IN THE CIRCUIT COURT, FOURTH

JUDICIAL CIRCUIT, IN AND FOR

DUVAL COUNTY, FLORIDA

 CASE NO.: 16-

 DIVISION: CV-E

Plaintiff,

vs.

Defendant.

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

**CASE MANAGEMENT ORDER SETTING CASE FOR JURY TRIAL AND**

**PRETRIAL CONFERENCE AND REQUIRING MATTERS**

**TO BE COMPLETED PRIOR TO PRETRIAL CONFERENCE**

**Findings, Preliminary Considerations and Judicial Discretion**

The Court finds that this cause is at issue pursuant to Fla. R. Civ. P. 1.440(c). The Court has preliminarily considered such factors as the complexity of the case, the issues to be tried, the availability of witnesses and potential scheduling conflicts that exist between the Court’s calendar and those of counsel. The Court does have broad discretion as to the actual date on which the trial is set. However, the Court must comply with Rule 1.440(c) and not set the trial date “less than 30 days from the service of the notice for trial.” At the other extreme, Fla. R. Gen. Prac. & Jud. Admin. 2.250 provides that in civil jury cases, it is “presumptively reasonable” for a case to be completed within 18 months from filing, not service,[[1]](#footnote-1) to final disposition, not verdict.[[2]](#footnote-2) Rule 2.250 must be read in agreement with Fla. R. Gen. Prac. & Jud. Admin. 2.545(a) which provides that:

Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.

Against this backdrop of competing considerations, the Court recognizes its general obligation to case manage.

**Previous Case Management Orders (“CMO”)**

 This Order shall supersede any pre-signed CMO previously entered pursuant to paragraph 9 of Administrative Order 2021-09 entered by the Chief Judge of the Fourth Judicial Circuit as directed and required by Florida Supreme Court Administrative Order No. AOSC 20-23, Amendment 12.

 The Court having reviewed the filings, the parties’ *Trial Set Memorandum*, and otherwise being fully advised in the premises, it is hereby,

 **ORDERED** as follows:

1. **PROCEDURES.**

Counsel for the parties shall familiarize themselves with all Division CV-E Policies and Procedures[[3]](#footnote-3) and be governed accordingly.

1. **STANDARDS OF CONDUCT.**

Counsel shall strictly abide by Florida Bar Code of Professional Responsibility. All attorneys appearing at hearings shall be familiar with and shall conduct themselves in accordance with, the Guidelines for Professional Conduct of the Trial Lawyers Section of The Florida Bar as well as the most current edition of the Handbook on Discovery Practice published by the Joint Committee of the Trial Lawyer Section of The Florida Bar and Conferences of Circuit and County Court Judges. Counsel for the parties shall familiarize themselves with the “Division CV-E Trial Conduct and Courtroom Decorum Policy”3 and be governed accordingly.

1. **TRIAL DATE.**

 This cause is hereby set for jury trial during **the week of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023,** at 8:30 a.m. Time allocated for trial is **\_\_\_\_ DAYS**.

1. **PRETRIAL CONFERENCE.**

The Pretrial Conference will be held in Chambers 739, Duval County Courthouse, 501 West Adams Street, Jacksonville, Florida, on **\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, at \_\_\_\_\_\_ a.m./p.m.**, in accordance with the provisions of Rule 1.200, Florida Rules of Civil Procedure. Time allocated for conference is **twenty (20) minutes**.

1. **REQUIREMENTS PRIOR TO PRETRIAL CONFERENCE; PRETRIAL MEETING.**

**No later than seven (7) days prior to the Pretrial Conference**, attorneys for each party shall meet together by agreement instigated by counsel for the Plaintiff(s), to: discuss the possibility of settlement; stipulate to as many facts and issues as possible; discuss and cooperate with each other to prepare a **Pretrial Stipulation**; complete the Division CV-E **“Pretrial Conference Checklist”**[[4]](#footnote-4)3 to be submitted to the Court at the Pretrial Conference; draft a proposed **“Pretrial Conference Order”**[[5]](#footnote-5)3 to be submitted to the Court at the Pretrial Conference or immediately thereafter; examine all exhibits and documents that may be used at trial; confirm for opposing counsel the names and addresses of all witnesses who may testify at trial; review all video depositions or exhibits to be used at trial; **agree to the extent possible on the use of jury instructions and verdict form at trial**; and complete all other matters which may expedite both the Pretrial Conference and the trial of this case. The templates for the “Pretrial Conference Checklist” and the “Pretrial Conference Order” can be found on the Court’s website.3 It is the responsibility of counsel for Plaintiff or Plaintiff, if *pro se*, to schedule this meeting.

