IN THE COUNTY COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

COUNTY CIVIL DIVISION: "DIV"
CASE NO.: 50-20XX-CC-000000-XXXX-MB

         Plaintiff/Petitioner
vs.
         Defendant/Respondents.
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**UNIFORM DIFFERENTIATED CASE MANAGEMENT ORDER**

**AND ORDER SETTING TRIAL**(DCMSJT)

**THIS MATTER** is a County Civil case calling for a jury trial. Pursuant to Fla. R. Gen. Prac. & Jud. Admin. 2.250(a)(1)(B) and 2.545(b), and Fifteenth Judicial Circuit Administrative Order 3.110 (as amended), **Plaintiff/Petitioner is directed to serve this Order** **upon each Defendant/Respondent with the initial Complaint/Petition and Summons**.

It is hereby **ORDERED AND ADJUDGED** that this case is designated to the **STREAMLINED TRACK** for time to disposition. The deadlines and procedures set forth in this Order will be strictly enforced unless changed by court order.

1. **SCHEDULING AND DEADLINES**

A. CALENDAR CALL

**YOU MUST APPEAR FOR A MANDATORY CALENDAR CALL on *insert date* at *insert time* am/pm.** The parties must be ready to try the case by that date. The actual trial period begins the first business day of the week immediately following Calendar Call, unless otherwise provided in Divisional Instructions or by court order.

The Court will conduct the Calendar Call in person or by Zoom according to Divisional Instructions. If in person, the parties shall appear in *courtroom #, courthouse address*. All parties are instructed to review the Court’s Divisional Instructions for appearance procedures (<https://www.15thcircuit.com/divisions>).

The parties shall be prepared to discuss any issues that must be resolved prior to trial, including but not limited to issues raised by the parties’ Pre-Trial Stipulation; trial procedures; jury selection procedures; jury instructions and objections; and the need for any special equipment, courtroom facilities, or interpreters.

The Court will conduct a final case management conference during Calendar Call. Attorneys who appear for Calendar Call must be prepared on all pending matters and have authority to make representations to the Court and enter into binding agreements concerning motions, issues, and scheduling. An appearing attorney must be prepared with all attorneys’ availability for trial and future hearings as necessary.

**This Order serves as notice to the parties that failure to attend Calendar Call will result in an Order of Dismissal without prejudice, or entry of default, without further notice or hearing. *See* Fla. R. Civ. P. 1.200(j)(6).**

B. CASE MANAGEMENT DEADLINES

The following deadlines strictly apply unless otherwise modified by the Court:

|  |  |  |
| --- | --- | --- |
|  | **EVENTS** | **COMPLETION DATE** |
| 1. | Service of Complaint | 120 days from date of filing; service under extension is only by court order. |
| 2. | Answer filed and/or initial motions/objections directed to the pleadings (i.e. to dismiss or strike) | 20 days after service |
| 3. | Default obtained (if no response filed) | 30 days after service |
| 4. | Amendment of pleadings/Adding parties | 160 days from date of filing |
| 5. | Resolution of all motions/objections directed to the pleadings and pleadings closed | 180 days from date of filing |
| 6. | Initial Discovery Disclosures | 60 days after service |
| 7. | Disclose Expert Witness(es) | 120 days before Calendar Call |
| 8. | Close of Fact and Expert Discovery | 80 days before Calendar Call |
| 9. | File and Serve Motion(s) for Summary Judgment | 60 days before Calendar Call |
| 10. | File Witness and Expert Lists | 45 days before Calendar Call  |
| 11. | File Exhibit Lists | 30 days before Calendar Call |
| 12. | File all Pretrial Motions (i.e. Motions in Limine) | 20 days before Calendar Call |
| 13. | File Joint Pre-Trial Stipulation | 10 days before Calendar Call |
| 14. | Deadline for Mediation | 10 days before Calendar Call |
| 15. | Deadline to hear Dispositive Motions (i.e. Motions for Summary Judgment) | 10 days before Calendar Call |
| 16. | Deadline to hear Pretrial Motions (i.e. Motions in Limine) | 5 days before Calendar Call |
| 17. | Calendar Call/Trial Ready Date | Calendar Call date- 11 months from date of filing |
| 18. | Trial Period | Begins the first business day of the week immediately following Calendar Call, unless otherwise provided in Divisional Instructions or by court order |

Note: If the above deadlines fall on a weekend or holiday, please refer to Fla. R. Gen. Prac. Jud. & Admin. 2.514.

