

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

_____,
Plaintiff,
vs
_____,
Defendant.
_____ /

CASE NO:

AGREED CASE MANAGEMENT PLAN AND ORDER
(GENERAL)

Pursuant to the dictates of Administrative Order AOSC20-23 of the Florida Supreme Court, and AO 24-06 Amended Eighteenth Judicial Circuit, the parties hereby submit the following Agreed Case Management Plan and Order to the Court for Approval:

Case Management Plan¹

Note: *Although not all categories of deadlines will apply to every type of case, the deadline information should not be deleted from the Case Management Plan, and no deadlines should be changed absent Court order. The only information the parties must agree on and fill in is under Section I.*

I. Trial Period Start Date and Pretrial Conference Date*

<p><i>*Not to Exceed 18 months from filing complaint</i></p> <p><i>*See 18th Circuit website for docket start dates and corresponding Pre-Trial Conference dates</i></p>	<p>Trial Period Starting: _____ (Mo/Day/Yr)</p> <p>Pre-Trial Conference date: _____ (Mo/Day/Yr)</p> <p>Jury Trial or Non-Jury Trial: _____</p> <p>Number of Trial Days: _____ Days</p>	
		<p><i>Final Date will be confirmed by Order Setting: Trial, Pre-Trial Conference, and Directing Pre-Trial Compliance</i></p>

¹ **Abbreviations:** Plaintiff=PL; Defendant=DF; Case Management Plan/Order=CMPO; Pretrial Conference=PTC

II. Initial Meet/Confer, Discovery Disclosure and Service of Process

<p>Perfect Service of Process:</p>	<p>120 days after filing complaint</p>
<p><u>Filing of Agreed Case Management Plan/Order</u></p>	<p>30 days after last DF served</p>
<p>Initial Discovery Disclosure Irrespective if any formal discovery requests are made), each party shall provide the other party(ies) the following initial discovery disclosures unless privileged or protected:</p> <ul style="list-style-type: none"> i) name, address (if known), telephone number and email address for each individual likely to have discoverable information (including the subject matter of that information) that the disclosing party may use to support its claims and defenses; ii) a copy; or description by category and location of all documents, ESI and tangible things that the disclosing party may use to support its claims and defenses; iii) a computation for each category of damages claimed by the disclosing party and a copy of any supporting documentation or evidence; iv) a copy of any insurance policy or agreement that may provide coverage indemnification for the disclosing party if found liable for a possible judgment in the action. <p><i>Unacceptable Excuses.</i> A party must make its initial disclosures based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.</p> <p><i>This requirement is in place to help facilitate the litigation process, more readily identify needs of the case, and more efficiently engage in the discovery process to ensure timely compliance with case management deadlines.</i></p>	<p>45 days after CMPO filed</p> <p><i>(Notice of Compliance shall be filed 5 days thereafter)</i></p>

III. Deadlines and Cutoff Dates²
(Calculated as days before Pretrial Conference Date)

<u>Deadlines and Cutoff Dates</u>	<u>Number of Days before Pretrial Conference</u>
<p>1) Plaintiff and Defendant(s) are to disclose potential fact witnesses (including treating physicians and/or non-retained experts)</p> <p><i>Exchanged between the parties to facilitate pre-trial discovery, but not filed with the Court. The formal Fact Witness List will be filed in accordance with Para. 10 below.</i></p>	<p>180 days prior to PTC date</p> <p><i>(Notice of Compliance shall be filed 5 days thereafter)</i></p>
<p>2) Disclosure and <u>filing</u> of Plaintiff Expert Witness List</p> <p>Regardless if Defendant propounds expert discovery, Plaintiff will disclose: Names/address; area of expertise; subject matter of expected testimony; substance of facts and opinions; summary of grounds on which opinion is based; and at least 2 available dates for deposition.</p> <p>Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial.</p>	<p>180 days prior to PTC date</p>
<p>3) Disclosure and <u>filing</u> of Defendant Expert Witness List</p> <p>Regardless if Plaintiff propounds expert discovery, Defendant will disclose: Names/address; area of expertise; subject matter of expected testimony; substance of facts and opinions; summary of grounds on which opinion is based; and at least 2 available dates for deposition.</p> <p>Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial.</p>	<p>150 days prior to PTC date</p>
<p>4) Motions to amend pleadings or add new parties, <u>filed</u> and served</p>	<p>120 days prior to PTC date</p>
<p>5) Formal identification of <i>Fabre</i> Defendants</p>	<p>120 days prior to PTC date</p>