1. **REQUIREMENTS OF PRETRIAL STIPULATION.**

Counsel shall prepare a Pretrial Stipulation which shall be **filed with the Court at the Pretrial Conference** and shall contain the following: (a) a concise factual statement of the nature of the action, which shall include the date and place of accrual, identity of the parties as they relate to the action, and a brief general statement of each party’s case or contention. The statement shall be in such form and contain such necessary information for the Court to read to and apprise the jury of the claims to be tried, including any Counter-Claims, Cross-Claims, or Third-Party Claims; (b) a concise statement of those facts which are admitted and will require no proof at trial; (c) a concise statement of those issues or facts which remain to be litigated; (d) any proposed amendments to the pleadings; (e) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of each from whom testimony may be presented at trial – the list shall identify whether each witness is expected to testify live or by deposition; (f) a complete list of exhibits, including, but not limited to, exhibits to be used for demonstrative purposes only, as set forth in paragraph 7 below; (g) a statement reflecting any remaining issues or objections to specific portions of video depositions, testimony, or video exhibits which may be offered in evidence at trial shall be filed with the stipulation (the depositions with objections noted on each page of designations, shall be timely filed and provided to the Court as set forth in paragraph 21 below to the parties and the Court for timely review and ruling); and (h) a list of any undisposed matters to be heard at the Pretrial Conference.

1. **TRIAL EXHIBITS.**

 All exhibits intended to be offered at trial, including rebuttal, shall be exhibited to all opposing counsel **THIRTY (30) DAYS** prior to the Pretrial Conference. The Pretrial Stipulation shall contain a list of all exhibits that may be offered in evidence at trial, together with a statement of objections, if any, to exhibits offered by the opposing party. With respect to each item, the Pretrial Stipulation shall reflect whether or not the evidence will be stipulated into evidence, stipulated as to authenticity, with objection reserved for relevancy and materiality, or objected to in its entirety and the ground therefor. All exhibits which are the subject of any objection raised in the Pretrial Stipulation shall be brought to the Pretrial Conference.

Prior to Opening Statements, counsel for each party shall deliver to the Trial Clerk an Exhibit List that contains an itemized list of all exhibits to be introduced during trial. All exhibits shall be pre-marked for identification, with letters being utilized for the marking of exhibits for identification. The letters utilized for marking the exhibits for identification shall correspond to the Exhibit List given to the Trial Clerk. Those exhibits that will be admitted into evidence by stipulation of the parties or without objection shall be further pre-marked accordingly as exhibits in evidence. Those exhibits to be admitted by stipulation or without objection shall be sequentially numbered. Further, prior to Opening Statements, the parties shall communicate with the Trial Clerk so as to coordinate the marking, organization, and handling of exhibits.

1. **FACT WITNESSES.**

**No later than** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023**, Plaintiff(s) shall provide Defendant(s) with a **preliminary** list of fact witnesses reasonably known to the Plaintiff(s) for purposes of the parties meeting the applicable discovery deadlines set forth in paragraph 11 below. **No later than \_\_\_\_\_\_\_\_\_\_\_\_\_, 2023**, Defendant(s) shall provide Plaintiff(s) with a **preliminary** list of fact witnesses reasonably known to Defendant(s) for purposes of the parties meeting the applicable discovery deadline set forth in paragraph 11 below. Each list shall contain the name and address of each witness and it shall identify whether each witness is expected to testify live or by deposition. Such written disclosure of preliminary fact witnesses shall be in a format that can be filed with the Court and served on all respective opposing counsel. **Any witness not disclosed herein shall not be permitted to testify at trial without an order of the Court.**

1. **DISCLOSURE OF RETAINED EXPERT WITNESSES.**

Pursuant to Florida Rule of Civil Procedure 1.280(b)(5), each party shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each expert witness who will testify at trial and present evidence under §§90.702, 90.704 and 90.705, Florida Statutes: (a) the name and address of the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witnesses will be based. Each party shall furnish opposing counsel with at least two (2) alternative dates of availability of all retained expert witnesses for the purpose of taking their deposition at the time of disclosure of such witnesses.