The Court may, at any time, modify this Order by entry of: 1) an Amended Trial Order; 2) an Amended Case Management Order; or 3) any other Order intended to establish a modified case resolution schedule, any of which shall supersede the deadlines set forth in this Order. The Court reserves the authority to expedite the trial setting and pretrial deadlines. The Court further retains its discretion to modify any provision herein.

C. MOTIONS

The parties must expeditiously set all motions for hearing. All non-dispositive motions shall be scheduled for hearing within **five (5) days** of filing on the Court’s first available date to which the parties agree. Failure to schedule a hearing within **five (5) days** may result in the Court ruling on the papers or deeming the motion(s) abandoned without further notice or hearing. The parties may request the Court to rule on the papers by submitting a proposed order, if agreed, or as otherwise directed by Divisional Instructions or standing order.

Before filing a non-dispositive motion, unless otherwise exempt, the movant must follow Rule 1.202 and Local Rule 4 and **MUST** confer with the opposing party in a good-faith effort to resolve the issues raised in the motion. At the end of the motion and above the signature block, the movant **MUST** include a certificate of conferral. Failure to comply with the requirements of Rule 1.202 and Local Rule 4 may result in sanctions against the non-compliant party.

D. EXTENSIONS AND MODIFICATIONS

**Extensions of deadlines other than trial/Calendar Call:** The parties must strictly follow Rule 1.200(e) and Administrative Order 3.110 (as amended) when filing motions for extension or modification. Parties may submit an agreed order to extend a deadline **only if** the extension does not affect the trial date or the ability to comply with the remaining dates in the case management order.

**Motions to continue trial:** Motions to continue trial must strictly comply with Rule 1.460. Motions to continue are disfavored and should rarely be granted and then only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence in preparing for trial is not grounds to continue the case. Failure to timely complete discovery and/or file a motion for summary judgment shall not be grounds to continue the trial, absent good cause shown.

E. DCM CONFERENCES

If any party is unable to meet the deadlines set forth in this Order for any reason, including unavailability of hearing time, the affected party must promptly set a DCM conference and alert the Court. DCM conferences shall be scheduled through online scheduling (OLS) on either the Court’s: 1) DCM - Case Management Conference docket; or 2) Uniform Motion Calendar, in accordance with Divisional Instructions.

1. **UNIFORM PRE-TRIAL PROCEDURE**
	1. INITIAL DISCLOSURES

	Within **sixty (60) days after service** on a defendant, and except as exempted by Rule 1.280(a)(2) or as ordered by the court, each party must, without awaiting a discovery request, provide to the other parties initial discovery disclosures in compliance with Rule 1.280(a), unless privileged or protected from disclosure.
	2. WITNESS LISTS

Each party must file and serve a list of the names and addresses of all fact and expert witnesses to be called at trial no later than **forty-five (45) days before Calendar Call**.

* 1. EXPERTS

No later than **120 days before Calendar Call**, all parties shall file and serve a list of the names, addresses, curricula vitae, and brief summaries of the opinions of all expert witnesses to be called at trial.

* 1. EXHIBIT LISTS

No later than **thirty (30) days before Calendar Call**, each party shall file and serve an exhibit list. Each exhibit shall be separately numbered and identified. On the exhibit list, each party shall provide for a reasonable time and place for the other parties to review the exhibits. Each party shall file and serve a list of all objections to an opposing party’s exhibits no later than **twenty (20) days before Calendar Call**.

* 1. DISCOVERY CUTOFF

All fact and expert discovery must be completed **eighty (80) days prior to Calendar Call** absent exceptional circumstances. Rulings as to admission on late discovery will be made on a case by case basis.

* 1. MOTIONS

All dispositive motions (such as motions for summary judgment) must be filed and served at least **sixty (60) days prior to Calendar Call** and immediately set for hearing, to occur at least ten (10) days after the deadline for serving a response. All dispositive motions must be **heard no later than (10) days prior to Calendar Call.**

All pretrial motions (such as motions in limine, deposition objections, and expert challenges) must be filed and served at least **twenty (20) days prior to Calendar Call**. All pretrial motions must be **heard no later than five (5) days prior to Calendar Call**.

* 1. COUNSEL MEETING AND PRE-TRIAL STIPULATION

Counsel or the parties, if not represented by counsel, shall meet at a mutually convenient time and place no later than **twenty (20) days before Calendar Call** to discuss settlement, simplify the issues, and stipulate to as many facts and issues as possible, and prepare a Pre-Trial Stipulation in accordance with this paragraph.

