

**PRETRIAL CONFERENCE CHECKLIST** Case No.

05-20\_\_-CA-0\_\_\_\_\_ -XXXX

Pretrial Conference Date: \_\_\_\_\_

Has the Trial been previously continued? Yes \_\_\_ / No \_\_\_

Is case to be set for a Jury Trial or a Non-jury Trial? (please notate below)

\_\_\_\_\_ Jury Trial \_\_\_\_\_ Non-Jury Trial

Estimated Length of Trial: in Hours \_\_\_ or Days \_\_\_

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**I. PARTIES and ATTORNEYS**

a) **PLAINTIFF(s):**

Plaintiff (1) \_\_\_\_\_  
(Print Plaintiff 1 Name)

Designated Lead Trial Counsel \_\_\_\_\_  
(Print Counsel Name)

Plaintiff (2) \_\_\_\_\_  
(Print Plaintiff 2 Name)

Designated Lead Trial Counsel \_\_\_\_\_  
(Print Counsel Name)

Plaintiff (3) \_\_\_\_\_  
(Print Plaintiff 3 Name)

Designated Lead Trial Counsel \_\_\_\_\_  
(Print Counsel Name)

b) **DEFENDANT(s):**

Defendant (1) \_\_\_\_\_  
(Print Defendant 1 Name)

Designated Lead Trial Counsel \_\_\_\_\_  
(Print Counsel Name)

Defendant (2) \_\_\_\_\_  
(Print Defendant 2 Name)

Designated Lead Trial Counsel \_\_\_\_\_  
(Print Counsel Name)

Defendant (3) \_\_\_\_\_  
(Print Defendant 3 Name)

Designated Lead Trial Counsel \_\_\_\_\_  
(Print Counsel Name)

**II. MEDIATION and SETTLEMENT**

a) Mediation has been completed: Yes\_\_\_ / No\_\_\_

If answer is no, why not? \_\_\_\_\_

\_\_\_\_\_

If answer is **no**, when is mediation scheduled for? \_\_\_\_\_

**Note:** Parties acknowledge and agree to promptly notify the Court in the event a settlement is reached.

**III. JOINT PRETRIAL STIPULATION**

a) Pretrial Meeting including admissibility conference about evidence completed? Yes\_\_\_ / No\_\_\_

If answer is no, when is the meeting scheduled? \_\_\_\_\_

b) Was a Joint Pretrial Stipulation (“JPTS”) filed? Yes\_\_\_ / No\_\_\_

If not yet filed, when will it be filed? \_\_\_\_\_

c) If JPTS not yet filed, please provide a brief statement as to the nature of the controversy, including a general statement as to each party’s position thereto (for instance: claim for negligence; breach of contract; affirmative defenses; and counterclaims).

(i) Plaintiff’s / Plaintiffs’ position:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(ii) Defendant’s / Defendants’ position:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**IV. DISCOVERY**

a) Has all fact discovery has been completed? Yes\_\_\_ / No\_\_\_  
If not completed, what discovery is pending and when will it be completed?

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b) Have all expert discovery - including any third-party defendant expert depositions - have been completed? Yes\_\_\_ / No\_\_\_  
If answer is **no**, what expert discovery is pending and when will it be completed?

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**V. PRETRIAL MOTIONS**

a) All Daubert / Expert Witness Related Motions addressed? Yes / No  
If not addressed, identify the pending motion(s) and whether they were timely filed:

Pending motion (1): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_  
Pending motion (2): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_  
Pending motion (3): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_

b) All dispositive motions, including but not limited to, motions for Summary Judgment or the defense of "failure to state a cause of action" pursuant to Rule 1.140(h)(2) filed and addressed? Yes\_\_\_ / No\_\_\_  
If not addressed, identify the pending motion(s) and whether they were timely filed:

Pending motion (1): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_  
Pending motion (2): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_  
Pending motion (3): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_

c) All Motions in Limine been filed and addressed? Yes\_\_\_ / No\_\_\_  
If not addressed, identify the pending motion(s) and whether they were timely filed:

Pending motion (1): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_  
Pending motion (2): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_  
Pending motion (3): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_

d) Are there any other pending motion(s); special provisions, accommodations, or concerns not identified above? Yes\_\_\_ / No\_\_\_  
If yes, identify any such pending motion(s), special provisions, accommodations, or concerns, and whether they were timely filed:

Pending motion (1): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_

Pending motion (2): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_

Pending motion (3): \_\_\_\_\_; timely filed: Yes\_\_\_ / No\_\_\_

e) Have all Rule 1.360 Examinations been completed? Yes\_\_\_ / No\_\_\_ NA \_\_\_  
If applicable and not yet completed, what examination(s) pending and anticipated completion date?

