IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT

IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 50-2025- -CA-000000XXX

DIVISION: AG

|  |  |
| --- | --- |
| Plaintiff,  vs. |  |
| Defendants.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ | **COMPLEX ACTION CASE MANAGEMENT ORDER FIXING ACTUAL JURY TRIAL DATE AND PRETRIAL CONFERENCE, AND REQUIRING MATTERS TO BE COMPLETED PRIOR TO PRETRIAL CONFERENCE** |
| Crossclaim Plaintiff, |  |
| v. |  |
|  |  |
| Crossclaim Defendants. |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/ |  |

**COMPLEX ACTION CASE MANAGEMENT ORDER FIXING ACTUAL**

**JURY TRIAL DATE AND PRETRIAL CONFERENCE, AND**

**REQUIRING MATTERS TO BE COMPLETED PRIOR TO PRETRIAL CONFERENCE**

**THIS CAUSE**, having come before the Court for Case Management Conference on \_\_\_\_\_\_\_\_\_ \_\_\_, 20\_\_, and the Court being fully advised in the premises, the Court finds as follows:

1. This litigation concerns allegations of construction defects involving the \_\_\_\_\_\_\_\_\_\_\_\_\_ community located in Palm Beach County (the “Project”).
2. This Court has designated this action as Complex pursuant to Fla. R. Civ. P. 1.201.
3. This action is ready to be set for an actual trial period.
4. Accordingly, this Complex Case Management Order (“CMO”) is intended to discourage wasteful pretrial activities, reduce the costs of litigation, assist the parties in resolving their disputes without Court intervention, if possible, promote economic and judicial efficiency, and secure the just and efficient determination and final disposition of the action, and to comply with the requirements of Fla. R. Civ. P. 1.201.

Accordingly, it is hereby **ORDERED** as follows:

1. This action shall be governed by this Case Management Order (“CMO”). This CMO shall supersede any previous CMO(s) entered by the Court including, but not limited to the initial CMO setting a projected trial date and case management deadlines.
2. This order shall be binding on the Plaintiff and each of the named Defendants (hereinafter referred to collectively as “Defendants”). The definition of “Party” or “Parties” consists of the Plaintiff and the Defendants.
3. **PROCEDURES.**

Counsel for the parties shall familiarize themselves with all Division \_\_\_ Policies and Procedures[[1]](#footnote-1)1 and be governed accordingly.

1. **STANDARDS OF CONDUCT.**

Counsel shall strictly abide by Florida Bar Code of Professional Responsibility. All attorneys appearing at hearings shall be familiar with and shall conduct themselves in accordance with, the Guidelines for Professional Conduct of the Trial Lawyers Section of The Florida Bar as well as the most current edition of the Handbook on Discovery Practice published by the Joint Committee of the Trial Lawyer Section of The Florida Bar and Conferences of Circuit and County Court Judges. Counsel for the parties shall familiarize themselves with the “Division \_\_\_ Trial Conduct and Courtroom Decorum Policy”1 and be governed accordingly.

**SUMMARY OF DATES AND DEADLINES**

1. **COMPLEX CASE MANAGEMENT DATES AND DEADLINES.**
2. **Close of Pleadings Not Required.** Although the Court may consider the state of the pleadings, the Court may set any hearing, conference, deadline, or trial date regardless of whether the pleadings remain at issue. Plaintiff(s) and any Defendants at all levels (including all Defendants regardless of their individual status (i.e., direct Defendants, Third Party Plaintiff/Defendant, Cross Claim Plaintiff/Defendant, Counter Claim Plaintiff/Defendant, etc.)) who have brought a cause of action against any other party must file and have heard a *Motion for Trial* NO LATER THAN THE CASE MANAGEMENT CONFERENCE SCHEDULED FOR \_\_\_\_\_\_\_\_\_\_ \_\_\_, 20\_\_ AT \_\_\_:\_\_\_ a.m./p.m. to schedule such cause(s) of action for trial pursuant to rule 1.440(b), Fla. R. Civ. P. as to any Defendants at all levels that became a party to the action after this CMO was entered by the Court.
3. **Dates and Deadlines.** The following dates and deadlines mutually agreeable to the Parties are established:

| **Date** | **Description** |
| --- | --- |
| [insert date certain OR number of days prior to the “Final Case Management Conference” Rule 1.201(d)’ | Deadline to file all motions adding new parties to the action. |
| [insert date certain OR number of days prior to the “Final Case Management Conference” Rule 1.201(d)] | Deadline to notice and resolve by hearing or agreed to by the parties to the action. |
| \_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Plaintiff’s Initial Expert Disclosure Deadline.  All expert disclosures shall contain all information required by Fla. R. Civ. P. 1.280(c)(5), and paragraphs 12-15 below. |
| Within 30 days of entering this order | Initial Fact Witness Disclosure (all parties) See paragraph 11 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | General Contractor’s (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) Expert Disclosure Deadline  All expert disclosures shall contain all information required by Fla. R. Civ. P. 1.280(c)(5) and paragraphs 12-15 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Subcontractor/Third Party/Fourth Party Defendants Initial Expert Witness Disclosure Deadline (i.e., Defendants at all levels other than \_\_\_\_\_\_\_\_\_\_\_\_\_\_, whether or not sued by Plaintiff).  All expert disclosures shall contain all information required by Fla. R. Civ. P. 1.280(c)(5) and paragraphs 12-15 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Deadline for First Mediation.  Parties agree to use \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as mediator, depending on availability.  The attorney of record for the parties and insurance adjusters with full authority for all defendants, third-party defendants, and fourth-party defendants shall attend mediation in person. *See* Fla. R. Civ. P. 1.720 and paragraphs 17 and 35 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Initial Rebuttal Expert Disclosure Deadline (All Parties)  All expert disclosures shall contain all information required by Fla. R. Civ. P. 1.280(c)(5) and paragraphs 12-15 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Final Expert Disclosure (All Parties). See paragraphs 12-15 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Final Rebuttal Expert Disclosure (All Parties). See paragraphs 12-15 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Final Fact Witness Disclosure for **NO MORE THAN TEN (10)** Homeowners who are designated by Plaintiff to testify at trial. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Deadline for Second Mediation. See Fla. R. Civ. P. 1.720 and paragraphs 17 and 35 below. |
| [insert date certain OR number of days prior to the “Final Case Management Conference” Rule 1.201(d)] | Deadline to file all Pretrial Discovery Motions. |
| [insert date certain OR number of days prior to the “Final Case Management Conference” Rule 1.201(d)] | Deadline to notice and resolve by hearing or agreed to by the parties to the action all Pretrial Discovery Motions. |
| [insert date certain OR number of days after service of the Complaint] | Deadline for resolution of all objections to pleadings. |
| [insert date certain OR number of days prior to the “Final Case Management Conference” Rule 1.201(d)] | Deadline to file all non-dispositive pretrial motions other than Daubert/Expert Witness motions, Pretrial Discovery Motions, Motions to Amend Pleadings, Motions Adding New Parties, and Motions in Limine |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Deadline to file non-dispositive motions (i.e., Motions to Strike and discovery-related motions).  Responses to non-dispositive motions must be filed within twenty (20) days after service of the Motion. See paragraph 10 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | All Discovery Cutoff |
| Ninety (90) Days Prior to the Final Case Management Conference | * Deadline to Amend Pleadings * All parties shall file and exchange deposition designations of witnesses whose testimony the party expects to be presented by deposition, video or transcript. See paragraph 32 below. |
| Ten (10) Days After Service of Deposition Designations | All parties shall file and exchange objections and counter-designations. See paragraph 32 below. |
| Ten (10) Days After Service of Counter-Deposition Designations | All parties shall file and exchange objections to counter-designations and counter-counter-designations. See paragraph 32 below. |