It shall be the duty of Plaintiff’s counsel to see that the Pre-Trial Stipulation is drawn, executed by counsel for all parties, and filed **no later than ten (10) days before Calendar Call.** If a party does not receive a substantive response to a proposed Pre-Trial Stipulation after good faith effort, such party shall file a unilateral Pre-Trial Stipulation with a certification of all efforts that were made to confer with the opposing party. Counsel for all parties are charged with good faith cooperation in preparing the Pre-Trial Stipulation. Failure to cooperate in preparing the Pre-Trial Stipulation may result in striking pleadings, witnesses, or exhibits.

The Pre-Trial Stipulation shall contain the following in separately numbered paragraphs:

* + 1. Names and contact information of attorneys to try the case.
		2. A list of all pending motions requiring action by the court.
		3. A statement of estimated trial time.
		4. **Statement of the Facts:** A concise statement of the facts of the case in an impartial, easily understandable manner which may be read to the jury.
		5. **Stipulated Facts and Agreed Rules of Law:** A list of any stipulated facts requiring no proof at trial and any agreed rules of law.
		6. **Statements of Disputed Law & Fact:** A statement of disputed issues of law and fact that are to be tried.
		7. **Witness Lists:** Parties must attach their Witness Lists, including “Rebuttal” or “Impeachment” witnesses. If any party objects to any witness, such objections must be stated in the Pre-Trial Stipulation, setting forth the grounds with specificity. At trial, all parties will be strictly limited to witnesses properly and timely disclosed. Only those witnesses listed by NAME will be permitted to testify at trial.
		8. **Exhibit Lists:** Parties must attach their Exhibit Lists. All exhibits to be offered in evidence at trial must have been made available to opposing counsel for examination. Only those exhibits listed may be offered in evidence. If any party objects to the introduction of any such exhibit, such objection must be stated in the Pre-Trial Stipulation, setting forth the grounds with specificity. Demonstrative exhibits (e.g. chart, enlargements of exhibits) to be used at a jury trial must be displayed to all counsel before being shown to the jury. All exhibits must be pre-marked and numbered consistent with Clerk guidelines.
		9. **Jury Instructions:** Counsel must identify all agreed-upon standard jury instructions and all special instructions. Any objections or disputed jury instructions must be attached and identified as to the party that proposed the instruction [indicated in redline/track changes]. Copies of all agreed-upon instructions and disputed instructions must be attached to the Pre-Trial Stipulation as **one document**, redlined as necessary, along with copies of supporting statutory citations and/or case law.
		10. **Verdict Forms:** The jury verdict form must be attached and designated as agreed to or disputed.
		11. **Peremptory Challenges:** State the number of peremptory challenges for each party.
		12. And other agreements or issues for trial, if any.
	1. ADDITIONAL EXHIBITS OR WITNESSES

A party desiring to use an exhibit or witness discovered after counsel should have disclosed the exhibit or witness shall immediately furnish the court and other counsel with a description of the exhibit or with the witness’ name and address and the expected subject matter of the testimony, together with the reason for the late discovery of the exhibit or witness.

* 1. JURY INSTRUCTIONS

Counsel shall present all requested jury instructions, with citations of authority, in full written form at the Calendar Call as part of the Joint Pre-Trial Stipulation required above. Disputed jury instructions will be addressed on the day of Calendar Call unless otherwise ordered by the Court. As stated above, any objections or disputed jury instructions must be attached and identified as to the party that proposed the instruction [indicated in redline/track changes].

* 1. UNIQUE QUESTIONS OF LAW

Counsel shall submit memoranda with citations to legal authority in support of any unique legal questions which may reasonably be anticipated to arise during the trial.