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f) Have all Deposition Designations, Counter Designations, objections and completeness concerns been timely exchanged in writing? Yes\_\_\_ / No\_\_\_  
If not, when will the deposition designations, objections, and completeness concerns be exchanged? \_\_\_\_\_

g) Any pending written Request(s) for Judicial Notice with timely notice to adverse parties, proof of which is filed with the Court? Yes\_\_\_ / No\_\_\_  
If answer is yes, identify any such pending Request(s):

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

h) Have all Northrup Impeachment Materials been disclosed? Yes\_\_\_ / No\_\_\_  
If answer is no, when will such materials be identified, disclosed, and exchanged?

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**VI. PRELIMINARY TRIAL ISSUES**

- a) Court Reporter to be furnished by: Plaintiff \_\_\_ / Defendant \_\_\_  
- Costs to be shared? Yes \_\_\_ / No \_\_\_
- b) Is an Interpreter needed? Yes \_\_\_ / No \_\_\_  
- If yes, what language? \_\_\_\_\_  
- Interpreter to be retained by: Plaintiff \_\_\_ / Defendant \_\_\_

**VII. WITNESS LIST**

- a) Plaintiff's fact witness list:

Number of Plaintiff (1)'s witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Plaintiff (2)'s witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Plaintiff (3)'s witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

- b) Defendant's fact witness list:

Number of Defendant (1)'s witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Defendant (2)'s witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Defendant (3)'s witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

- c) Plaintiff's Expert witness list:

Number of Plaintiff (1)'s expert witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Plaintiff (2)'s expert witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Plaintiff (3)'s expert witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

- d) Defendant's Expert witness list:

Number of Defendant (1)'s expert witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Defendant (2)'s expert witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

Number of Defendant (3)'s expert witnesses: \_\_\_\_; listed in JPTS? Y \_\_\_ / N \_\_\_

**VIII. TRIAL EXHIBITS**

a) Is courtroom technology equipment needed during the trial? Yes\_\_\_ / No\_\_\_

b) Parties have agreed demonstrative aids; charts; illustrations; maps; diagrams; and PowerPoint presentations to be used in Opening Statement or during Trial will be pre-mark for identification and made available to opposing counsel for review prior to the first day of trial. Yes\_\_\_ / No\_\_\_

Note: If answer is no or if an objection is raised, the party seeking to use such evidence shall bring it to the Court's attention for a ruling prior to the first day of trial.

c) Plaintiff's Exhibit List:

Number of Plaintiff (1)'s exhibits: \_\_\_\_\_; listed in JPTS? Yes\_\_\_ / No\_\_\_

- Exhibit (s) pre-marked for identification with letters and listed on Exhibit List to be given to the Trial Clerk? Yes\_\_\_ / No\_\_\_

Number of Plaintiff (2)'s exhibits: \_\_\_\_\_; listed in JPTS? Yes\_\_\_ / No\_\_\_

- Exhibit (s) pre-marked for identification with letters and listed on Exhibit List to be given to the Trial Clerk? Yes\_\_\_ / No\_\_\_

Number of Plaintiff (3)'s exhibits: \_\_\_\_\_; listed in JPTS? Yes\_\_\_ / No\_\_\_

- Exhibit (s) pre-marked for identification with letters and listed on Exhibit List to be given to the Trial Clerk? Yes\_\_\_ / No\_\_\_

d) Defendant's Exhibit List:

Number of Defendant (1)'s exhibits: \_\_\_\_\_; listed in JPTS? Yes\_\_\_ / No\_\_\_