² When calculating deadlines based on the Pre-Trial Conference date, if the deadline falls on a weekend or holiday, the deadline will be taken as the last business day prior to the deadline date. *E.g.*, if 10 days prior to the Pre-Trial Conference date falls on Saturday, March 13th, the deadline for mediation to be completed would be Friday, March 12th (not Monday, March 15th).

<p>6) Filing of Plaintiff Rebuttal Experts Regardless if Defendant propounds expert discovery, Plaintiff will disclose: Names/address; area of expertise; subject matter of expected testimony; substance of facts and opinions; summary of grounds on which opinion is based; and at least 2 available dates for deposition.</p> <p>Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial.</p>	120 days prior to PTC date
<p>7) Mediator and Mediation Date <u>agreed to</u></p>	120 days prior to PTC date
<p>8) All CME Rule 1.360 exams completed (counsel should schedule the CME as soon as Plaintiff discloses expert witnesses and not upon approaching this deadline).</p>	120 days prior to PTC date
<p>9) CME Report prepared and provided to Plaintiff (If Defendant intends to call CME Dr to testify, DF shall provide 3 available depo dates within 10 days after report)</p>	90 days prior to PTC date
<p>10) <u>Filing</u> of Plaintiff and Defendant Fact Witness List and Exhibit List</p>	90 days prior to PTC date
<p>11) Disclosure of post-accident surveillance to be used at trial</p> <p><i>Exchanged between the parties to facilitate pre-trial discovery, but not filed with the Court</i></p>	90 days prior to PTC date <i>(Notice of Compliance shall be filed 5 days thereafter)</i>
<p>12) All dispositive motions and summary judgment motions <u>filed</u> and served</p>	75 days prior to PTC date
<p>13) All expert discovery and responses completed by</p>	70 days prior to PTC date
<p>14) All Daubert motions <u>filed</u> and served</p>	60 days prior to PTC date
<p>15) Completion of Fact Discovery (including Depositions)</p>	30 days prior to PTC date
<p>16) All Daubert Motions/Expert Objections noticed and heard (Failure to do so shall constitute a waiver at Trial of any Daubert related evidence objection or issue, absent court order).</p> <p>Responsibility for scheduling the hearing shall be upon the party filing the Motion or Objection.</p>	30 days prior to PTC date

17) Disclosure of all <i>Northrup</i> impeachment materials	30 days prior to PTC date
18) Plaintiff and Defendant final disclosure of all trial witnesses (Counsel should designate which of previously disclosed witnesses they intend to call at trial) <i>Exchanged between the parties to facilitate trial preparation, but not filed with the Court</i>	20 days prior to PTC date <i>(Notice of Compliance shall be filed 5 days thereafter)</i>
19) Plaintiff and Defendant Disclosure of all trial exhibits (Counsel should designate which of previously disclosed exhibits they intend to use at trial) <i>Exchanged between the parties to facilitate trial preparation, but not filed with the Court</i>	20 days prior to PTC date <i>(Notice of Compliance shall be filed 5 days thereafter)</i>
20) All motions for summary judgment heard (Responsibility for scheduling hearing shall be upon the party filing the Motion or Objection).	20 days prior to PTC date
21) All Motions noticed and heard (except <i>Daubert</i> motions, motion for summary judgment, and motions in limine)	15 days prior to PTC date
22) Plaintiff/Defendant exchange and <u>filing</u> of Notice of Depo Designations	15 days prior to PTC date
23) Plaintiff/Defendant exchange and <u>filing</u> of objections and counter-designations to depo designations	10 days prior to PTC date
24) Mediation Completed	10 days prior to PTC date
25) Attorney Meet/Exchange/Inspect/Pretrial Stipulation Exchange/examine pre-trial exhibits, discuss settlement; determine stipulated facts and issues; prepare pre-trial statement/stipulation; complete pre-trial checklist and proposed pre-trial conference order; confirm witnesses and contact info; review video depo and exhibits to be used at trial; agree on jury instructions, verdict form, and exhibit logs	7 days prior to PTC date
26) Plaintiff/Defendant objections to depo designations notice and heard	5 days prior to trial
27) All Motions in limine noticed and heard	5 days prior to trial