**No later than ONE HUNDRED EIGHTY (180) DAYS** prior to the Pretrial Conference, Plaintiff(s) shall disclose each retained expert witness who will testify at trial on behalf of Plaintiff(s).

**No later than ONE HUNDRED FIFTY (150) DAYS** prior to the Pretrial Conference, Defendant(s) shall disclose each retained expert witness who will testify at trial on behalf of Defendant(s).

**No later than THIRTY (30) DAYS** after the Plaintiff(s) is served with Defendant’s retained expert witness disclosure, Plaintiff(s) shall disclose each retained rebuttal expert witness, if any, who may testify at trial on behalf of Plaintiff(s).

**No later than FOURTEEN (14) DAYS** after Defendant(s) is served with Plaintiff’s retained rebuttal expert witness disclosure, if any, Defendant’s shall disclose each retained sur-rebuttal expert witness, if any, who may testify at trial on behalf of Defendant(s).

Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court. All parties shall cooperate in the scheduling of expert depositions. Notwithstanding the foregoing, the Court expects the parties to truthfully and thoroughly answer interrogatories and other discovery. If interrogatories seeking information regarding expert witnesses have been served, the party answering such discovery shall do so in good faith and shall not delay furnishing the information regarding expert witnesses and until the time such disclosure is required by this order.

The Court expects the parties to conduct discovery in good faith. Nothing in the foregoing should be interpreted to cause discovery regarding experts to commence on the deadlines referenced above. Should it be determined that a party failed to conduct discovery in good faith by refusing to identify expert witnesses or their opinions in a timely manner pursuant to interrogatories or other discovery, the Court may strike such experts’ testimony. Regardless of whether or not the Defendant(s) has served interrogatories upon the Plaintiff(s) requesting discovery of those things outlined in subparagraphs (a) – (e) above, the Plaintiff is required to timely disclose and provide the information regarding experts described above. Regardless of whether or not the Plaintiff(s) has served interrogatories upon the Defendant requesting discovery of those things outlined in subparagraphs (a) – (e) above, the Defendant is required to timely disclose and provide the information regarding experts described above. Should it be determined that a party failed to timely disclose expert(s) and provide the information regarding each such expert outlined in subparagraphs (a) – (e) above, the Court may strike such expert(s) entirely and/or strike such experts’ testimony.

1. **TREATING PHYSICIANS AND NON-RETAINED EXPERT WITNESSES.**

**No later than** **ONE HUNDRED EIGHTY (180)** **DAYS** prior to the Pretrial Conference, all parties shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each treating physician and non-retained expert witness who will testify at trial as an expert witness on behalf of a party: (a) the name and address of the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witnesses will be based.

Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court. All parties shall cooperate in the scheduling of expert depositions. Notwithstanding the foregoing, the Court expects the parties to truthfully and thoroughly answer interrogatories and other discovery. If interrogatories seeking information regarding expert witnesses have been served, the party answering such discovery shall do so in good faith and shall not delay furnishing the information regarding expert witnesses and until the time such disclosure is required by this order.

 The court expects the parties to conduct discovery in good faith. Nothing in the foregoing should be interpreted to cause discovery regarding treaters and non-retained experts to commence on the deadlines referenced above. Should it be determined that a party failed to conduct discovery in good faith by refusing to identify expert witnesses or their opinions in a timely manner pursuant to interrogatories or other discovery, the court may strike such experts' testimony. Regardless of whether or not the defendant(s) has served interrogatories upon the plaintiff(s) requesting discovery of those things outlined in subparagraphs (a) - (e) above, the plaintiff is required to timely disclose and provide the information regarding experts. Regardless of whether or not the plaintiff(s) has served interrogatories upon the defendant requesting discovery of those things outlined in subparagraphs (a) - (e) above, the defendant is required to timely disclose and provide the information regarding experts described above. Should it be determined that a party failed to timely disclose such treaters and non-retained expert(s) and provide the information regarding each such expert outlined in subparagraphs (a) – (e) above, the Court may strike each expert(s) entirely and/or strike such experts’ testimony.

