

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,  
IN AND FOR DUVAL, CLAY, AND NASSAU COUNTIES, FLORIDA**

**ADMINISTRATIVE ORDER NO. 2021-21**

**IN RE:           CIVIL CASE MANAGEMENT AND RESOLUTION OF CASES FILED  
BEFORE APRIL 30, 2021**

**WHEREAS**, on April 13, 2021, the Supreme Court of Florida entered Administrative Order No. AOSC20-23, *Amendment 12*, requiring Chief Judges to issue an administrative order requiring the presiding Judge for each civil<sup>1</sup> case to actively manage civil cases in the manner set forth therein to maximize the resolution of cases;

**WHEREAS**, Administrative Order No. AOSC20-23, *Amendment 12*, requires Chief Judges to “direct all judges within their circuits to strictly comply with Florida Rule of Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined”; and

**WHEREAS**, the Fourth Judicial Circuit has issued Second Amended Administrative Order 2021-09, for Circuit Court cases, establishing active, differentiated case management of all civil cases, filed on or after April 30, 2021.

**NOW THEREFORE**, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of General Practice and Judicial Administration, it is

**ORDERED** that:

1. This Administrative Order does not apply to any civil case (a) filed on or after April 30, 2021; (b) designated as complex under Florida Rule of Civil Procedure 1.201; (c) for which the Court has entered an order setting the case for pre-trial and/or trial; (d) an order establishing case management deadlines has previously been filed and served and is in full force and effect; or (e) where a Petition for Transfer of Settlement Rights has been filed.
2. For cases filed before April 30, 2021, the Court shall issue a Notice of Requirement for Case Management Plan to the parties in each case requiring the parties to meet, confer, and agree upon a Case Management Plan.

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<sup>1</sup> The term “civil case” includes all Personal Injury Protection (PIP) cases; all actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010; and actions in which the Court has ordered the action proceed under one or more of the Florida Rules of Civil Procedure.

3. After consulting with the presiding Judges, the Court developed a Case Management Plan for streamlined and general cases. (Exs. A and B.) Electronic versions of the Case Management Plans for streamlined and general cases can be found on the Court's website, [jud4@coj.net](mailto:jud4@coj.net). Parties shall use the applicable proposed Case Management Plan based on the definitions set forth below.
- (a) A *complex* civil case is an action that has been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. The parties shall adhere to the deadlines set out in rule 1.201. Upon such designation, the action shall proceed as provided in the rule.
  - (b) A *streamlined* civil case is an action that can be tried in less than two days. These cases involve few parties, non-complex legal issues related to liability and damages, few anticipated pretrial motions, limited need for discovery, few witnesses, and minimal documentary evidence.
  - (c) A *general* civil case is all other civil cases.
4. The Case Management Plan shall specify, at a minimum, the deadlines for service of complaints, service under extensions, and adding new parties. The Plan will also specify the deadlines by which fact and expert discovery shall be completed, all objections to pleadings and pretrial motions shall be resolved, and mediation shall have occurred. The Case Management Plan shall state the approximate trial date, that the Court will strictly enforce the deadlines established in the Plan, and that a trial date shall be ordered by the presiding Judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440.

Consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for completion of civil cases, the following maximum periods within which the deadlines required by Paragraph 4 of this Order and the projected date of trial shall be set in the Case Management Plan are established:

- (a) Streamlined Cases: 12 months
  - (b) General Cases: 18 months
5. The parties shall file an agreed upon Case Management Plan. If the parties do not agree on a Case Management Plan, the parties shall notify the presiding Judge and file their respective proposed Plans.
6. The Judge shall review the agreed upon Case Management Plan, and if the Judge accepts the Plan, he or she shall issue an Order directing the parties to comply with the Plan. (Ex. C.) If the Judge does not accept the Plan or if the parties do not agree on a Case

Management Plan, the Judge shall either determine and order an appropriate plan or set a case management conference.

7. If the streamlined or general civil case filed before April 30, 2021, is:

- (a) subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a Case Management Plan is required only if the Court determines the action should remain pending and shall be issued within 30 days after such determination.
- (b) subject to a statutory stay or a moratorium preventing the prosecution of the case, the Case Management Plan shall be filed within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The Case Management Plan shall address each deadline identified under Paragraph 4 and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.
- (c) not subject to a statutory stay or moratorium, the Case Management Plan shall be filed no later than 20 days from receipt of the Notice of Requirement for Case Management Plan and address each deadline identified under Paragraph 4 as well as the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

8. All judges within the Circuit are directed to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

9. Counsel shall strictly comply with Florida Rule of General Practice and Judicial Administration 2.545, which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

10. This Administrative Order No. 2021-21 shall be recorded by the Clerk of the Court, in the Official Records of Clay, Duval, and Nassau Counties, in the State of Florida, and shall take effect on October 15, 2021, and remain in full force and effect unless and until otherwise ordered by the Court.

**DONE** at Jacksonville, Duval County, Florida on October 15<sup>th</sup>, 2021.

A handwritten signature in black ink, appearing to read 'Mark H. Mahon', is written over a horizontal line.

