

Margaret O. Steinbeck
Circuit Judge, 20th Judicial Circuit
Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901
(239) 335-2412

MEMO

To: All Parties (Counsel and Pro Se Litigants)
Re: Obtaining a Trial Date
Date: November 9, 2006

When a case is "ready and at issue," either party may file a Notice of Trial with the Clerk of the Court. Movant should then forward the following to the judge's office in order to secure a trial date:

1. A copy of the Notice of Trial.
2. One (1) copy of the court's Order Setting Cause for Trial (attached to this memo).

Please be sure to complete the following areas on the trial order:

- A. The caption;
 - B. The case number;
 - C. Indicate whether the trial will be by jury or non-jury;
 - D. Insert (in Paragraph 2) the amount of time movant is requesting for trial;
 - E. Certificate of Service
3. Stamped and addressed envelopes sufficient for all parties listed in the Certificate of Service.

Margaret O. Steinbeck (electronically signed)

MARGARET

O. STEINBECK, Circuit Judge

Plaintiff(s),
vs. CASE NO.: JURY / NON-JURY
Defendant(s).

ORDER SETTING CAUSE FOR 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 that:

1. Pre-Trial Conference. (If no date is inserted below, court has waived pretrial conference.)

Date:

The above styled cause is set # for pretrial conference on _____, 20__, at _____ a.m. / p.m. in **Hearing Room #7**, Fourth Floor, Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida, pursuant to Rule 1.200 of the Florida Rules of Civil Procedure, to consider all matters suggested in said Rule 1.200 to simplify the issues and expedite the trial, or other disposition of the case.

Motions:

Any party wishing to have motions heard at the pretrial conference, 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 pretrial conference may cause the pretrial conference to be rescheduled, or the court, on its own motion, may decline to hear said motions at the pretrial conference.

Counsel Required to Meet:

Prior to the pretrial conference, counsel are ordered to confer and discuss an agreed pretrial order.

Attendance at Pretrial:

All parties, or if represented, their respective counsel are required to attend the pretrial conference **unless an agreed pretrial order has been submitted to the court and an order approving the agreed pretrial order has been entered by the Court** The attorney who expects to conduct the actual trial of the cause is required to attend the conference.

2. Trial Period.

Said cause is set for trial during the ___-week trial period beginning _____, 20__, at _____ a.m. / p.m. in Hearing Room #7, Fourth Floor, Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL before for the undersigned. **Docket Sounding will be held on _____, 20__, at _____ a.m. / p.m. in Hearing Room #7.** (____) day(s) has/have been requested for the trial of this case. If additional time is requested, the court will continue this trial if it appears that the trials of the other cases set in

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.

3. Stipulated Continuances

Any joint motion for continuance must be signed by all parties and their respective counsel, and must include detailed reasons for the request.

4. Pre-Trial Events

The following pretrial events are in effect and these dates will be strictly observed. They may be changed, but only by order of the court.

- A. Discovery: All discovery, including all depositions, whether for discovery, trial or otherwise, shall be completed no later than thirty (30) days prior to trial . Counsel may agree to extend the time for completing discovery by a written stipulation filed with the Clerk.
- B. Disclosure of exhibits and witnesses (lay and expert) shall be no later than forty five (45) days prior to trial.
- C. All dispositive motions addressed to the pleadings, and for summary judgment, shall be filed and scheduled for hearing prior to Pretrial Conference . No further motions or amendments shall be entertained after said deadline, except upon proof of lack of knowledge by the movant of basis for the motion, good faith by the movant, prejudice to the moving party and lack of prejudice to non-moving parties.

5 Mediation

If this cause has not been mediated or previously ordered to mediation, and unless Rule 1.710(b) of the Florida Rules of Civil Procedure excludes this cause from mediation, it is hereby **ORDERED TO MEDIATION** . The plaintiff, within twenty (20) days hereof, shall submit an agreed mediation order setting up the mediation conference and naming their own stipulated mediator. If a mediator cannot be agreed upon, then the mediation order shall be submitted to the court for the appointment of a mediator.

- A. The mediation conference shall take place no later than twenty (20) days prior to trial.
- B. Any motion to exclude the cause, or any party thereto from mediation must be filed within thirty (30) days from the date hereof and set for hearing as soon as practicable. The court will not accept a stipulation to exclude from mediation without a hearing.