1. **DISCOVERY.**

 All fact discovery shall be completed **no later than NINETY (90) DAYS** prior to the Pretrial conference unless otherwise extended by written agreement of counsel or by order of the Court. All expert discovery shall be completed **no later than SIXTY (60) DAYS** prior to the Pretrial Conference unless otherwise extended by written agreement of counsel or by order of the Court.

1. **TRIAL WITNESSES.**

 Plaintiff(s) shall disclose to Defendant(s) a **final** written list or notice of all witnesses expected to testify at trial, including any rebuttal witnesses, **no later than SEVENTY-FIVE (75) DAYS** prior to the Pretrial Conference. Defendant(s) shall disclose to Plaintiff(s) a **final** written list or notice of all witnesses expected to testify at trial, including any rebuttal witnesses, **no later than SIXTY (60) DAYS** prior to the Pretrial Conference. Each list shall contain the name and address of each witness and shall identify whether each witness is expected to testify live or by deposition. Such written disclosure of a final list of all witnesses expected to testify at trial shall be in a format that can be filed with the Court and served on all respective opposing counsel. **Any witness not disclosed as described herein shall not be permitted to testify at trial without an order of the Court.**

1. ***DAUBERT* OR OTHER EXPERT WITNESS ISSUES.**

Counsel for the parties shall familiarize themselves with the “Procedures for Setting F.S. 90.702 (“*Dauber**t*”) Type Hearings in Division CV-E”[[6]](#footnote-6)3 and be governed accordingly. All *Daubert* or other expert witness related motions or objections shall be filed and served at least **SIXTY (60) DAYS** prior to the Pretrial Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing expert witness related motions or objections shall be responsible to do that which is necessary so that hearings regarding expert witness related evidence shall be noticed and heard or agreed to by the parties no later than **THIRTY (30) DAYS** prior to the Pretrial Conference. Any expert witness related motions or objections shall state with particularity the grounds upon which they are based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. Any expert related motions or objections not filed or noticed for hearing within the time referenced in this paragraph are denied and such objections are overruled. The Court may summarily rule on any expert witness related motion not written with particularity as described above.

1. **DISCLOSURE OF POST-ACCIDENT SURVEILLANCE VIDEOS.**

**No later than ONE HUNDRED EIGHTY (180) DAYS** prior to the Pretrial Conference all parties conducting surveillance shall disclose and produce all surveillance video intended to be presented at trial to all opposing counsel in an unedited form together with a list of all persons involved in conducting the surveillance and obtaining the surveillance video. Said list shall contain the name and address of each person together with a brief description of the nature of their involvement. Such disclosure of surveillance witnesses shall be in writing in a format that can be filed with the Court and served on all respective opposing counsel. Counsel for the parties shall familiarize themselves with the specific provisions of the “Division CV-E Policies and Procedures”[[7]](#footnote-7)3 related to “Post-Accident Surveillance Videos” (Section XI) and be governed accordingly.

1. **DISCLOSURE OF *NORTHUP* IMPEACHMENT MATERIALS.**

 **No later than THIRTY (30) DAYS** prior to the Pretrial Conference, pursuant to the holding in *Northup v. Acken*, 865 So. 2d 1267 (Fla. 2004), all parties shall identify, disclose and exchange **all** materials reasonably expected or intended to be used at trial for witness impeachment, including, but not limited to: deposition and trial transcripts of testimony given in unrelated actions; medical literature; articles; learned treatises; video or audio recordings; and publications. If such materials are reasonably expected to be disclosed to the Court or jury at trial, then it must be identified, disclosed, and copies provided to the adverse party in accordance with this order. Such impeachment materials shall be included on the parties’ respective Trial Exhibit Lists. The disclosure of such *Northup* impeachment materials shall include, as it concerns deposition and trial transcripts of testimony given in unrelated actions, page and line designations of such transcripts reasonably expected or intended to be used at trial for witness impeachment.

