pretrial Catalogue-Post Judgment)

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 the Deputy Court Administrator, whose office is located at Charlotte County Justice Center, 350 Marion Avenue, Punta Gorda, Florida 33950, and

whose telephone number is (941) 637-2281, within 2 working days of receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8771.