| Seventy-Five (75) Days Prior to the Final Case Management Conference | The Plaintiff shall file and furnish all Parties a final list of all witnesses expected to testify at trial, including any rebuttal witnesses. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| Sixty (60) Days Prior to the Final Case Management Conference | All Parties shall file and furnish the Plaintiff a final list of all witnesses expected to testify at trial, including any sur-rebuttal witnesses |
| Sixty (60) Days Prior to the Final Case Management Conference | *Northup* Impeachment Materials Deadline. See paragraph 29 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| Thirty (30) days Prior to the Final Case Management Conference | All Parties shall make available (i) the names and addresses of all non-expert witnesses (including impeachment and rebuttal witnesses) intended to be called at trial; and (ii) all trial exhibits it intends to introduce at trial, available to all other Parties for inspection, thirty (30) days prior to the Final Case Management Conference. See paragraphs 9, 25, and 27 below. |
| At Least Ten (10) days Prior to the Final Case Management Conference | Trial counsel and all unrepresented parties to meet and confer to prepare a case status report which shall be filed with the Clerk of the Court either prior to or at the time of the Final Case Management Conference and submitted to the Court in accordance with Rule 1.201(d) Fla. R. Civ. P. and paragraph 9 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. – \_\_:\_\_ a.m.  Duration one (1) hour | Final Case Management Conference[[2]](#footnote-2)2, in accordance with Rule 1.201, Fla. R. Civ. P. and paragraph 9 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_\_ \_\_, 20\_\_; at  \_\_:\_\_ a.m./p.m. | Case Management Conference (30 minutes). See paragraphs 7-10 below. |
| \_\_\_\_\_\_\_ \_\_, 20\_\_, \_\_:\_\_ a.m./p.m. – \_\_:\_\_ a.m./p.m.  Duration four (4) hours | Pretrial Conference in accordance with Rule 1.200(b), Fla. R. Civ. P and paragraphs 22-24 below. All Parties shall file a Joint Pretrial Stipulation[[3]](#footnote-3)3 fifteen (15) days prior to the Pretrial Conference. |
| One Hundred Twenty (120) days Prior to the Pretrial Conference | *Daubert/*Expert Witness-Related Motion Deadline. See paragraph 28 below. |
| Twenty (20) days After Service of *Daubert*/Expert Witness-Related Motion | Deadline to file response in opposition to *Daubert*/Expert Motion. |
| One Hundred Twenty (120) days Prior to the Pretrial Conference | Deadline for all Parties to file Motion(s) in *Limine*. See paragraph 31 below. |
| Ten (10) days After Service of Motion(s) in *Limine* | Deadline to file response in opposition to Motion(s) in *Limine*. |
| One Hundred Twenty (120) days Prior to the Pretrial Conference | Deadline to file all pre-trial dispositive (e.g. motion to dismiss for fraud upon the Court) and summary judgment motions. See paragraph 30 below.  Deadline to file responses to summary judgment motions shall be in accordance with Rule 1.510, Fla. R. Civ. P.. |
| Thirty (30) days Prior to the Pretrial Conference | Deadline for all *Daubert*/Expert Witness-Related Motions, Motion(s) in *Limine*, and pre-trial dispositive motions to be heard or agreed to by the parties. |
| Twenty (20) Days Prior to the Pretrial Conference | Mandatory Pre-Trial Meeting: trial counsel and all unrepresented parties to meet to discuss Joint Pretrial Stipulation. See paragraph 23 below. |
| Thirty (30) Days Prior to the Pretrial Conference | All parties to exchange all exhibits to be offered into evidence at trial and for demonstrative purposes only. See paragraph 23 below. |
| Twenty (20) Days Prior to the Pretrial Conference | All parties to meet together to hold a pretrial meeting. See paragraph 23 below. |
| Fifteen (15) days prior to the Pretrial Conference | All Parties shall file a Joint Pretrial Stipulation[[4]](#footnote-4)3. See paragraph 24 below. |
| Ten (10) Days Prior to the Initial Jury Instruction Charge Conference | All parties shall submit proposed jury instructions and verdict form(s) to the Court. See paragraph 26 below. |
| Twenty (20) Days Prior to the Trial | Initial Jury Instruction Charge Conference. See paragraph 26 below. |
| Five (5) Days Prior to the Trial | All parties shall meet with the trial clerk and mark exhibits. See paragraph 25 below. |
| \_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ – \_\_\_\_\_\_\_\_\_ \_\_, 20\_\_ | Trial Period (\_\_\_\_\_\_\_\_\_Weeks Currently Anticipated) |

