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

 CASE NO.: 2021-CC-

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 Plaintiff,

vs.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Defendant.

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

# CASE MANAGEMENT ORDER / ORDER SETTING DISCOVERY COMPLETION DATES / ORDER REQUIRING PARTIES TO SCHEDULE, ATTEND AND CONCLUDE A MEDIATION CONFERENCE / ORDER REQUIRING BOTH PARTIES TO SCHEDULE A PRE-TRIAL CONFERENCE / ORDER SCHEDULING TIMEFRAME FOR TRIAL DATES

PURSUANT TO SUPREME COURT OF FLORIDA ADMINISTRATIVE ORDERS NO. AOSC20-23, AMENDMENT 11 AND AMENDMENT 12, DATED MARCH 9, 2021, AND APRIL 13, 2021, EIGHTEENTH JUDICIAL CIRCUIT AO-21-24, THE FLORIDA RULES OF CIVIL PROCEDURE 1.200, 1.201, AND 1.440, AND THE FLORIDA RULES OF GENERAL PRACTICE AND JUDICIAL ADMINISTRATION 2.545(a), (b) and (e), It is Hereby;

**BY ORDER OF THE COURT THE FOLLOWING REQUIREMENTS ARE IMPOSED ON ALL PARTIES TO THIS CASE:**

REQUIREMENTS OF THIS CASE MANAGEMENT ORDER, ORDER SETTING DISCOVERY COMPLETION DATES, ORDER REQUIRING PARTIES TO SCHEDULE, ATTEND AND CONCLUDE A MEDIATION CONFERENCE, AND ORDER SCHEDULING PRE-TRIAL CONFERENCE AND TRIAL DATES ARE MANDATORY, CANNOT BE WAIVED BY STIPULATION OF THE PARTIES, AND ANY STIPULATION PURPORTING TO WAIVE THE REQUIREMENTS OF THESE ORDERS IS VOID ABSENT ORDER OF THIS COURT.

1. That this Case Management Order, Order Setting Discovery Completion Dates, Order Requiring parties to Schedule and Attend and Conclude Mediation Conference, and Order Scheduling Pre-trial Conference and Trial Dates **must be served by the Plaintiff(s) with the Summons and Complaint on all Defendants**.

2. That the Complaint must be served on all parties no later than **120 days** from the date of the filing of the Complaint. If any extension or enlargement of time for service of process of the Complaint is requested, the Court will consider all factors involved and relevant facts but no extension will be granted beyond 180 days from the date of the filing of the Complaint absent emergency situations.

3. All new parties must be added by the Plaintiff no more than **45 days** following service of the Answer on any Defendant. All new parties must be added by any Defendant no more than **45 days** after service of the Complaint upon that Defendant.

4. A **Pre-trial Conference** pursuant to Fla. R. Civ. P. 1.200 to consider all matters suggested therein to facilitate the orderly disposition of this case will be held before the Presiding Judge. The Pretrial Conference must be scheduled no more than **420 days** from the date on which the Complaint is filed with the Clerk of the Court (unless that date falls on a Saturday, Sunday, or legal holiday, in which case the Pre-trial Conference shall be held on the next business day). Each party should be represented at said Conference by the attorney(s) who expects to conduct the actual Trial of this cause. Parties are encouraged to appear in person for the Pretrial Conference although virtual appearances through the Microsoft Teams system are permitted.