6. Pre-Trial Compliance

- A. Plaintiff shall, at least ten (10) days prior to pretrial conference OR thirty (30) days prior to trial if no pretrial conference ordered, file with the Clerk of the Circuit Court and serve a copy on opposing counsel:
 - i. a short statement of the facts on which plaintiff bases his cause of action;
 - ii. an itemized statement of the special damages that plaintiff expects to prove;
 - iii. if defendant has filed a counterclaim; plaintiff will comply with Defendant Instructions 6(B)(i) and 6(B)(ii);
 - iv. a schedule of all exhibits and documentary evidence that plaintiff expects to offer during trial. (Actual exhibits and documentary evidence will be available at said conference.);
 - v. a list of witnesses (whom counsel, in good faith, believes will actually be called to testify at trial) Said list shall also include a short concise statement of the testimony anticipated of each witness, as well as the anticipated opinions of each expert witness. Witness and exhibit lists may be amended in accordance with the pretrial order.

- B. Defendant shall at least ten (10) days prior to pretrial conference OR thirty (30) days prior to trial if no pretrial conference ordered, file with the Clerk of the Circuit Court and serve a copy on opposing counsel:
- i. the facts constituting plaintiff's cause of action that defendant will admit;
 - ii. if defendant has filed affirmative defenses, a statement of the facts on which defendant bases such a defense;
 - iii. if defendant has filed a counterclaim or cross-claim, defendant will comply with Plaintiff Instructions 6(A)(i) and 6(A)(ii);
 - iv. a schedule of all exhibits and documentary evidence that defendant expects to offer during trial. (Actual exhibits and documentary evidence will be available at said conference.);
 - v. a list of witnesses (whom counsel, in good faith, believes will actually be called to testify at trial) Said list shall also include a short concise statement of the testimony anticipated of each witness, as well as the anticipated opinions of each expert witness. Witness and exhibit lists may be amended in accordance with the pretrial order.
- C. All parties required to file a pretrial compliance herein shall serve a copy upon the undersigned by hand or mail at her office at least three (3) days before the pretrial conference.
- D. Counsel for all parties shall be prepared to state or discuss at pretrial conference:
- i. the number of peremptory challenges requested;
 - ii. any matters to be judicially notice;
 - iii. which exhibits expected to be offered by opponent can be admitted without an authenticity predicate or any predicate at all;
 - iv. the length of trial;
 - v. any unique questions of law or unique elements of damages;
 - vi. the best settlement offer authorized by client;
 - vii. the need for a case management conference before the trial.

7. Expert Witnesses

If a party expects to call an expert or treating physician to testify live at trial, it is strongly suggested that such witness be deposed by video tape and the testimony transcribed. The court may not be in a position to allow a witness to testify "out of order" or adjust its schedule for the convenience of a witness, especially if such will inconvenience the jury, or the opposing party.

8. Motions in Limine.

All motions in limine shall be in writing, filed and served prior to Docket Sounding. Counsel filing said motions in limine shall schedule the motions in limine to be heard before trial, but they may be heard immediately before trial if prior hearing time is unavailable. Oral motions will not be heard unless such refusal would be a departure from the essential requirements of the law.

9. Jury Instructions.

All parties are required to file jury instructions, standards and specials, and verdict forms tailored to the case no later than the day of docket sounding.

10. Exhibits.

Counsel shall make another good faith effort in the days before the trial to stipulate into evidence as many exhibits as possible to avoid wasting time at trial laying foundations. All stipulated exhibits shall be pre- marked by the Clerk before the trial begins. Plaintiff should use numbers and Defendants should use letters.

11. Statement of Facts.

The attorneys should prepare an agreed upon short statement of facts concerning the case to be provided to the jury prior to voir dire.

12. Settlement.

Should the case settle prior to the day of trial, counsel for the plaintiff or defendant shall notify the court in writing. If there is insufficient time for the court to receive the written notice, please call the court's judicial assistant immediately at (239) 335-2412 or by facsimile transmission at (239) 335-2588.

13. Court Reporter.

Counsel desiring the services of a court reporter at trial must make advance arrangements with the reporter.

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

MARGARET O. STEINBECK, Circuit Judge

CERTIFICATE OF SERVICE

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

Attorney for Plaintiff :

Attorney for Plaintiff :

Attorney for Defendant, :

Attorney for Defendant, :

Other:

By: _____
Lois M. Milazzo, Judicial Assistant

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 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, within 2 working days of receipt of this notice; if you are hearing or voice impaired, call 1-800-955-8771.