1. **DISPOSITIVE AND SUMMARY JUDGMENT MOTIONS.**

 All pre-trial dispositive motions and summary judgment motions shall be filed by the moving party and served on all opposing parties **no later than SEVENTY-FIVE (75) DAYS** prior to the Pretrial Conference and noticed for hearing or agreed to by the parties **no later than TWENTY (20) DAYS** prior to the Pretrial Conference. Counsel for the parties shall familiarize themselves with the “Procedures for Pleading, Scheduling, and Hearing Summary Judgment Motions in Division CV-E”3 and be governed accordingly.

1. **MOTIONS TO AMEND PLEADINGS.**

 All motions to amend the pleadings shall be filed **no later than ONE HUNDRED TWENTY (120) DAYS** prior to the Pretrial Conference.

1. **DISCLOSURE OF *FABRE* DEFENDANTS.**

 **No later than ONE HUNDRED TWENTY (120) DAYS** prior to the Pretrial Conference all *Fabre* Defendants or any other persons, entities or other non-parties sought to be placed on the verdict form and against whom some measure of liability may be assessed by the jury, shall be disclosed to opposing counsel and the Court by filing and serving an appropriate pleading. (i.e., Motion to Amend Affirmative Defenses). No person or entity not timely disclosed will be placed on the verdict form without good cause shown.

1. **MOTIONS IN LIMINE.**

 All case specific Motions in *Limine* shall be filed, served, noticed, and heard or agreed to by the parties **no later than THIRTY (30) DAYS** prior to the Pretrial Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. The Court may summarily rule on any Motions in Limine not written with particularity as described above. The parties shall comply with the specific provisions of the “Division CV-E Policies and Procedures”[[8]](#footnote-8)3 related to “Motions in Limine (MIL)” (Section XVIII) and the “Meet and Confer Requirement” (Section III L.).

1. **RULE 1.360 EXAMINATIONS.**

 **No later than ONE HUNDRED FIFTY (150) DAYS** prior to the Pretrial Conference, all medical and/or mental evaluations and other examinations pursuant to Fla. R. Civ. P. 1.360 shall be completed. Also, the report of the examiner shall be prepared and provided to Plaintiff’s counsel **no later than THIRTY (30) DAYS** after the examination. In the event the Defendant intends to call the medical or mental evaluator as an expert witness at trial, then and in that event, the Defendant shall immediately furnish opposing counsel with three (3) alternative dates of witness availability for purpose of taking his/her deposition. The witness shall be available to be deposed within **TEN (10) DAYS** of rendering the report. Counsel for the parties shall familiarize themselves with all “Division CV-E Guidelines Regarding Compulsory Medical Examinations”[[9]](#footnote-9)3 and be governed accordingly. For each such Rule 1.360 examiner, the Defendant shall comply with all retained expert witness disclosure requirements set forth in paragraph 9 above.

1. **DEPOSITION DESIGNATIONS.**

 **No later than THIRTY (30) DAYS** prior to the Pretrial Conference, all parties shall exchange and file written notice(s) of deposition designations of witnesses whose testimony the party expects to be presented by deposition, whether by transcript or video. **No later than FIVE (5) DAYS** after receiving such designations, all parties shall exchange and file written notice of objections and counter-designations to the same. **No later than FIVE (5) DAYS** after receiving counter-designations, all parties shall exchange and file written notice(s) of objections to counter-designations and counter-counter-designations, if necessary. The parties shall comply with the Division CV-E “Meet and Confer Requirement” (Section III. L.) set forth in this Court’s Policies and Procedures,[[10]](#footnote-10)3 to resolve any issues, objections and/or completeness concerns related to such deposition designations before scheduling a hearing.

1. **JURY INSTRUCTIONS AND VERDICT FORMS.**

Typed proposed jury instructions and verdict forms shall be filed with the Court **at the Pretrial Conference** and may be supplemented prior to the jury instruction conference at trial. The Plaintiff(s) shall be responsible for preparing a **complete set of instructions and verdict forms and serving them upon opposing counsel at or before the pre-trial meeting of attorneys contemplated by paragraph 5**.