1. **Extension of Time Limits.** The Parties are permitted to grant extensions to the deadlines set forth in this Order, without Court approval, ***except for Paragraphs 11, and 27-33*** ***below***, provided that any such deadline extension agreement does not cause a continuance of the trial or would prevent the completion of mediation prior to trial. Any extension or modification agreed to shall be by written stipulation by the parties directly affected by the extension or modification together with an “Agreed” or “Consent” Order to be entered by the Court. ***Extensions to the specific deadlines set forth in Paragraphs 11 and 27-33 below, and any other permissible extension of the deadlines or compliance dates established herein or modifications of this Order, that the parties are unable to resolve, requires Court approval.***

**CASE MANAGEMENT CONFERENCES**

1. **Monthly Conference Call.** The parties shall hold a scheduling conference call on the first **TUESDAY** of each month, excluding legal holidays, after entry of this Order to discuss scheduling of depositions and outstanding discovery issues.Where the first Tuesday of a given month falls on a legal holiday, the call shall be scheduled on the following Tuesday after said legal holiday.
2. **Periodic Case Management Conferences, Final Case Management Conference, and Pretrial Conference.** The Court will hold monthly thirty (30) minute Case Management Conferences, a one (1) hour Final Case Management Conference, and a four (4) hour Pretrial Conference on the following dates and times:
3. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
4. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
5. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
6. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
7. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
8. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
9. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
10. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
11. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
12. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
13. *“Final Case Management Conference” Rule 1.201(d) Fla. R. Civ. P. \_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m. (1 hour)*
14. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
15. *\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.*
16. *“Pretrial Conference” – \_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m. (4 hours)*

Parties seeking to have a Motion heard on any of the above Case Management Conference (“CMC”) dates must file a Notice of Hearing at least twenty (20) days before the next scheduled Case Management Conference. If no motions or matters are noticed for hearing by this time the Parties will inform the Court and the CMC may be canceled at the Court’s discretion.

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With the exception of the Final Case Management Conference and Pretrial Conference, the Parties may attend Case Management Conferences telephonically or via Zoom videoconferencing technology. The Parties are responsible for arranging a conference call line or Zoom meeting.

1. **Final Case Management Conference.** The Court will hold the above referenced Final Case Management Conference in-person pursuant to Rule 1.201(d) Fla. R. Civ. P. on \_\_\_\_\_\_\_\_ \_\_\_, 20\_\_ at \_\_:\_\_ a.m./p.m.. At least **ten (10) days** prior to the Final Case Management Conference, the parties shall confer to prepare a case status report, which shall be filed with the Clerk of the Court and a courtesy copy of the same provided to the Court either prior to or at the time of the Final Case Management Conference. The case status report shall contain the following in separately numbered paragraphs:
2. A list of all pending motions requiring action by the Court and the date these motions are set for hearing.
3. Any change regarding the estimated trial time.
4. The names of the attorneys who will try the case.
5. A list of the names and addresses of all non-expert witnesses (including impeachment and rebuttal witnesses) disclosed in response to fact discovery or in accordance with the schedule set forth in paragraph 5 intended to be called at trial. However, non-expert impeachment or rebuttal witnesses not previously disclosed in response to fact discovery or in accordance with the schedule set forth in paragraph 5 may be allowed to testify if the need for their testimony could not have been reasonably foreseen at the time the fact discovery was responded to or at the time of the relevant deadlines contained in paragraph 5.
6. A list of all exhibits intended to be offered at trial.
7. Certification that copies of witness and exhibit lists will be filed with the Clerk of the Court at least **48 hours** prior to the date and time of the Final Case Management Conference.
8. A deadline for the filing of amended lists of witnesses and exhibits, which amendments shall be allowed only upon motion and for good cause shown.
9. Number of prospective jurors to be summoned for the jury selection venire.
10. Number of peremptory challenges Plaintiff is entitled to in the selection of the six (6) trial jurors.
11. Number of peremptory challenges each Defendant at all levels (including all Defendants regardless of their individual status (i.e., direct Defendants, Third Party Plaintiff/Defendant, Cross Claim Plaintiff/Defendant, etc.)) is entitled to in the selection of the six (6) trial jurors.
12. Number of peremptory challenges Plaintiff is entitled to in the selection of the alternate jurors.
13. Number of peremptory challenges each Defendant at all levels is entitled to in the selection of the alternate jurors.
14. An agreed, or red-line (reflecting areas of disagreement), draft Juror Questionnaire attached as an exhibit to the case status report.
15. Any other matters which could impact the timely and effective trial of the action.