- Exhibit (s) pre-marked for identification with letters and listed on Exhibit List to be given to the Trial Clerk? Yes\_\_\_ / No\_\_\_

Number of Defendant (2)'s exhibits: \_\_\_\_\_; listed in JPTS? Yes\_\_\_ / No\_\_\_

- Exhibit (s) pre-marked for identification with letters and listed on Exhibit List to be given to the Trial Clerk? Yes\_\_\_ / No\_\_\_

Number of Defendant (3)'s exhibits: \_\_\_\_\_; listed in JPTS? Yes\_\_\_ / No\_\_\_

- Exhibit (s) pre-marked for identification with letters and listed on Exhibit List to be given to the Trial Clerk? Yes\_\_\_ / No\_\_\_

e) Does Plaintiff seek to use Deposition Transcripts, Answers to Interrogatories, and Responses to Request(s) for Admissions which have in the Court's file to be published during the case in chief or used for impeachment?

Plaintiff (1): Yes\_\_\_ / No\_\_\_  
If not filed when expected to be filed? \_\_\_\_\_

Plaintiff (2): Yes\_\_\_ / No\_\_\_  
If not filed when expected to be filed? \_\_\_\_\_

Plaintiff (3): Yes\_\_\_ / No\_\_\_  
If not filed when expected to be filed? \_\_\_\_\_

f) Does Defendant seek to use Deposition Transcripts, Answers to Interrogatories, and Responses to Request(s) for Admissions which have in the Court's file to be published during the case in chief or used for impeachment?

Defendant (1): Yes\_\_\_ / No\_\_\_  
If not filed when expected to be filed? \_\_\_\_\_

Defendant (2): Yes\_\_\_ / No\_\_\_  
If not filed when expected to be filed? \_\_\_\_\_

Defendant (3): Yes\_\_\_ / No\_\_\_  
If not filed when expected to be filed? \_\_\_\_\_

**IX. STIPULATIONS, ADMISSIONS, AGREEMENTS AND WAIVERS**

a) Have all Stipulations, Admissions, Agreements and Waivers been reduced to writing to ensure enforcement and incorporated in the Joint Pretrial Stipulation (JPTS)? Yes\_\_\_ / No\_\_\_  
If answer is no, when will they be prepared and filed? \_\_\_\_\_

(i) Agreement regarding Evidentiary Stipulations i.e. authenticity and waiver of records custodians; medical records, etc.? Yes\_\_\_ / No\_\_\_

(ii) Agreement regarding Authentication of documentary evidence deemed to be authentic, and no authentication witness required? Yes\_\_\_ / No\_\_\_

b) Order of Witness Trial Testimony: Parties acknowledge and agree that prior to the commencement of the trial, the Court and to the opposing party shall be advised as to the name(s) of the witness(es) who would be testifying on that day. Thereafter, at the end of each day of the trial, the Court and opposing party shall be advised as to the name(s) of the witness(es) who would be testifying the next day. Yes\_\_\_ / No\_\_\_

c) Notification as to exhibits to be offered in evidence: Parties acknowledge and agree that prior to the commencement of the trial, party seeking to offer into evidence documents or other tangible exhibits will notify the Court and to the opposing party by listing said exhibits that day. Then, at the conclusion of evidence each day of the trial, the Court and opposing party shall be advised as to the list of documents and other tangible exhibits sought to be offered in evidence the next day of trial. Yes \_\_\_ / No \_\_\_

**X. TRIAL BRIEFS:**

Trial Briefs are not required. However, if a party elects to submit a trial brief a courtesy copy must be delivered to Judge's chambers at least three (3) business days before the actual trial date. Does a party wish to submit a trial brief?