5. That the Plaintiff(s) as well as the Defendant(s) shall, at least **20 days** prior to the Pre-trial Conference, file with the Clerk of the County Court and serve a copy on each other of a Pre-trial Statement signed by the attorney for the Plaintiff(s) and by either the attorney for each of the Defendants, if they are represented, or by the Defendant(s) her/himself if unrepresented, which shall contain:

a. A concise statement of the cause of action sued upon (including nature of the action, date and place of accrual, and identity of the parties as they relate to the action) and a concise statement of any counterclaim, cross-claim or third party claim contained in this action.

b. An accurate, complete and concise statement of the issues to be tried in this case.

c. A schedule of exhibits to be offered at Trial, each numbered consecutively, e.g. Plaintiff’s or Defendant’s Pre-Trial Exhibit No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. All bills and similar documentary exhibits not at least 8 1/2 x 11 in size shall be neatly stapled to 8 1/2 x 11 white bond paper. All exhibits shall be brought to the Pre-Trial Conference.

d. A complete list of all non-expert witnesses, from whom testimony will be presented at the Trial, together with the physical address, email address and telephone of each witness (which list may be re-opened for good cause with immediate notice to opposing counsel). Witnesses MUST be listed by actual NAME of the witness, and not by designation (i.e., use of such designations as “Corporate Representative,” “Records Custodian,” and “Adjustor” standing alone is insufficient). Only those witnesses listed by NAME shall be permitted to testify at Trial absent extraordinary circumstances.

e. A complete list of all expert witnesses from whom testimony will be presented at the Trial, with the CV of each expert witness attached thereto, and the physical address, email address, and telephone of each expert witness (which list may be re-opened for good cause with immediate notice to opposing counsel). Witnesses MUST be listed by actual NAME of the witness, and not by designation (i.e., use of such designations as “IME Doctor” or “Accident Reconstruction Expert” standing alone is insufficient).

f. A statement containing the following information:

1. Whether a settlement demand has been made, if so, the date last such demand was made.

2. Whether opposing parties have made an offer to said settlement demand, if so, date last such settlement offer was made.

3. Whether you consider settlement possibility to be good, fair, poor or nil.

g. A good faith estimate of the time required to try your portion of the case.

h. At the time of the Pre-trial Conference, the parties shall further be prepared to discuss all of the items set forth in Fla. R. Civ. P. 1.200(b).

6. Counsel shall be fully prepared to advise the Court at the Pre-Trial Conference of the precise objection(s) it has to each of opposing counsel’s exhibits, based upon counsel’s prior review of these exhibits as required in Paragraph 6(c) above.

 7. All paper discovery shall be instituted and completed on or before **150 days** following the filing of an Answer or the first response to the Complaint by any Defendant absent further Order of the Court.

8. The deadline for completion of all discovery other than depositions under oath shall be on or before **240 days** from the filing of an Answer or the first response to the Complaint by any Defendant absent further Order of the Court.

9. All depositions under oath, including those of expert witnesses shall be noticed and completed on or before **360 days** from the date on which the Complaint is filed with the Clerk of the Court (unless that date falls on a Saturday, Sunday, or legal holiday, in which case all depositions under oath shall be noticed and completed on the next business day), absent further Order of the Court.

10. All witness lists and exhibit lists shall be exchanged on or before **120 days** from the filing of an Answer or the first response to the Complaint by any Defendant absent further Order of the Court. Witnesses MUST be listed by actual NAME of the witness, and not by designation (i.e., use of such designations as “Corporate Representative,” “Records Custodian,” “Adjustor,” or “IME Doctor” standing alone is insufficient).

11. All Motions and Objections directed to the pleadings, including Motions to Dismiss, shall be filed within **60 days** of the filing of an Answer or the first response to the Complaint by any Defendant, and be noticed for Hearing within **120 days** of the filing of an Answer or the first response to the Complaint by any Defendant. Responsibility for scheduling of the Hearing shall be upon the party filing the Motion or Objection. Any Motion or Objection directed to the pleadings which does not comply with these time limits shall be deemed waived or abandoned absent good cause shown. Matters constituting good cause shown shall be limited to those matters unforeseen upon exercise of due diligence. Attorney workload and staffing issues, standing alone, shall not constitute grounds for a claim of good cause.

12. All Daubert related issues (Section 90.702, Florida Statutes) shall be filed, noticed for Hearing, and heard by the Court no later than **30 days** prior to the Pre-trial Conference. Failure to do so shall constitute a waiver at Trial of any Daubert related evidence objection or issue.