10. In addition to the future monthly case management conferences, the Court shall schedule any additional periodic monthly case management conferences and special set hearings on lengthy motions, or to resolve any scheduling or procedural issues between the parties, at reasonable intervals based on the particular needs of the action. Any Party desiring to bring a matter before the Court shall file a motion and a notice of hearing at least **twenty (20) days** before the next scheduled Case Management Conference. All case management conference hearing notices shall contain a detailed agenda of matters to be heard with time allotted for each issue or motion. The parties shall meet and confer to reach an agreement on a reasonable and realistic case management conference schedule. Responses to any motions, as well as any replies in support of any motions, shall be filed in accordance with the schedule set forth in Paragraph 5. Unless the Court specially sets a motion for hearing, all motions will be addressed by the Court in the order in which they are noticed. If the parties cannot or are otherwise unable to reach an agreement as to the order that any motions or matters are to be noticed for hearing, any such motions or matters shall be heard in the order in which they were filed with the Clerk of the Court in chronological order, oldest to newest motions. The attorneys for the Parties, as well as any parties appearing pro se, shall confer no later than **fifteen** (**15) days** prior to each case management conference, in an attempt to resolve the issues raised in any pending motions. The attorneys for the parties shall notify the Court at least **ten (10) days** before any case management conference or hearing if there are no matters requiring a hearing on the scheduled date or an entire day will not be required. All courtesy copies of documents or supplements that a Party desires the Court to consider at a hearing shall be served upon all Parties at least **five (5) business days** prior to the applicable hearing. ***ALL PENDING DISPOSITIVE, NON-DISPOSITIVE AND DAUBERT/EXPERT WITNESS-RELATED MOTIONS NOT FILED, NOTICED OR HEARD IN ACCORDANCE WITH THE SCHEDULE, BEFORE THE DEADLINES, IN PARAGRAPH 5, WILL BE DEEMED MOOT, DENIED AND ANY OBJECTIONS OVERRULED BY ENTRY OF THIS ORDER.***

**FACT WITNESS AND EXPERT WITNESS DISCLOSURES**

11. **Fact Witnesses.** All parties shall exchange initial lists of potential fact witnesses no later than the deadlines set forth in Paragraph 5. This disclosure shall include a brief statement of the subject area of each witness’s potential testimony. Each party may thereafter supplement its potential witness list before the deadlines set forth in Paragraph 5, after which witness lists may be supplemented only upon written stipulation of counsel or Court approval. Each disclosure of fact witnesses shall contain the name and address of each witness and shall note whether each witness is expected to testify live or by deposition at trial.

12. **Expert Witness Disclosures.** **No later than the deadlines in Paragraph 5**, pursuant to Florida Rule of Civil Procedure 1.280(c)(5), each party shall serve on all opposing parties and file with the Court a written notice disclosing the following information regarding each expert witness who will testify at trial and present evidence under §§90.702, 90.704 and 90.705, Florida Statutes: (a) the name and address of the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witnesses will be based. Each party shall furnish opposing counsel with at least two (2) alternative dates of availability of all retained expert witnesses for the purpose of taking their deposition at the time of disclosure of such witnesses.

In the event that any party names an expert witness in a field in which any other parties have not identified experts, then the other parties may name experts in that field within **thirty (30) days** thereafter. This right to name additional experts is not intended to extend the above disclosure deadlines and therefore applies only in the event an expert is named in a new field of expertise and the above deadlines do not already afford at least **thirty (30) days** opportunity for naming an expert in such field.

13. **Expert Reports.** At the time the expert witnesses are disclosed, the disclosure shall be accompanied by a written report. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefore; the subject matter upon which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; a summary of the grounds for each opinion; the data or other information relied upon by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding **ten (10) years**; the compensation paid and/or to be paid to the expert; a list of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding **four (4) years**, and a list of at least **two (2) dates** on which the expert witness is available for deposition shall be produced within **ten (10) days** of the expert’s disclosure. The dates for available deposition must be during one of the “Available Dates” (defined below) absent agreement of parties interested in the deposition. Unless already produced, the files of the expert regarding this case shall be produced for inspection by the party who retained the expert to all parties at least **fifteen (15) calendar days before the date of that expert’s deposition** including, but not limited to: (i) final written reports; (ii) non-privileged letters, notes, calculations, analyses, documents or other written records prepared by or on behalf of the expert and which either express the final opinions of the expert or which the expert is relying upon for their final opinions or testimony; and (iii) copies of all invoices for services rendered by the expert in this matter. However, if the expert has reviewed and relied upon pleadings in this action, deposition testimony or deposition exhibits, such documents need not be produced with the expert’s documents (except for any non-privileged annotations which shall be produced), but shall be specifically identified in the written report or in a filing accompanying the written report for the expert. Such production shall be made in electronic format wherever practicable in the format specified below.

