

IN THE COUNTY COURT IN AND FOR PALM BEACH COUNTY, FLORIDA

CIVIL DIVISION “ ___ ”
CASE NO. 50-YYYY-SC-000000-XXXX-MB

,
Plaintiff(s),
vs.
,
Defendant(s).
_____ /

PIP SCHEDULING ORDER
(PSDO)

THIS MATTER is a Personal Injury Protection (PIP) lawsuit originally filed in the Small Claims Division of the Palm Beach County Court.

The parties have invoked the Rules of Civil Procedure, except as provided in the *Agreed Waiver of Appearance at Pretrial Conference and Order Invoking the Rules of Civil Procedure*. Based upon a review of the file, Fla. R. Jud. Admin. 2.250(a)(1)(B) and 2.545(b), the Court hereby,

ORDERS that:

Option 1:

This matter is scheduled for a PRETRIAL CASE MANAGEMENT CONFERENCE and CALENDAR CALL/TRIAL to occur on (DATE) at (TIME) in Courtroom (#) of the Main Judicial Complex located at 205 N. Dixie Highway, West Palm Beach, Florida, 33401. NO CONTINUANCES WILL BE GRANTED WITHOUT PRIOR WRITTEN MOTION AND ACCOMPANYING ORDER.

Option 2:

By separate order of the Court, this matter will be scheduled for either a PRETRIAL CASE MANAGEMENT CONFERENCE, CALENDAR CALL or TRIAL to occur no sooner than 300 days from the date of this *Order*. NO CONTINUANCES WILL BE GRANTED WITHOUT PRIOR WRITTEN MOTION AND ACCOMPANYING ORDER.

Each counsel **must** confer with their respective clients in order to determine the client's position with respect to settlement, pleadings, admissions, and other matters that require the consent of the client.

A party requesting an extension of time, protective order, or to compel **must file** their motion **before the expiration** of the applicable timeframe below. Any motion seeking an extension and/or filed **after the expiration** of the applicable timeframe must also show cause/excusable neglect. Only upon the finding of good cause/excusable neglect will any motion filed after the expiration of the applicable period be permitted to advance. Once a motion has been filed, it **must be heard within 30 days** from the date of filing. Failure to comply with this scheduling provision will result in the motion being deemed waived or *denied* absent a showing of good cause or excusable neglect.

In the event parties are unable to coordinate any Hearing/Deposition/Motion within a reasonable period of time (not less than 48 hours) and after 3 documented attempts, **the moving party must** unilaterally set the issue for Hearing pursuant to divisional instructions to occur no less than 5 days and no more than 15 days after the third attempt.

Failure to comply with any part of this *Order* may result in the revocation of any order invoking the Rules of Civil Procedure and setting the matter immediately for trial or sanctions up to and including taxation of costs for attorney fees, default and/or dismissal.

Further, the following requirements are imposed on all Parties:

WITHIN 20 DAYS FROM THE DATE OF THIS ORDER:

1. The Defendant must file a responsive pleading if not already filed or stipulated to in a separately filed waiver of Small Claims Pre-trial, which takes precedence over this responsive pleading provision.
2. If a Motion to Dismiss or Motion to Transfer Venue is filed, it must be set within 20 days and must be heard no later than 40 days from the date of this *Order*. For cases initiated in the Small Claims Division, Motions to Transfer Venue may be deemed waived if not filed pursuant to Small Claims Rules.

WITHIN 140 DAYS FROM THE DATE OF THIS ORDER:

3. **EXPERT WITNESSES:** Names and addresses must be disclosed by the Plaintiff no later than 140 days from the date of this *Order* and by the Defendant no later than 150 days from the date of this *Order*. No continuances will be granted because expert witnesses are unavailable for trial because their testimony may be preserved by deposition.
4. **DISCOVERY:** Serve any remaining written discovery requests or submissions.
5. **WITNESS LIST:** File and disclose a written list in alphabetical order containing the names and addresses of all witnesses within 140 days of the date of this *Order*. Only those witnesses listed will be permitted to testify without leave of Court. Witnesses **must** be listed by actual NAME of witness, and not designation. Use of such designations as “Corporate Representative,” “Records Custodian,” and “Adjuster” and standing alone is insufficient. All witness lists must include a brief description of the substance and scope of the testimony to be elicited from such witness.
6. **EXHIBIT LIST:** File and disclose within 140 days of the date of this *Order* a list of all documentary and physical evidence which must include a brief synopsis identifying the item and grounds for admission or consideration of the item at trial. Each item must be listed by number and description. Each exhibit must be specifically described. Exhibit list intended for use at trial exceeding four (4) pages in length must be consecutively paginated (by Bates-stamp method or otherwise). Any Generic descriptions of exhibits will be stricken.

WITHIN 200 DAYS FROM THE DATE OF THIS ORDER:

7. **DISCOVERY:** Discovery must be completed within 200 days from the date of this *Order*.
8. Depositions of all witnesses must be completed no later than 200 days from the date of this *Order*. Unavailability of counsel or witnesses is not grounds for non-compliance. Witnesses

not deposed within the time requirements of this provision will not be permitted to testify at trial absent leave of Court which will only be granted upon good cause shown (or in the event that the deposition was not sought by the opposing party).

9. This provision will not be obviated by attempts to amend the witness list after the expiration of the time requirements provided in paragraph 5 hereinabove.
10. Within 20 days of the completion of any deposition, and if as the result of the deposition, previously unknown and unanticipated information becomes available either party must seek leave of the court to amend their submissions, disclosures or discovery obligations.
11. **SETTLEMENTS:** Counsel must immediately notify this Court in the event of settlement by filing a Stipulation for Settlement with the Clerk of Court and submitting concurrently a proposed Order of Dismissal to Chambers. Counsel must also notify the Court of any pending hearings that will be cancelled as a result of the settlement.

WITHIN 260 DAYS FROM THE DATE OF THIS ORDER

12. All motions, including Motions for Summary Judgment must be filed and heard no later than 260 days from the date of this *Order*. Any motion not filed and heard prior to the expiration of this deadline will be deemed waived or denied absent extraordinary circumstances which could not have been prudently anticipated, or by order of the Court entered *prior* to the expiration of the applicable time limitations.