WE HEREBY CERTIFY AS FOLLOWS:

- 1. All parties have met, reviewed and conferred regarding all dates in the Case Management Plan and agree to comply therewith;**
- 2. All parties have reviewed and will comply with the assigned judge's policies and procedures;**
- 3. With respect to all pretrial motion practice and objections, we acknowledge that: Within sixty (60) days from the date of filing of a Motion, the movant must coordinate with opposing counsel and either submit a proposed Agreed Order on the Motion or schedule a hearing and file a Notice of Hearing; otherwise, the Motion/objection is deemed abandoned and denied. The non-Movant shall timely submit a proposed Order in the event the Motion/objection is deemed abandoned and denied.**

Signature of Counsel Plaintiff(s)/
Pro Se Litigant

Signature of Counsel for Defendant(s)/
Pro Se Litigant

Printed Name of Counsel/Pro Litigant
Florida Bar No.: If Applicable
Email Address

Printed Name of Counsel/Pro Litigant
Florida Bar No.: If Applicable
Email Address

ORDER APPROVING AGREED CASE MANAGEMENT PLAN

THIS CAUSE having come before the Court upon the parties stipulation setting the trial period for this matter, and acknowledging the Court's deadlines and cutoff dates; or on the parties failure to timely comply with Order AOSC20-23 of the Florida Supreme Court, and AO 24-06, Amended of the Eighteenth Judicial Circuit, it is hereby:

ORDERED that the preceding trial period, pretrial conference date, deadlines and cutoff dates are applicable to this action, and that same will be strictly applied by the Court:

1. COMPLIANCE WITH THIS CASE MANAGEMENT PLAN/ORDER: The parties shall strictly comply with the terms of this Case Management Plan/Order unless otherwise ordered by the Court. **FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF SANCTIONS.**

2. ADDITIONAL EIGHTEENTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES: All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the following: (i) **Amended Administrative Order Establishing the Eighteenth Judicial Circuit Courtroom Decorum Policy (AO 09-06)**; and (ii) **any division-specific guidelines and policies that may be applicable.**

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 in accordance with applicable law.

4. **MOTIONS OR NOTICES FOR TRIAL:** Parties may file a Motion or Notice for Trial if they are ready for trial more than 120 days prior to the above-projected trial date. The Plaintiff shall confer with opposing counsel/party regarding the anticipated length of the trial and file a Motion or Notice for Trial. The Plaintiff shall forward a copy of the Motion or Notice for Trial to the Case Manager at the email address noted on the Eighteenth Judicial Circuit website.

5. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with each Division's Policies and Procedures, 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 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 *pro se* parties, subsequently named or appearing herein, have been served copies of this Order. In the event a party is unrepresented and has not designated an email address for purposes of electronic service, counsel for Plaintiff shall be responsible for serving this Order and all future orders of the Court via a 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 used) within three (3) business days. If Plaintiff is unrepresented, Counsel for the Defendant shall have this same obligation. If all parties are unrepresented, the Plaintiff shall provide stamped addressed envelopes to the Court with submission of this and any other proposed Order.

DONE AND ORDERED this ____ day of _____, _____, in Brevard County, Florida.

CIRCUIT JUDGE

A true and correct copy of the foregoing was distributed to all parties by filing and service via the eportal to all attorney(s)/interested parties identified on the eportal Electronic Service List.



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 in your county 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.