14. A party may supplement its expert witness list after the disclosure date, only if Court approval is obtained if Court approval is obtained in the form of a written order following a hearing or an “Agreed Order” consented to by all parties.

15. If after an expert is designated and the written report for such expert is served, the expert has any (i) material new opinions, (ii) any material new evidence supporting their opinions they intend to rely upon at trial, or (iii) any material alteration of the opinions expressed in the written report ((i-iii) collectively referred to as “new information”) then the party wishing to disclose such new information must seek leave of court to amend its expert disclosure and serve a supplemental written report by the expert. If the new information is discovered and reported after the deposition of the expert has been completed, then the party who hired that expert shall be required to coordinate and arrange for another deposition of that expert to be taken during one of the Available Dates.

Notwithstanding, these procedures shall not apply after the discovery cut-off date, and absent prior leave of Court, no new information shall be reported or prior reports supplemented or amended after the discovery cut-off date. Upon filing of appropriate motion, the Court, absent showing of good cause, may exclude the use such new information from use at trial.

**FACT AND EXPERT DISCOVERY**

16. **Expert Witnesses Depositions.** Unless already produced, all materials and data from the expert’s files, including invoicing and billing records, shall be produced for inspection by the party who retained the expert to all parties **at least fifteen (15) calendar days before the date of that expert’s deposition,** subject to work product objections, if any**.** Parties are expected to coordinate the appearance of any expert witness with lead counsel for the party presenting the witness.

Each party deposing the expert shall be responsible to pay the expert’s fee pro rata for any time spent deposing the expert by said party at deposition. The Court reporter will keep track of time spent by each party deposing the witness and circulate a breakdown at the end of each day.

Because the questioning party is paying for the expert’s deposition time, counsel is especially cautioned against making speaking objections. Moreover, if one party objects to the form of an expert deposition question, all parties are automatically deemed to have joined in the objection. Payment to the expert shall be made within sixty (60) days of receipt of invoice of deposition time.

17. **Deposition and Mediation Scheduling.**

1. **Available Dates.** The following dates (hereinafter referred to as the “Available Dates”) shall be reserved for scheduling of mediation and depositions: **The third full week during each month, excluding legal holidays, after entry of this Order.**
2. If no activity is noticed at least fifteen (15) days prior to the Available Dates, the dates shall be automatically released. Parties are expected to coordinate the appearance of any corporate representative witness with counsel for the party presenting the witness. Nothing in this section shall prevent the parties from coordinating and agreeing to schedule depositions or mediations on dates other than the Available Dates.
3. Within **twenty (20) days from the date of the entry of this CMO**, the parties shall meet and confer in order to coordinate a schedule for the taking of depositions in this matter so as to maximize the number of depositions that can be taken on the dates reserved or selected. All attorneys must accommodate discovery and obtain assistance from colleague(s) so as to not create unreasonable delay in moving the case forward.
4. If a witness is not available for deposition on one of the Available Dates, then counsel for the witness, if applicable, and counsel for the party seeking to set the deposition, shall set said deposition at least **fifty (50)** **days** in advance after first attempting to schedule the deposition on a date convenient for all other counsel appearing in this action. With respect to a deposition set other than on an Available Date, in the event the lead attorney for a party is not available, then any deposition scheduled for that party’s witness and/or expert witnesses during that time shall be rescheduled to a day when that party’s lead attorney is available.
5. The party scheduling a deposition(s) during a reserved block of time shall serve a notice of taking deposition no later than (i) the **15th** **of the preceding calendar month** prior to the desired deposition date if set on an Available Date; or (ii) **twenty (20) calendar days before the deposition date if, set for a date other than an Available Date**. Other parties shall not cross-notice same depositions except to (i) notice video recording (if not specified in the original or prior cross-notice); (ii) expand the areas of inquiry for corporate or entity depositions; or (iii) request documents not included in the original notice of taking deposition. When a deposition is set on a Monday, the deposition shall start no earlier than 10:00 a.m.; Tuesday-Friday depositions shall begin no earlier than 9:00 a.m. and end at 5:00 p.m., unless all parties agree otherwise.
6. Where a party is represented by more than one attorney, only one attorney may examine a deponent and only one attorney for each party may make objections. Each party shall be deemed to join in any objection made as to the form of the question, regardless of whether the party is present at the deposition, but only for the reasons specified if the questioning attorney requests specification of the form objection.
7. The parties will produce their own experts for deposition at the designated location, including remote location, by deposition notice without the need for a witness subpoena.