WITHIN 300 DAYS FROM THE DATE OF THIS ORDER:
PRETRIAL STIPULATIONS

13. If the matter is not settled or resolved, a JOINT PRETRIAL STIPULATION must be filed by all counsel of record no later than 300 days from the date of this *Order*. A joint pre-trial stipulation contemplates a single, unified submission and must contain separately numbered paragraphs. It also requires that all agreed matters be fully identified and any disputed matters be specifically delineated with respect to each party. **Caution:** The Court does not accept Unilateral Pretrial Stipulations.
14. Cases initiated at a Palm Beach County courthouse unable to accommodate a jury trial and where such demand has been made will not be transferred until the Court has verified that the JOINT PRETRIAL STIPULATION has been filed. Upon affirmative verification, a transfer order will issue. Once the transfer order has been effectuated and a new division assigned the matter will be set on the next immediate available jury docket for that division.
15. The joint pretrial stipulation **must contain** in separately numbered paragraphs:
 - a. **Statement of the Facts:** A concise, impartial statement of the facts of the case.
 - b. **Stipulated Facts:** A list of any stipulated facts requiring no proof at trial.
 - c. **Statements of Disputed Law & Fact:** A statement of disputed issues of law and fact that are to be tried.
 - d. **Witness Lists:** Parties must attach the Witness List, including “Rebuttal” or “Impeachment” witnesses, filed consistent with Paragraphs 3 and 5 of this *Order*. If any party objects to any witness, such objections must be stated in the 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.
- e. **Exhibit Lists:** Each party must bring to the Pre-trial Conference all exhibits set forth in the Exhibit List filed consistent with paragraph 6 of this *Order*. Counsel must initial each other's Exhibit Lists and Exhibits. All exhibits to be offered in evidence at Trial must have been made available to opposing counsel for examination and initialing. Only those exhibits listed and initialed may be offered in evidence. If any party objects to the introduction of any such exhibit, such objection must be stated in the 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.
 - f. **Jury Instructions:** If the Trial is a Jury Trial, counsel must identify all agreed upon standard instructions and all special instructions. Any disputed jury instructions must be attached and identified as to the party that proposed the instruction. Copies of all agreed upon instructions or disputed instructions must be attached to the Stipulation, along with copies of supporting statutory citations and/or case law.
 - g. **Verdict Forms:** If the Trial is a Jury Trial, the jury verdict form **must be attached** and designated as agreed to or disputed.
 - h. **Peremptory Challenges:** If the Trial is a Jury Trial, state the number of peremptory challenges for each party.
 - i. **Trial Estimate:** Each party must provide for its side an estimate on the number of days needed for Trial.
 - j. **Frye issues.** All Frye related issues (Fla. Stat. §90.702) involving any requests for hearings on Frye related evidence must be noticed and heard - or agreed to by the parties - no later than two weeks before the pretrial conference. **FAILURE TO DO SO WILL CONSTITUTE A WAIVER OF ANY FRYE RELATED EVIDENCE ISSUE.** It is within the discretion of the Court to remove any case for Trial with pending Frye issues.
16. Failure to file a complete unified pretrial stipulation, including jury instructions and verdict forms, will result in sanctions up to and including dismissal and/or default.
 17. At trial the parties will be **strictly limited** to exhibits and witnesses disclosed and objections reserved in the pretrial stipulation. A party desiring to use an exhibit, examination or test result, or witness discovered after the deadlines set forth in this Order must immediately, upon discovery, notify all other counsel and the Court by written motion. Use of the exhibit, examination or test result, or witness may be allowed after finding good cause or to prevent manifest injustice.
 18. **MEDIATION:** Simultaneously herewith, the parties are referred to mandatory mediation. Mediation must be completed no later than 300 days from the date of this *Order*. The mediation report must be filed with the Clerk of Court within 310 days from the date of this *Order*. The parties must comply with Fla. R. Civ. P. 1.700, 1.710, 1.720, and 1.730 as to the conduct of mediation. **Plaintiff's counsel is appointed lead counsel to facilitate and schedule the mediation conference with the mediator and all parties.** Costs of mediation must be borne equally by both parties. Failure to mediate in good faith will result in the imposition of monetary sanctions.

ADDITIONAL REQUIREMENTS:
CASE MANAGEMENT

If a pretrial case management conference, calendar call, or trial date is not indicated hereinabove and the matter has not settled or it appearing that the cause will advance to trial the Court will schedule the matter for a pretrial case management conference, calendar call or trial by separate order to occur approximately 300-360 days from the date of this *Order*. The following provisions will apply for a pretrial case management conference, calendar call or trial set hereinabove or by future order of the Court:

19. Prior to a pretrial case management conference, calendar call or trial and consistent with paragraph 12, the Court must have ruled on all motions previously filed, with the exception of motions *in limine*. In the absence of good cause for failure to set such motion for hearing, the motion is subject to being deemed waived or *denied*.
20. **Motions *in Limine*** must be heard at least five (5) days prior to the date of trial.
21. For pretrial case management conferences or calendar call, the Court will conduct a review of the JOINT PRETRIAL STIPULATION. Further, the parties must be prepared to discuss all the items set forth in Fla.R.Civ.P. 1.200(b) including setting the matter for trial. Failure to attend the pretrial case management conference or any hearing event scheduled herein above may result in dismissal or default.

EXTENSION OF TIME: The time limitations contained in this *Scheduling Order* cannot be waived or extended without an order of the court.

NON-COMPLIANCE: Non-compliance with any part of this *Order* may result in sanctions including but not limited to striking of pleadings, monetary sanctions, waiver and/or default.

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

XXXXXXXXXXXXXXXX
County Court Judge

Copies furnished by e-service to:

This notice is provided pursuant to Administrative Order No. 2.027-1/15

“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 Tammy Anton, 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 Tammy Anton, 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 youn 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 Tammy Anton, kòdonatè 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.”