

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT
OF FLORIDA

ADMINISTRATIVE ORDER NO:
23-10
SUPERSEDES 21-24 2ND
AMENDED

IN RE: CIVIL - CASE MANAGEMENT

WHEREAS, the World Health Organization (WHO), has declared the Coronavirus Disease 2019 (COVID-19), a global pandemic; and Florida Governor Ron DeSantis on March 1, 2020, by Executive Order No.: 20-51, directed the State Health Officer and Surgeon General, Dr. Scott Rivkees to declare a public emergency in the State of Florida pursuant to F.S. 381.00315; and

WHEREAS, on April 6, 2020, Chief Justice Charles T. Canady issued Administrative Order No. AOSC20-23, In Re: COVID-19 Emergency Procedures in the Florida State Courts, requiring Chief Judges to continue ongoing planning and authorizing the use of mitigating measures to address the effects of COVID-19; which has been amending, extending, refining, and strengthening previously enacted temporary remedial measures; on May 4, 2020, Chief Justice Charles T. Canady issued Amendment 1 to Administrative Order AOSC20-23; and Chief Justice Charles T. Canady issued Amendment 2 on May 21, 2020, providing the four phases for court proceedings; Chief Justice Canady issue AOSC20-32 Amend. 2 on July 2, 2020, providing the five benchmark criteria established in the report, and finalized development of an operational plan; and Chief Justice Charles T. Canady issued Amendments 5, 6, 7, 8 and 9 to AOSC20-23 from July 2, 2020, through February 17, 2021 to Administrative Order No. AOSC20-23, In Re: Comprehensive COVID-19 Emergency Measures for the Florida State Courts extending, refining, or modifying deadlines and courtroom procedures; and

WHEREAS, on March 9, 2021, Chief Justice Charles T. Canady issued Amendment 10 to Administrative Order No. AOSC20-23, which provides for case management of all civil cases and requiring the circuits to evaluate the type of cases and to set forth case management deadlines in each case according to the guidelines provided; and

WHEREAS, pursuant to section 40.001, Florida Statutes, the Chief Judge of each judicial circuit is vested with overall authority and responsibility for the management, operation, and oversight of the jury system within his or her circuit, and section 905.01, Florida Statutes, requires the Chief Judge to regularly convene the grand jury for a term of 6 months; and

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, the procedures established herein will improve the court's ability as required by Fla. R. Jud. Admin. 2.545, to provide effective early and continuous control of case processing to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case and to respond to the growing number of commercial, business, and other economic based civil filings having a direct impact on economic recovery in the circuit; and

WHEREAS, pursuant to the Chief Judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and considering available resources to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the Chief Judge is required to provide direction, *see*, Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

In accordance with the authority vested in the Chief Judge by Article V, section 2(d) of the Florida Constitution, sections 40.001, 43.26, and 905.01, Florida Statutes, and Fla. R. Jud. Admin. 2.215, it is hereby **ORDERED and ADJUDGED** effective immediately unless otherwise provided herein:

1. Each civil case shall be reviewed by the Court to determine whether it is streamlined, or general. This Order does not apply to any civil case designated as complex under Fla. R. Civ. Proc. 1.201 or to any in rem proceeding filed pursuant to Fla. Stat. §§ 932.701-932.7062 the "Florida Contraband Forfeiture Act."
2. For cases filed before April 30, 2021, which contain a trial order, there is no further order required as deadlines are set forth in the trial order and are compliant with AOSC20-23 Amend. 10.
3. For cases filed before April 30, 2021, which contain a Case Management Order, the parties shall meet and agree to the required deadlines if they were not agreed upon at the case management conference in order to be compliant with AOSC20-23 Amend. 10. The parties shall file the Case Management Order in the eportal for the judge's signature with the agreed upon dates.
4. For cases filed after April 30, 2021, each Plaintiff is to review the case upon initial filing in circuit court and determine whether it is a streamlined or general civil case.
 - a. **Streamlined** cases will be
 - i. few parties
 - ii. non-complex issues related to liability and damages
 - iii. few anticipated pretrial motions
 - iv. limited need for discovery
 - v. few witnesses
 - vi. minimal documentary evidence
 - vii. anticipated trial length of less than two days
 - viii. non-jury trial is sought by the parties
 - ix. and have been identified according to the following case types and sub-types (consistent with designation on the Initial Cover Sheet required at filing)