18. **Court Reporter and Deposition Exhibits.**

1. **Court Reporting Service.** The parties agree upon \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the court reporting company for all court and deposition reporting in this matter. The court reporting service may be changed only upon agreement by all parties without objection.
2. **Deposition Exhibits.** All deposition exhibits in this case shall be numbered sequentially, irrespective of the deponent’s identity or of the party taking the deposition, on a consecutive basis from deposition to deposition in the case. The court reporting service will maintain custody of all original deposition exhibits and make all exhibits available at all depositions. If the services of the court reporter are desired for the recording of a video deposition, then the party requesting the video services and all parties requesting a copy of the video shall share equally in the production and duplication costs.

19. **Document Production and** **Standard Discovery.** To promote efficiency and to eliminate the need for parties to respond to multiple repetitive discovery requests in this matter the Court shall require the following standard discovery, including Production, and Interrogatories as outlined below. The intent of this provision is not to limit the parties’ ability to take discovery but rather is to limit the time and expense responding to repetitive discovery. Nothing in this provision limits the parties’ ability to serve requests for admissions pursuant to Fla. Civ. P. 1.370 or to serve non-party discovery.

a. **Production of Project Records from Defendants**. **Within forty-five (45) days of the entry of this Order**, Defendants at all levels (i.e., direct Defendants, Third-Party Defendants, etc.) shall produce all non-privileged documents and job file materials arising from, related to, or concerning the Project's design, development, construction, or repair. This shall include, but not be limited to, photographs, images, correspondence, including any email correspondence, drawings, log books, notes, sketches, submittals, contracts and subcontracts (including all attachments and exhibits thereto), scope of work addendums, bids, proposals, change orders, back charges, job file materials, permits, inspection reports, plans and specifications, payment records, purchase orders, invoices, scope of work instructions, lien waivers and releases, reports, meeting minutes, approvals, warranty requests and repair documents.

If any parties are subsequently added to this case those new parties shall be required to produce all project documents as described above to the repository within 45 days of having received service of process.

b**. Production of Records from Plaintiff. Within forty-five (45) days of the entry of this Order,** Plaintiff shall produce all non-privileged documents, records, and materials relating to the maintenance, and/or repairs to areas of the Project which are alleged to be defective, board meeting minutes, annual budgets, insurance claims, governing documents, and contracts with property managers. Plaintiff shall also produce all Notices of Claim (pursuant to Ch. 558, Florida Statutes) issued in connection with this matter.

c**. Privilege Logs.** Parties withholding any documents on the basis of privilege must file and serve an adequate privilege log no later than **twenty days (20) after production.** Parties shall comply with Division CV-E Guidelines Regarding Privilege Logs and *In Camera* Review Procedures[[5]](#footnote-5)1 published on the Court’s website.

d. **Continuing Obligation to Produce.** All parties are under a continuing obligation to produce all non-privileged documents and materials discovered after the initial production. If it becomes necessary for any party to supplement their document production, that party must also file a supplemental Notice of Compliance. No party shall withhold any document or materials from production that the party intends to enter into evidence at trial.

e**. Costs of Production and Option to Make Records Available for Inspection.** Production of records under this section from any party shall be uploaded to the designated court reporter’s document repository for all production with corresponding Bates stamp unique to each party and sequentially numbered. Each party uploading records to the repository shall be responsible for the costs associated with compilation and production of its own records, and all such records shall be scanned, OCR’ed, and bates labeled.

f. **Insurance Policy Production. Within thirty (30) days of the entry of this Order** Defendants at all levels (i.e., direct Defendants, Third-Party Defendants, etc.) shall produce a certified copy of any and all policies of insurance that may cover any portion of the damages claimed in this suit, including any and all policies in effect at any point from the time work was commenced by such party at the Project to the present date.

If any parties are subsequently added to this case those new parties shall be required to produce such policies as described above to the repository **within thirty (30) days of having received service of process.**

g. **Standard Interrogatories.** Dream Finders Homes shall serve on all other parties’ responses to the Standard Interrogatories attached hereto as Exhibits “A” and “C” within **thirty (30) days** of this Order.

Plaintiff shall serve on all other parties’ responses to the Standard Interrogatories attached hereto as Exhibit “D” within **thirty (30) days** of this Order.