- Plaintiff (1) Yes \_\_\_ / No \_\_\_
- Plaintiff (2) Yes \_\_\_ / No \_\_\_
- Plaintiff (3) Yes \_\_\_ / No \_\_\_
  
- Defendant (1) Yes \_\_\_ / No \_\_\_
- Defendant (2) Yes \_\_\_ / No \_\_\_
- Defendant (3) Yes \_\_\_ / No \_\_\_

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**XI. ADDITIONAL MATTERS RELATING TO JURY TRIALS**

a) Statement of the Case to be read to venire is contained in the Joint Pretrial Stipulation: Yes \_\_\_ / No \_\_\_  
If answer is **no**, when will one be provided to the Court? \_\_\_\_\_

b) Agreement as to giving Substantive Jury Instructions as to the law prior to the Opening Statements? Yes \_\_\_ / No \_\_\_

c) Proposed set of Jury Instructions and Verdict Forms have been filed with the Clerk and submitted to the Court at the PTC? Yes \_\_\_ / No \_\_\_  
If answer is **no**, then when will the standard jury instructions and verdict forms be filed with the Clerk and submitted to the Court? \_\_\_\_\_

d) Any special jury instructions requested? Yes \_\_\_ / No \_\_\_  
If answer is **yes**, have the instruction been filed with the Clerk and given to the Court at the PTC? Yes \_\_\_ / No \_\_\_  
If answer is **no**, when will one be provided to the Court? \_\_\_\_\_



e) How many prospective Jurors are requested for the Venire? \_\_\_\_\_

f) Number of Peremptory Challenges per side:

- Number of Peremptory Challenges for Plaintiff (1)? \_\_\_\_\_

- Number of Peremptory Challenges for Plaintiff (2)? \_\_\_\_\_

- Number of Peremptory Challenges for Plaintiff (3)? \_\_\_\_\_

- Number of Peremptory Challenges for Defendant (1)? \_\_\_\_\_

- Number of Peremptory Challenges for Defendant (2)? \_\_\_\_\_

- Number of Peremptory Challenges for Defendant (3)? \_\_\_\_\_

g) Peremptory Challenges per side as to the Alternate Juror(s):

- Number of Peremptory Challenges for Plaintiff (1) \_\_\_\_\_

- Number of Peremptory Challenges for Plaintiff (2) \_\_\_\_\_

- Number of Peremptory Challenges for Plaintiff (3) \_\_\_\_\_

- Number of Peremptory Challenges for Defendant (1) \_\_\_\_\_

- Number of Peremptory Challenges for Defendant (2) \_\_\_\_\_

- Number of Peremptory Challenges for Defendant (3) \_\_\_\_\_

**Please Note:** Court does allow for back strikes

h) Time Limit for Voir Dire per side: minutes \_\_\_\_ or hour(s) \_\_\_\_

i) Time Limit for Opening Statement per side: minutes \_\_\_\_ or hour(s) \_\_\_\_

j) Time Limit for Closing Statement per side: minutes \_\_\_\_ or hour(s) \_\_\_\_  
(Plaintiff(s) is entitled to divide this time between an opening argument and a rebuttal argument)

k) Note Taking by jurors: Parties agree jurors could take notes during the trial. Yes \_\_\_\_ / No \_\_\_\_

l) Questions posed by Jurors during trial: Parties agree for jurors to submit questions during the trial. Yes \_\_\_\_ / No \_\_\_\_

m) Deposition Testimony: Each party agrees to disclose to the other prior to the first day of the trial all deposition testimony, including page and line number, intended to be published to the jury. Yes \_\_\_\_ / No \_\_\_\_

**Please note:** Any objection in this regard will be heard to prior to the first day of trial and if good cause is shown the Court will address the issue either before the jury is summoned into the courtroom the morning of the first day of trial or after the jury is excused for the mid-day or evening recess.

## **XII. ACKNOWLEDGEMENT**

We, the above-named counsel of record acknowledges and hereby agree to comply with the timelines; directives; instructions; and obligations discussed at the Pretrial Conference of this action and as set forth above which is memorialized in this pretrial conference checklist. Yes \_\_\_ / No \_\_\_

### **ATTN: PERSONS WITH DISABILITIES.**

“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 Court Administration, 2825 Judge Fran Jamieson Way, 3rd floor, Viera, Florida, 32940-8006, (321) 633-2171 ext. 2 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.”

If an attorney calls for the information for their pleadings, it can be found on the main web page (near the Chief’s picture): [flcourts18.org](http://flcourts18.org)

If you would like to cut and paste the wheelchair icon to your notices, feel free however, it is not required.