1. **MEDIATION**
	1. MEDIATION REQUIRED
		1. All parties are required to participate in mediation. If the amount in controversy does not exceed $15,000, the parties may utilize the Circuit’s Alternative Dispute Resolution Office by contacting CAD-MediationRef@pbcgov.org or call 561-355-6298. Otherwise, the parties shall utilize a private mediator.
		2. The appearance of counsel who will try the case and representatives of each party with full authority to enter into a complete compromise and settlement is mandatory. If insurance is involved, an adjuster with authority up to the policy limits shall attend.
		3. At least one week before the conference, all parties shall file with the mediator a brief, written summary of the case containing a list of issues as to each party. If an attorney or party filing the summary wishes its content to remain confidential, he/she must advise the mediator in writing when the report is filed.
		4. All discussions, representations, and statements made at the mediation conference shall be privileged consistent with Florida Statutes 44.102 and 90.408.
		5. If utilizing the Circuit’s ADR Office, the parties shall pay to the Clerk of Court, no later than ten (10) days prior to the date of the mediation session, $60.00 per session per side, pursuant to section 44.108, Florida Statutes (2022) at [www.mypalmbeachclerk.com/services/make-payments/pay-mediation-fees](http://www.mypalmbeachclerk.com/services/make-payments/pay-mediation-fees), unless exempt pursuant to Administrative Order 2.803. Notice to the mediator of settlement prior to the scheduled mediation conference must be made at least 48 hours in advance. Failure to do so will result in the minimum fee for one session. Mediation may be scheduled to be in person, by telephone, or remotely by audio-video communication, or a combination thereof.
		6. The mediator has no power to compel or enforce a settlement agreement. If a settlement is reached, it shall be the responsibility of the attorneys or parties to reduce the agreement to writing and to comply with Florida Rule of Civil Procedure 1.730(b), unless waived.
	2. MEDIATION SCHEDULING

The Plaintiff’s attorney or Plaintiff, if self-represented, is responsible for scheduling mediation. The parties should agree on a mediator. If they are unable to agree, any party may apply to the Court for appointment of a mediator in conformity with Rule 1.720(j), Fla. R. Civ. P. The lead attorney or party must file and serve on all parties and the mediator a Notice of Mediation giving the time, place, and date of the mediation and the mediator’s name.

* 1. COMPLETION OF MEDIATION BEFORE CALENDAR CALL

Completion of mediation is a prerequisite to trial and **must be completed no later than ten (10) days before Calendar Call**. If mediation is not conducted, or if a party fails to participate in mediation, the case may be stricken from the trial calendar, pleadings may be stricken, and other sanctions may be imposed.

* 1. OPPOSITION TO MEDIATION

Any party opposing mediation may proceed under Florida Rule of Civil Procedure 1.700(b).

1. **NON-COMPLIANCE**

**NON-COMPLIANCE WITH ANY PORTION OF THIS ORDER MAY RESULT IN THE STRIKING OF THE PLEADINGS, WITNESSES, OR EXHIBITS, ENTRY OF DEFAULT OR DISMISSAL, OR IMPOSITION OF SUCH OTHER SANCTIONS AS IS JUST AND PROPER.**

**DONE AND ORDERED** in West Palm Beach, Palm Beach County, Florida.

**COPIES TO:**

A copy of this Order has been furnished to the Plaintiff. The Plaintiff shall serve this Order to the Defendant(s) in compliance with Administrative Order 3.110 (amended).

This notice is provided pursuant to Administrative Order No. 2.207:

**“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 William Hutchings, Jr., Americans with Disabilities Act Coordinator, Palm Beach County Courthouse, 205 North Dixie Highway West Palm Beach, Florida 33401; telephone number (561) 355-4380 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.”**

**“Si usted es una persona minusválida que necesita algún acomodamiento para poder participar en este procedimiento, usted tiene derecho, sin tener gastos propios, a que se le provea cierta ayuda. Tenga la amabilidad de ponerse en contacto con William Hutchings, Jr., 205 N. Dixie Highway, West Palm Beach, Florida 33401; teléfono número (561) 355-4380, por lo menos 7 días antes de la cita fijada para su comparecencia en los tribunales, o inmediatamente después de recibir esta notificación si el tiempo antes de la comparecencia que se ha programado es menos de 7 días; si usted tiene discapacitación del oído o de la voz, llame al 711.”**

**“Si ou se yon moun ki enfim ki bezwen akomodasyon pou w ka patisipe nan pwosedi sa, ou kalifye san ou pa gen okenn lajan pou w peye, gen pwovizyon pou jwen kèk èd. Tanpri kontakte William Hutchings, Jr., kòòdonatè pwogram Lwa pou ameriken ki Enfim yo nan Tribinal Konte Palm Beach la ki nan 205 North Dixie Highway, West Palm Beach, Florida 33401; telefòn li se (561) 355-4380 nan 7 jou anvan dat ou gen randevou pou parèt nan tribinal la, oubyen imedyatman apre ou fin resevwa konvokasyon an si lè ou gen pou w parèt nan tribinal la mwens ke 7 jou; si ou gen pwoblèm pou w tande oubyen pale, rele 711.”**