13. All other Motions shall be filed, noticed for Hearing, and heard by the Court prior to the Pre-Trial Conference, other than Motions in Limine.

**14. Counsel for the Plaintiff(s) and Counsel for the Defendant(s) will submit to each other no later than one day prior to the Pretrial Conference a complete set of proposed Jury Instructions and proposed Verdict Form. Counsel shall confer with one another prior to the Pre-Trial Conference in order to come to agreement as to said Instructions and Verdict Form. At the Pre-Trial Conference, the Court will rule on any issues that counsel have not agreed upon**.

**15. Mediation must be scheduled and concluded prior to the date of the Pre-Trial Conference.** It shall be the responsibility of the Plaintiff(s) to schedule this Mediation Conference and take reasonable actions to coordinate the Mediation Conference with the Defendant(s). If the Defendant(s) are unrepresented, as the moving party, the Plaintiff(s) is responsible for scheduling a Mediation Conference with a qualified Mediator, noticing the Defendant(s) for the Mediation Conference, and paying at least one-half of the cost for the Mediator’s charges. In the event that the Defendant(s) fails or refuses to pay its half of the Mediator’s reasonable fees, the Plaintiff(s) shall pay all of the Mediator’s reasonable fees and one-half of the Mediator’s fees shall be a taxable cost to be paid by the Defendant(s) to the Plaintiff regardless of the outcome of the Trial in this case.

Notwithstanding the above, either party may object to Mediation on grounds of financial hardship or on any ground set forth in Florida Rules of Civil Procedure 1.700(b).

FAILURE TO MEDIATE IN GOOD FAITH OR TO ATTEND THE PRETRIAL CONFERENCE MAY RESULT IN DISMISSAL OF THE COMPLAINT OR COUNTER-COMPLAINT OR DEFAULT AGAINST THE ANSWERING PARTY.

**16. Counsel for the Plaintiff(s) shall file a Case Status Report with the Clerk of the Court no later than 360 days after filing of the Complaint in this case.** This Case Status Report shall include information on the status of the pleadings in the case, the core issues to be resolved by the Court of a jury in this case, the discovery already completed in the case, the discovery yet to be completed in the case and dates therefore, the outstanding Motions in the case, and any facts stipulated between the parties in the case.

**17. Jury Selection and/or date(s) for Trial will be scheduled at the Pretrial Conference and be held within 120 days of the Pretrial Conference absent further Order of the Court.** A firm Trial date will be ordered earlier than this pursuant to Florida Rule of Civil Procedure 1.440, if a party notices the case for Trial.

18. All parties are on notice that the deadlines established in this Order will be strictly enforced by the Court as required by the Florida Supreme Court and the Rules of General Practice and Judicial Administration.

19. No continuances will be granted without Court Order upon written motion setting forth extraordinary cause and supported by client’s written consent (unless counsel has lost contact with the client) as required by Rule 2.545(e).

20. Upon failure of either side to comply with the provisions of this Order, the Court will avail itself of such penalty provisions as may be provided by law.

21. When appropriate, counsel are encouraged to file memoranda of law before Trial and serve copies on opposing counsel or unrepresented parties.

22. The purpose of this Order is to facilitate a fair and speedy Trial in this action. Counsel shall communicate with each other in a timely manner and otherwise respond in good faith to this Case Management Order.

23. **ANY PARTY TO THIS ACTION MAY MOVE TO REQUEST THAT THIS CASE BE CHARACTERIZED AS COMPLEX LITIGATION, AS SET FORTH IN RULE 1.201 OF THE FLORIDA RULES OF CIVIL PROCEDURE, OR AS STREAMLINED LITIGATION, TO EXTEND OR REDUCE THE TIMES SET FORTH HEREIN.**

 **DONE and ORDERED** in Chambers at \_\_\_\_\_\_\_\_\_\_\_, Brevard County, Florida DDDD

JJJJ

***“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.”***

**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.**