1. In Circuit Court: any foreclosure case, Ch. 718 Condominium Association lawsuit, constitutional challenge, and any circuit civil case where a jury trial is not demanded other than Family or Probate case.
 2. In County Court: any replevin, and any small claims cases where there is an approved request for the application of the Florida Civil Rules of Procedure, any personal injury protection case, and any first party insurance case windshield case.¹
- b. All other Circuit Civil or County Civil cases shall be designated as a general civil case unless the Presiding Judge on its own motion, or upon the motion of a party, designates the case as complex under Fla. R. Civ. P. 1.201. Upon such designation, the action shall proceed as provided in that rule.
 - c. If designated a complex civil case, the case shall proceed as provided by Rule 1.201, Fla. R. Civ. P.

CIRCUIT COURT

5. **Circuit Civil cases filed after April 30, 2021** - Plaintiff shall, at the outset and based on the definitions in paragraph 4 above, determine the applicable form of Case Management Plan and Order (General or Streamlined). Plaintiff shall file the applicable form Case Management Plan and Case Management Order in the case at the same time as the civil cover sheet, complaint, and summons(es) to be served upon all defendants. Electronic versions of the Case Management Order and Case Management Plan for Streamlined and General civil cases can be found on the website for the Eighteenth Judicial Circuit.
6. For all Circuit Civil cases, the Clerk of Court is directed not to issue summons in any case in which the form Case Management Plan and Case Management Order has not been filed with the Complaint. The Clerk of Court shall notify the filer that the summons is not being accepted for filing until the form Case Management Plan and Case Management Order has been filed. Any party serving an initial pleading (complaint, third-party complaint, etc.) in the case shall serve a copy of the appropriate Case Management Plan and Case Management Order together with initial service of process to each defendant.
7. The completed Case Management Plan (signed by the parties) and Case Management Order shall be electronically submitted through the eportal to the Court for the judge's signature within 30 days of the date the last defendant is served.
8. The Case Management Plan and Case Management Order specifies, at a minimum, the recommended deadlines for:
 - a. deadline for service of complaints,

¹ Pursuant to Supreme Court's Admin order "civil cases" "**does not include actions subject to section 51.011, Florida statutes.** See Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts **except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply.**"); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); **and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).**

- b. deadline for service under extensions, and adding new parties,
- c. the deadlines by which fact and expert discovery shall be completed,
- d. the deadlines all objections to pleadings and pretrial motions shall be resolved,
- e. the deadline for all dispositive motions, including *Daubert* motions, and motions for summary judgment, shall be resolved,
- f. the deadline mediation shall have occurred,
- g. the projected date of trial.²

The Case Management Plan and Order indicates the deadlines established in the order will be strictly enforced by the court; and a trial order will be ordered by the presiding judge closer to the proximity of the trial period within 120 days of the trial date.

9. Parties seeking to have a case designated as complex shall initially file and serve the Case Management Plan and Case Management Order (General) and thereafter comply with Florida Rule of Civil Procedure Rule 1.201(a) by filing an appropriate motion to declare the case complex.
10. **Circuit Civil cases filed before April 30, 2021**, for each Circuit Civil case where a Trial Order or Case Management Order has not been issued, the Court shall issue a Notice of Case Management Order Requirement to the parties requiring the parties to meet and confer and agree upon a Case Management Plan. Parties must use the applicable Case Management Plan and Case Management Order (Streamlined attached as Exhibit “A” or General attached as Exhibit “B” to this Administrative Order) and submit the signed completed Case Management Plan and completed Case Management Order with the deadlines to the presiding judge for review and approval. Electronic versions of the form Case Management Plan and Case Management Order shall be available on the website for the Eighteenth Judicial Circuit.
11. Should the parties fail to agree on the Case Management Plan/Order for Circuit Civil cases as outlined by the applicable deadlines in the attached Exhibits, the case will proceed as decided by the court as outlined below in the applicable Case Management Plan. Matters that arise out of the parties’ attempts to agree on the Case Management Plan and Order will **NOT** be heard at the Court’s Hearing Calendar.
12. **For all newly filed Circuit Civil cases**, the plaintiff shall file an affidavit of service for each defendant upon serving that defendant. In addition, Notice of Service of Process demonstrating the status of Service of Process for all defendants in that action shall be filed 45 days from the filing of the action. If all named defendants have not been served within 45 days of the time of filing of the initial Notice of Service of Process, an additional Notice of Service of Process shall be filed once all defendants are served. The plaintiff is required to file the Notice of Service of Process and forward it to the case managers. The case managers will review pleadings and case events 60 days after filing of the action and summons issued for identification of proper service of all named defendants. In cases where summons(es) has been issued but there has not been proper service or a responsive