**MARK H. MAHON**  
**CHIEF JUDGE**

cc: All Judges in the Fourth Judicial Circuit  
The Honorable Don H. Lester, Administrative Judge, Clay County  
The Honorable James Daniel, Administrative Judge, Nassau County  
The Honorable Jody Phillips, Clerk of the Circuit Court, Duval County  
The Honorable Tara S. Green, Clerk of the Circuit Court, Clay County  
The Honorable John Crawford, Clerk of the Circuit Court, Nassau County  
The Honorable Jason R. Teal, Esq., Acting General Counsel, City of Jacksonville  
Cecilia F. Birk, Court Counsel  
Eve Janocko, Acting Trial Court Administrator  
Mike Smith, Chief Technology Officer  
Judicial Staff Attorneys, Fourth Judicial Circuit  
Duval County Law Library  
The Jacksonville Bar Association  
Clay County Bar Association  
Nassau County Bar Association  
David M. Dunlap, President, ABOTA Jacksonville Chapter

**Exhibit A**

IN THE CIRCUIT COURT OF  
THE FOURTH JUDICIAL CIRCUIT, IN  
AND FOR DUVAL COUNTY, FLORIDA

CASE NO.:

DIVISION:

Plaintiff(s)

v.

Defendant(s).

\_\_\_\_\_ /

**CASE MANAGEMENT PLAN  
(Streamlined Track<sup>1</sup>)**

The parties submit the following Case Management Plan to the Court for approval in all cases filed before April 30, 2021. *Note: All dates are to be calculated from the date of the Order Approving Case Management Plan, unless otherwise noted.*

<b>DEADLINE OR EVENT</b>	<b>AGREED DATE</b>
<b>Deadline for Service of Process</b>	120 days
<b>Deadline for Service of Process extended if not accomplished within 120 days</b>	150 days or all unserved defendants are dismissed without prejudice
<b>Deadline for Leave to Add Parties and Amend Pleadings</b>	Motions must be set for hearing and heard within ____ days from the earlier of the date of the order approving this Case Management Plan or service on the last defendant, or the Motions are deemed abandoned and denied.
<b>Motions to Dismiss, Motions for More Definite Statement, Motions to Strike, and any objections to the pleadings</b>	Motions must be set for hearing and heard within ____ days from the filing of the motion/objection or, if previously filed, within ____ days from the date of the order approving this Case Management Plan, or are deemed abandoned and denied. Non-movant shall timely submit a proposed order if the motion/objection is deemed abandoned and denied.

<sup>1</sup> This Case Management Plan applies to all cases not designated as complex or general under Fourth Circuit Administrative Order No. 2021-21 to be resolved within 12 months per Florida Rule of General Practice and Judicial Administration 2.250.



<b>Deadline for Completion of Fact and Expert Discovery</b>	Must be completed ____ days from the date of approval of this Case Management Plan. Additional disclosure and discovery deadlines will be established by the Uniform Order Setting Pre-Trial and Trial in the case.
<b>Pre-Trial Motions, including Dispositive and Daubert Motions</b>	Must be filed no later than ____ days after completing discovery and heard no later than seven (7) days prior to the pre-trial conference, or are deemed abandoned and denied.
<b>Mediation/Alternative Dispute Resolution</b>	Within thirty (30) days from the date of approval of this Case Management Plan, or after the depositions of all parties are complete, whichever is later, counsel shall meet and confer regarding whether an early mediation would be productive to resolve certain issues or the entire case. A final mediation shall occur no later than thirty (30) days after all discovery is completed.
<b>Approximate Pre-Trial Conference</b>	Approximately 3-4 weeks prior to the trial date
<b>Approximate Trial Date</b>	12 months from the date of the order approving this Case Management Plan

Date: \_\_\_\_\_

**Signature of Counsel and Unrepresented Parties. Counsel must state The Florida Bar number. Unrepresented parties must include email address for service.**

_____	_____
_____	_____
_____	_____
_____	_____

## Exhibit B

IN THE CIRCUIT COURT OF  
THE FOURTH JUDICIAL CIRCUIT, IN  
AND FOR DUVAL COUNTY, FLORIDA

CASE NO.:  
DIVISION:

Plaintiff(s)

v.

Defendant(s).

\_\_\_\_\_ /

### **CASE MANAGEMENT PLAN (General Track<sup>1</sup>)**

The parties submit the following Case Management Plan to the Court for approval in all cases filed before April 30, 2021. *Note: All dates are to be calculated from the date of the Order Approving Case Management Plan, unless otherwise noted.*

<b>DEADLINE OR EVENT</b>	<b>AGREED DATE</b>
<b>Deadline for Service of Process</b>	120 days
<b>Deadline for Service of Process extended if not accomplished within 120 days</b>	150 days or all unserved defendants are dismissed without prejudice.
<b>Deadline for Leave to Add Parties and Amend Pleadings</b>	Motions must be set for hearing and heard within ____ days from the earlier of the date of the order approving this Case Management Plan or service on the last defendant, or the Motions are deemed abandoned and denied.
<b>Motions to Dismiss, Motion for More Definite Statement, Motions to Strike and any objections to the pleadings</b>	Motions must be set for hearing and heard within ____ days from the filing of the motion/objection or, if previously filed, within ____ days from the date of the order approving this Case Management Plan, or deemed abandoned and denied. Non-movant shall timely submit a proposed order if the motion/objection is deemed abandoned and denied.