1. **NOTICE REGARDING USE OF DEMONSTRATIVE AIDS.**

 **Jury Selection.** Parties may use PowerPoint slides during jury selection. Such jury selection PowerPoint slides shall be limited to a white background and black font. No photos, diagrams, illustrations, animations, nor color will be permitted in the jury selection PowerPoint. The content of the jury selection PowerPoint shall be limited to words, phrases, or bullet points that provide an outline or framework for appropriate areas of inquiry with the venire during jury selection. Parties intending to use any such PowerPoint slides during jury selection must make the PowerPoint slides available to opposing counsel no later than the meeting preceding the Pretrial Conference referred to in paragraph 5 above to allow opposing counsel to reasonably evaluate the same.

 **Opening Statement.** Parties may use demonstrative aids, video, audio or PowerPoint or similar presentations, (collectively referred to as “demonstrative aid(s)” herein) during opening statements and/or trial. Prior to use at trial, the party intending to use any such demonstrative aid(s) must make the demonstrative aid(s) available to opposing counsel no later than the meeting preceding the Pretrial Conference referred to in paragraph 5 above to allow opposing counsel to reasonably evaluate the same.

 **Closing Argument.** Parties intending to use such demonstrative aid(s) during closing arguments must make the same available to opposing counsel no later than 1:00 p.m. the last business day preceding closing arguments. Any material changes and/or additions to any such demonstrative aid(s) shall be disclosed to opposing counsel prior to their use.

1. **ATTORNEY REPRESENTATION AND AUTHORITY.**

 In order for the full purpose of the Pretrial Meeting and Pretrial Conference to be accomplished, the parties shall be represented at all such meetings and hearings required herein to prepare the **“Pretrial Stipulation”**, **“Pretrial Conference Checklist”**3, and a proposed **“Pretrial Conference Order”**3 by attorneys who will participate in the trial of the case and who are vested with full authority to make admissions and disclosure of facts to bind their respective client(s) by agreement regarding all matters pertaining to the trial of this case and the **“Pretrial Stipulation”**, **“Pretrial Conference Checklist”**, and a proposed **“Pretrial Conference Order.”**

1. **COURT REPORTING/INTERPRETERS/TRANSLATORS.**

Counsel for the parties shall meet and confer to 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. Furthermore, it is the responsibility of counsel to coordinate, retain, and pay for the services of an interpreter or translator as necessary to present their case. **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.**

1. **MEDIATION.**

This case is referred to mediation. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq. is appointed Mediator in accordance with Rules 1.700 - 1.730 of the Florida Rules of Civil Procedure, Chapter 44 of the Florida Statutes, and Administrative Order No. 2013-13. The effective date of the order of referral is **ONE HUNDRED TWENTY (120) DAYS** prior to the Pretrial Conference. However, the above referenced effective date of the order is not intended to prevent the parties and their attorneys from cooperating with each other and the mediator to voluntarily schedule the mediation **prior to** the effective date of the order.

**MEDIATION SHALL BE HELD PRIOR TO THE PRETRIAL CONFERENCE. IT IS MANDATORY THAT MEDIATION BE ATTENDED BY THE PARTIES, THEIR COUNSEL WHO WILL TRY THE CASE, AND, WHEN APPLICABLE, AN INSURANCE COMPANY REPRESENTATIVE WITH FULL AND ABSOLUTE AUTHORITY TO SETTLE THE CASE WITHOUT FURTHER CONSULTATION.** Mediation may be conducted in person, through the use of communication technology as that term is defined in Florida Rule of General Practice and Judicial Administration 2.530, or by a combination thereof. In the event all parties do not stipulate or agree that the mediation proceeding be conducted by communication technology as that term is defined in Florida Rule of General Practice and Judicial Administration 2.530 or by a combination of communication technology and in-person participation, the party objecting to using communication technology shall file a motion setting forth why good cause exists to grant the motion seeking an order requiring mediation be conducted in person and schedule a fifteen (15) minute hearing on such motion be heard prior to the scheduled mediation conference. A party, trial attorney, or insurance company representative may be excused from attending the mediation conference by the Mediator or the Court only for good cause.