² The trial period shall be the trial period on the presiding judge’s calendar immediately following the projected trial date

pleading filed by all defendants within 120 days, case managers will prepare a Notice of Intent to Dismiss that/those defendant(s).

13. After the last defendant has been served, the parties shall meet and confer and agree upon a Case Management Plan prior to the expiration of 30 days from service of process. Parties must use the applicable Case Management Plan (attached as Exhibit “A” or Exhibit “B” to this Administrative Order) and submit the signed completed Case Management Plan and completed Case Management Order (also attached as part of Exhibit “A” or Exhibit “B” to this Administrative Order) with the deadlines/time frames filled in to the presiding judge for review and approval.³ Electronic versions of the form Case Management Plan and Case Management Order shall be available on the website for the Eighteenth Judicial Circuit.
14. Matters that arise out of the parties’ attempts to agree on the Case Management Plan and Order will **NOT** be heard at the Court’s Hearing Calendar.
15. **IF A STREAMLINED OR GENERAL CIRCUIT CIVIL CASE IS:**
 - a. Subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a Case Management Order 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 Order shall be issued in a case filed:
 - i. On or after April 30, 2021, 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: or
 - ii. Before, April 30, 2021, 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 and Order shall address each deadline identified above and the projected date for trial if such an event has not yet occurred in the case or has not yet been specified by another Court Order.
 - c. Not subject to a statutory stay or a moratorium, the Case Management Order shall be issued in a case filed:
 - i. On or after April 30, 2021, within 30 days after service of the complaint on the last of all named defendants; or
 - ii. Before April 30, 2021, by December 3, 2021. The Case Management Order shall address each deadline above and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by another Court Order since its filing before April 30, 2021.
16. **For Circuit Civil Cases where there has been proper service** on the defendants, but the parties have not submitted the Case Management Plan and Order, the case manager shall

³ The Case Management Order is a form order for both Brevard and Seminole counties and is to be edited to reflect the county in which the order is being filed, and any electronic signature requirements. Also, the Case Management Plan must be filled out and signed by all parties. See the tutorial as how to fill out the Case Management Plan and Order <https://flcourts18.org/case-management/> to make sure it is completed correctly.

issue an Order Setting Hearing for Failure to Comply for the parties to explain to the Court why the Case Management Order has not been filed with the Court. Parties who are unable to show good cause as to why the Case Management Order has not been filed may be subject to sanctions of the Court, including but not limited to, payment of fines, attorney's fees and/or court costs, striking of pleadings, or dismissal.

17. For all Circuit Civil Cases, the Court based upon the proceedings in the case may on its own, notwithstanding the Case Management Order, issue orders setting the case for trial. The issued Trial Order will provide a specified date for the trial period and pretrial date. Otherwise, a Trial Order will be issued providing the specific trial period 90-120 days prior to the projected trial date specified in the Case Management Order. The trial Order shall provide:
 - a. the trial period
 - b. the pretrial conference date and time
 - c. the timeframe for the attorney's meeting and exchange of exhibits
 - d. the pretrial statement requirements and required filing date
 - e. any other trial requirements set forth by the judge in that division
18. All parties should note, if any party issues a Notice for Trial more than 120 days prior to the projected trial date set forth in the Case Management Order, the Court will consider the parties have met and conferred and agreed the case is ready for trial at that time. The Court will further consider the parties are representing to the Court they have agreed to move up the trial date to a more recent trial date than the originally agreed upon date in the Case Management Order. As a result, the Court shall issue a trial order with a trial date to take place within 120 days or less.