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<sup>1</sup> This Case Management Plan applies to all cases not designated as complex or streamlined under Fourth Circuit Administrative Order No. 2021-21 to be resolved within 18 months per Florida Rule of General Practice and Judicial Administration 2.250.

<b>Deadline for Completion of Fact and Expert Discovery</b>	Must be completed ____ days from the date of approval of this Case Management Plan. Additional disclosure and discovery deadlines will be established by the Uniform Order Setting Pre-Trial and Trial in the case.
<b>Pre-trial Motions, including Dispositive and Daubert Motions</b>	Must be filed no later than ____ days after completing discovery and heard no later than seven (7) days prior to the pre-trial conference, or are deemed abandoned and denied.
<b>Mediation/Alternative Dispute Resolution</b>	Within 30 days from the date of approval of this Case Management Plan or after the depositions of all parties are complete, whichever is later, counsel shall meet and confer regarding whether an early mediation would be productive to resolve certain issues or the entire case. A final mediation shall occur no later than thirty (30) days after all discovery is completed.
<b>Approximate Pre-Trial Conference</b>	Approximately 3-4 weeks prior to the trial date.
<b>Approximate Trial Date</b>	18 months from the date of the order approving this Case Management Plan.

Date: \_\_\_\_\_

**Signature of Counsel and Unrepresented Parties. Counsel must state FL Bar number. Unrepresented parties must include email address for service.**

_____	_____
_____	_____
_____	_____
_____	_____



IN THE CIRCUIT COURT OF  
THE FOURTH JUDICIAL CIRCUIT, IN  
AND FOR DUVAL COUNTY, FLORIDA

CASE NO.:  
DIVISION:

Plaintiff(s)

v.

Defendant(s).

\_\_\_\_\_ /

**ORDER APPROVING CASE MANAGEMENT PLAN**

**THE COURT**, having reviewed the Case Management Plan, and finding it to be satisfactory, it is **ORDERED**:

1. **COMPLIANCE WITH THIS CASE MANAGEMENT PLAN:** The parties shall strictly comply with the terms of this Case Management Plan, unless otherwise ordered by the Court. *Failure to comply with all requirements of this order will result in the imposition of sanctions.*
2. **ADDITIONAL FOURTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the Fourth Judicial Circuit's Administrative Order 2021-21, In Re: Civil Case Management and Resolution of Cases Filed Before April 30, 2021, and any division-specific guidelines that may apply.
3. **MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation *and* Court order, according to applicable law.
4. **NOTICES FOR TRIAL:** Within ten (10) days of the case being at issue as defined by Florida Rule of Civil Procedure 1.440 or within ten (10) days from the date of this Order if the case has been at issue longer than ten (10) days, Plaintiff shall confer with opposing counsel/party regarding the anticipated length of trial and file a Notice of Trial. Plaintiff shall forward a copy of the Notice of Trial and completed Trial Set Memorandum to the Judicial Assistant at the Division email address noted on the Fourth Judicial Circuit website together with a completed trial set memorandum to schedule this case for trial pursuant to this Division's written procedures.

5. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the Florida Handbook on Civil Discovery Practice and seek to resolve discovery issues without Court intervention whenever possible.
6. **SERVICE OF THIS ORDER:** Counsel for Plaintiff is ordered to promptly serve and file proof with the Clerk, no more than five (5) business days from the date of this Order that all unrepresented parties, subsequently named or appearing in this case, have been served copies of this Order. If a party is unrepresented and has not designated an email address for purposes of electronic service, counsel for Plaintiff shall be responsible for serving the Case Management Plan and all future orders of the Court via non-electronic means (U.S. mail, Federal Express or the equivalent) and shall file a Certificate of Service with the Court indicating who was served, the date of service, and the method of service, including any address or email address used, within three (3) business days. If Plaintiff is unrepresented, Counsel for Defendant shall have this same obligation. If all parties are unrepresented, Plaintiff shall provide stamped addressed envelopes to the Court with submission of this and any other proposed Order.
7. **SETTLEMENT:** *The case will not be removed from the docket until all documents necessary for closure of the case are filed with the Clerk and notification has been provided to the Judicial Assistant. A notice of settlement is not sufficient to remove the case from the trial docket.*

**DONE** at Jacksonville, Duval County, Florida, on \_\_\_\_\_, 20\_\_.

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**CIRCUIT JUDGE**

Copies To:

**If you are a person with a disability who needs any accommodation 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 least seven (7) days before your scheduled court appearance or immediately upon receiving this notice if the time before the scheduled appearance is less than seven (7) days. If you are hearing or voice impaired, call 711.**

ADA Coordinator: Debra Marchant, Human Resources Manager, Duval County Courthouse, 501 W. Adams Street, Jacksonville, FL 32202. (904) 255-1695.