1. **SETTLEMENT.**

All counsel shall immediately notify this Court in the event of settlement or dismissal, and the parties shall immediately file a Notice of Settlement. The parties shall immediately meet and confer to prepare an *Agreed Case Management Order Regarding Settlement*[[11]](#footnote-11)3 to be submitted to the Court detailing the anticipated timeline for final disposition of this action pursuant to Rule 1.545 Fla. R. Civ. P. A template for this Agreed Order can be found in Word format on the Court’s website.3 Additionally, the parties shall submit a stipulation for an order of dismissal or shall file a dismissal with prejudice. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement. A copy of the mediation report is insufficient to remove the case from the Court’s docket.

1. **MODIFICATION OF THIS ORDER; EXTENSION OF TIME LIMITS AND DEADLINES.**

The parties shall not unilaterally, individually or by agreement, modify this Order or waive any of the provisions of this Order. The provisions and deadlines of this Order, to the extent they can be modified or extended, shall only be modified, or extended upon motion/stipulation **and** written Court order. The parties are permitted to grant extensions to the deadlines set forth in this order, without Court approval, **except for paragraphs 5-7, 9-13, 15, 20, and 21 above,** provided that any such deadline extension agreement does not cause a continuance of the trial or would prevent the completion of mediation prior to trial. Any such extension or modification agreed to shall be by joint motion/written stipulation by the parties directly affected by the extension or modification, filed with the Court **and** written Court order. **Extensions to the specific deadlines set forth in paragraphs 5-7, 9-13, 15, 20, and 21 above, and any other permissible extension of the deadlines or compliance dates established herein or modifications of this order, that the parties are unable to resolve, requires Court approval and a written Court order.**

1. **MOTIONS AND OBJECTIONS NOT TIMELY FILED, NOTICED OR HEARD**

All pending dispositive, non-dispositive, and *Daubert*/expert-related motions and objections not filed, noticed, or heard in accordance with the deadlines and provisions set forth in this Order will be deemed moot and denied, and any objections overruled by entry of this Order.

1. **CONTINUANCES.**

This Court adheres strictly to Florida Rule of General Practice and Judicial Administration 2.545(e) and Florida Rule of Civil Procedure 1.460. Accordingly, motions for continuance or stipulations/agreements and motions to amend or extend deadlines set forth in this order that change the trial period must be in writing and set forth the following:

1. The signature of the party and the attorney representing the party requesting the continuance.
2. A concise statement of the facts and reasons for the continuance. If a continuance is sought on the ground of nonavailability of a witness, the motion must show when it is believed the witness will be available.
3. Length of time requested for the continuance and when the case will be subsequently prepared for trial with all witnesses available to testify based upon the Court’s list of available trial dates that can be found on the Court’s website.

Any such motion(s), stipulation(s), or agreement(s) must be approved upon hearing by the Court no later than the Pretrial Conference. No such motion will be heard that is not in compliance with this Order except upon good cause shown.

1. **ADMONITIONS AND SANCTIONS.**

 Failure to comply with the requirements of this Order will subject the party and/or attorney to appropriate monetary and non-monetary sanctions, which may include the sanctions referenced in Rule 1.200(c) of the Florida Rules of Civil Procedure, including, but not limited to striking of pleadings, witnesses, and/or defenses, dismissal of the case, and/or award of attorney’s fees and costs, and/or imposition of fines.

 **DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**BRUCE R. ANDERSON, JR.**

**CIRCUIT COURT JUDGE**

Copies furnished to:

, Esq.

Attorney for Plaintiff

E-mail:

, Esq.

Attorney for Defendant

E-mail:

, Esq.

Mediator

E-mail:

**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 ADA Coordinator at (904) 255-1695 or** **crtintrp@coj.net,** **at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days. If you are hearing or voice impaired, call 711.**

1. Fla. R. Civ. P. 1.070(j) allows up to four months (120 days) for service of process. [↑](#footnote-ref-1)
2. Post-trial motions, such as motions for new trial or motions for judgment in accordance with a previous motion for directed verdict must be brought within 15 days of the return of the verdict. (Fla. R. Civ. P. 1.530) and within 15 days of discharge of the jury (Fla. R. Civ. P. 1.480). [↑](#footnote-ref-2)
3. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-3)
4. 3 See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. 3 See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-6)
7. 3 See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-7)
8. 3 See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-8)
9. [↑](#footnote-ref-9)
10. 3 See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-10)
11. 3 See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-11)