COUNTY COURT

19. **County Court cases filed after April 30, 2021**, for each County Court Civil case filed after April 30, 2021, where the amount in dispute is not more than \$8,000, the Clerk of the Court shall issue the signed Case Management Order (attached as Exhibit "C") with the Summons. Any party serving an initial pleading (complaint, third-party complaint, etc.) in any newly filed County Court Civil case shall serve a copy of the signed Case Management Order together with the initial service of process to each defendant.
20. **County Court Civil cases where the amount in controversy is more than \$8,000 and less than \$50,000**, the plaintiff shall file an affidavit of service for each defendant upon serving that defendant. In addition, Notice of Service of Process demonstrating the status of Service of Process shall be filed as indicated in paragraph 12 of this Administrative Order. After the last defendant has been served, the parties shall meet and confer and agree upon a Case Management Plan prior to the expiration of 30 days from service of process. Parties must use the applicable Case Management Plan (attached as Exhibit "A" or Exhibit "B" to this Administrative Order) and submit the signed completed Case Management Plan and completed Case Management Order (attached as Exhibit "A" or Exhibit "B" to this Administrative Order) with the deadlines/time frames filled in for the presiding judge's

review and approval.⁴ Electronic versions of the form Case Management Plan and Case Management Order shall be available on the website for the Eighteenth Judicial Circuit.

21. Consistent with the time standards for the completion of civil cases, the following maximum periods within the deadlines required by this Order and the projected date of trial shall be set in the Case Management Order are established as follows:
 - a. Streamlined cases -12 months
 - b. General Cases -18 months
 - c. Complex -24 months
22. Judges within the Eighteenth Circuit are directed to strictly comply with Fla. R. Jud. Admin. 2.545(a), (b), and (c), 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 to apply a firm continuance policy allowing continuances only for good cause shown.
23. This Administrative Order shall be subject to modification, addition, and extension as the evolving and fluid nature of the facts and circumstances may require.

DONE and ORDERED this 25th day of January 2023.

JESSICA RECKSIDLER
JESSICA RECKSIDLER
CHIEF JUDGE

Distribution:

All Circuit and County Judges (Brevard and Seminole Counties)
Court Administration (Brevard and Seminole Counties)
Clerk of Court (Brevard and Seminole Counties)
Public Defender (Brevard and Seminole Counties)
State Attorney (Brevard and Seminole Counties)
Sheriff (Brevard and Seminole Counties)
Bar Association (Brevard and Seminole Counties)
Law Library (Brevard and Seminole Counties)

⁴ The Case Management Order is a form order for both Brevard and Seminole counties and is to be edited to reflect the county in which the order is being filed, and any electronic signature requirements. Also, the Case Management Plan must be filled out and signed by all parties. See the tutorial as how to fill out the Case Management Plan and Order <https://flcourts18.org/case-management/> to makes sure it is completed correctly.

EXHIBIT A

IN THE EIGHTEENTH JUDICIAL
CIRCUIT, IN AND FOR
BREVARD/SEMINOLE COUNTY,
FLORIDA

CASE NO:

_____,

Plaintiff,

vs

_____,

Defendant.

_____ /

CASE MANAGEMENT PLAN

(STREAMLINED)

The parties are to meet, review, and discuss the Case Management Plan to agree upon dates according to the guidelines set forth in the above Case Management Plan. The parties are to sign the certification below and submit the proposed Case Management Order with the agreed upon dates to the Court for approval and signature.

1. Date of First Response (i.e., Answer, Notice of appearance, Motion for Extension of Time, Motion to Dismiss)	The date of the first filing
2. Deadline for adding new parties, amendment of pleadings	Should be 45-60 days since response date
3. Deadline for Witness & Exhibit List (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)	Should be 45-60 days before Trial
4. Deadline for Expert Disclosure	Should be 90-120 days prior to projected trial date for Plaintiff
(Parties should furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial. Information furnished pursuant to this paragraph should be timely filed with the Clerk of the Court.)	Should be 60-90 days prior to projected trial date for Defendant
5. Objections to pleadings	Should be resolved 120-150 days prior to projected trial date
6. Deadline for Discovery Completion (including Depositions)	Should be 30 days prior to projected trial date
7. Deadline for Dispositive Motions, including <i>Daubert</i> Motions-Failure to do so shall constitute a waiver at Trial of any <i>Daubert</i> related evidence objection or issue Responsibility for scheduling of the Hearing shall be upon the party filing the Motion or Objection.	Should be heard 15-30 days prior to projected trial date
8. Deadline for Mediation:	Should be 45-60 days prior projected trial date
9. Trial Date	Must include estimated length of trial and projected date trial is desired to commence approximately no later than 12 months from date of service of last defendant.

I hereby certify that all parties have met and conferred regarding all proposed dates for the Case Management Plan and Case Management Order and certify that all dates proposed in the Case Management Order have been agreed to by the parties.

Date: _____

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

IN THE EIGHTEENTH JUDICIAL
CIRCUIT, IN AND FOR
SEMINOLE/BREVARD COUNTY,
FLORIDA

CASE NO:

_____,
Plaintiff,

vs

_____,
Defendant.

_____ /

CASE MANAGEMENT ORDER

Pursuant to the dictates of Administrative Order AOSC20-23 of the Florida Supreme Court, and AO 21-24, Eighteenth Judicial Circuit, it is, hereby,

ADJUDGED that the following deadlines are applicable to this action, and that same will be strictly applied by the Court:

The projected date of trial for this matter is the trial docket beginning **month/day/year**. A firm trial date will be ordered by the presiding judge. The Court issues an Order Setting Pre-Trial Conference and Trial Date within at least 120 days from the projected trial docket.

Any request(s) for the addition of new parties, or amendments to the pleadings, shall be served within _____ days from the response date.

The fact witnesses and exhibits of all parties shall be disclosed to all other parties no later than _____ days prior to the above projected trial date.

All Plaintiff's Expert Witnesses shall be disclosed to all other parties no later than _____ days prior to the above projected trial date. Defendant's Expert Witnesses shall be disclosed to all other parties within 30 days thereafter.

All fact AND expert discovery shall be completed no later than _____ days prior to the above projected trial date.

All objections to the pleadings, and all pre-trial motions shall be resolved no later than _____ days prior to the above projected trial date.

Dispositive Motions, including *Daubert* Motions, shall be resolved no later than _____ days prior to the above projected trial date.

Mediation shall be completed no later than _____ days prior to the above projected trial date.

ORDER

THE COURT, having reviewed the preceding Case Management Dates finding them to be satisfactory. Accordingly, it is hereby **ORDERED** that

1. COMPLIANCE WITH THIS CASE MANAGEMENT ORDER: The parties shall strictly comply with the terms of this Case Management Plan and Case Management 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. NOTICES FOR TRIAL: Parties may file a 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 trial and file a Notice for Trial. The Plaintiff shall forward a copy of the 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 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.

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 AND ORDERED this ___ day of _____, 2021, in _____ 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

EXHIBIT B

IN THE EIGHTEENTH JUDICIAL
CIRCUIT, IN AND FOR
BREVARD/SEMINOLE COUNTY,
FLORIDA

CASE NO:

_____,

Plaintiff,

vs

_____,

Defendant.

_____ /

CASE MANAGEMENT PLAN

(GENERAL)

The parties are to meet, review, and discuss the Case Management Plan to agree upon dates according to the guidelines set forth in the above Case Management Plan. The parties are to sign the certification below and submit the proposed Case Management Order with the agreed upon dates to the Court for approval and signature.

1. Date of First Response (i.e. Answer, Notice of appearance, Motion for Extension of Time, Motion to Dismiss)	The date of the first filing
2. Deadline for adding new parties, amendment of pleadings	Should be 60-90 days since response date
3. Deadline for Witness & Exhibit List (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)	Should be 60-90 days before Trial
4. Deadline for Expert Disclosure	Should be 150-180 days prior to projected trial date for Plaintiff
(Parties should furnish opposing counsel with the Names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial. Information furnished pursuant to this paragraph should be timely filed with the Clerk of Court.	Should be 120-150 days prior to projected trial date for Defendant
5. Objections to pleadings	Should be resolved 150-180 days prior to projected trial date
6. Deadline for Discovery Completion (including Depositions)	Should be 15-30 days prior to projected trial date
7. Deadline for Dispositive Motions, including <i>Daubert</i> Motions- Failure to do so shall constitute a waiver at Trial of any <i>Daubert</i> related evidence objection or issue Responsibility for scheduling of the Hearing shall be upon the party filing the Motion or Objection.	Should be heard 15-30 days prior to projected trial date
8. Deadline for Mediation:	Should be 45-60 days prior projected trial date
9. Trial Date	Must include estimated length of trial and projected date trial is desired to commence no later than 18 months from date of service of last defendant

I hereby certify that I have that all parties have met and conferred regarding all proposed dates for the Case Management Plan and Case Management Order and certify that all dates proposed in the Case Management Order have been agreed to by the parties.

Date: _____

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

IN THE EIGHTEENTH JUDICIAL
CIRCUIT, IN AND FOR **BREVARD/**
SEMINOLE COUNTY, FLORIDA

CASE NO:

_____ ,

Plaintiff,

vs

_____ ,

Defendant.

_____ /

CASE MANAGEMENT ORDER

Pursuant to the dictates of Administrative Order AOSC20-23 of the Florida Supreme Court, and AO 21-24, Eighteenth Judicial Circuit, it is, hereby,

ADJUDGED that the following deadlines are applicable to this action, and that same will be strictly applied by the Court:

The projected date of trial for this matter is the trial docket beginning **month/day/year**. A firm trial date will be ordered by the presiding judge. The Court issues an Order Setting Pre-Trial Conference and Trial Date within at least 120 days from the projected trial docket.

Any request(s) for the addition of new parties, or amendments to the pleadings, shall be served within _____ days from the response date.

The fact witnesses and exhibits of all parties shall be disclosed to all other parties no later than _____ days prior to the above projected trial date.

All Plaintiff's Expert Witnesses shall be disclosed to all other parties no later than _____ days prior to the above projected trial date. Defendant's Expert Witnesses shall be disclosed to all other parties within 30 days thereafter.

All fact AND expert discovery shall be completed no later than _____ days prior to the above projected trial date.

All objections to the pleadings, and all pre-trial motions shall be resolved no later than _____ days prior to the above projected trial date.

Dispositive Motions, including *Daubert* Motions, shall be resolved no later than _____ days prior to the above projected trial date.

Mediation shall be completed no later than _____ days prior to the above projected trial date.

ORDER

THE COURT, having reviewed the preceding Case Management Dates, finding them to be satisfactory. Accordingly, it is hereby **ORDERED** that

1. **COMPLIANCE WITH THIS CASE MANAGEMENT ORDER:** The parties shall strictly comply with the terms of this Case Management Plan and Case Management Order unless otherwise ordered by the Court. **FAILURE TO COMPLY WITH ALL THE 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. **NOTICES FOR TRIAL:** Parties may file a 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 trial and file a Notice for Trial. The Plaintiff shall forward a copy of the 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 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.

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 AND ORDERED this _____ day of _____, 2021, in _____,
_____ 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

EXHIBIT C

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

CASE NO.:

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:

3. All new parties must be added by the Plaintiff no more than **45 days** following service of the Complaint 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 shall be heard before the presiding Judge. The parties are directed to the JACS system for the Pretrial Conference Docket dates and times available for the undersigned County 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. The deadline for completion of all discovery other than depositions under oath shall be completed on or before **240 days** following the filing of an Answer or the first response to the Complaint by any Defendant absent further Order of the Court.

8. 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.

9. All witness lists and exhibit lists shall be exchanged on or before **120 days** prior to the Pretrial Conference as referenced in Paragraph 4 hereinabove 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).

10. All Motions and Objections by any Defendant directed to the pleadings, including dispositive Motions other than *Daubert* motions and Motions to Dismiss i.e. Motions for Summary Judgment shall be filed and heard within **90 days** prior to the pretrial conference. Responsibility for scheduling 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.

11. 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.

12. 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.

13. **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 has not agreed upon.**

14. **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.

15. **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.

16. **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 appropriately pursuant to undersigned County Judge's Civil Guidelines and Administrative Rules.

17. 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.

18. 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).

19. 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.

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

21. 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.

22. **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/Seminole County, Florida.

cc via email via eportal: All Attorneys of Record

cc via U.S. Mail if unregistered in the eportal: All unrepresented parties

“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.”

SEMINOLE COUNTY

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. If you require assistance please contact: ADA Coordinator at Seminole Court Administration, 301 N. Park Avenue, Suite N301, Sanford, Florida, 32771-1292; (407) 665-4227. NOTE: You must contact coordinator 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, in Seminole County, call 711.

BREVARD COUNTY

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.