All Defendants other than Dream Finders homes, including any Third-Party or Fourth-Party Defendants, shall serve on all other parties, responses to the Standard Interrogatories attached hereto as Exhibits “A” and “B” within **thirty (30) days** of the date of this Order. Any party appearing after entry of this Order shall respond to the Standard Interrogatories attached hereto as Exhibits “A” and “B” within **thirty (30) days** of service of process in this matter.

Each party shall directly respond to the interrogatories and shall have an authorized representative sign the party’s responses and cause them to be duly verified.

h. **Electronically Stored Information (ESI) Discovery.** Before producing ESI, each party will confer with the other parties (whether in person, on the telephone, or in writing) regarding the due diligence efforts that will be taken to identify, collect and produce ESI, including the identification of electronic storage media to be searched and applicable records custodians, date ranges, and search terms. The parties are responsible for coordinating ESI requests and meetings regarding same.

20. **Repairs to the Project.** Prior to any repairs being performed by or on behalf of Plaintiff or the homeowners on the buildings on the Project which may alter the condition of the property in a way or ways material to the issues or proof in this action, Plaintiff shall provide all other parties with written notice of its intent to perform such repairs at least **seven (7) days** in advance of the date established for commencement of the repairs. Such notice may be affected by electronic service. Plaintiffs shall permit any party who desires to do so to inspect the property and be present at the time said repairs are made for the purpose of observing and photographically and/or video graphically documenting the conditions before, during, and after the repairs. Plaintiffs’ notice shall inform all of the parties to the extent reasonably possible of the type of repair, the building number and approximate location of the repair work, the estimated commencement date and expected duration of the work (if reasonably known and may be subject to changes once the condition is further diagnosed), and any required safety equipment or procedures required for observers. Plaintiffs shall provide written notice of any emergency repairs to be performed in less than **seven (7) days** to all parties as soon as is reasonably practicable after the need for same is determined.

21. **Inspections of the Project.** Defendant, Third-Party, and Fourth-Party Defendants shall be entitled to conduct inspections of the Project upon **thirty (30) days** written notice to Plaintiffs and all parties that specifies which units are to be inspected or the location of destructive testing, the nature of the inspection and/or destructive testing, and the identity of the people intending to be present for inspection pursuant to Fla. R. Civ. P. 1.350, subject to Plaintiffs’ right to object to any such notice. Defendant or Third or Fourth-Party Defendants shall designate the units or areas they want to inspect with reasonable particularity.

**PRE-TRIAL PROCEDURES**

22. **Pre-Trial Conference (“Conference”).** This Conference will be held in Hearing Room 739, Duval County Courthouse, 501 West Adams Street, Jacksonville, Florida on **\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_, at \_\_:\_\_ a.m./p.m.,** in accordance with the provisions of Rule 1.200, Fla. R. Civ. P.Time allocated for this Conference is **four (4) hours.** This Conference shall be attended **in person** by attorney(s) for each of the parties who will participate in the trial of the case, and all admissions and disclosures of fact made during the Conference shall be binding on the parties.

23. **No later than thirty (30) days** **prior to the Pretrial Conference** (“Conference”), each party shall produce to all other parties all trial exhibits in electronic format it intends to introduce at trial. **No later than twenty (20) days** **prior to the Conference**, trial counsel and all unrepresented parties shall meet (“meeting”) together at a mutually agreeable date, location, and time. Attendance at this meeting in person or in digital (video) format is mandatory, telephonic attendance does not satisfy the attendance requirement. Should any party object they may seek an Order from this Court setting an alternate time, date or place, but absent the issuance of such an Order, all parties shall attend this meeting pursuant to the notice.

At this meeting the attorneys and unrepresented parties shall: (a) attempt to settle the case; (b) produce, examine and mark every exhibit (including audio and video exhibits) and document that may be used at trial; (c) review the witness lists and note which witnesses and depositions the parties in good faith anticipate will actually be used at trial, (d) review all video depositions or exhibits to be used at trial; (e) stipulate as to those facts which do not require proof at trial; (f) make available demonstrative aids, video, audio or PowerPoint or similar presentations intended to be used during opening statements or trial; (g) clarify and frame all factual issues to be tried; (h) identify all significant issues of law, procedure, or evidence to be decided by the Court prior to or during trial; (i) attempt to agree upon the number of peremptory challenges, if a jury trial; (j) discuss and cooperate with each other to prepare a **Pre-Trial Stipulation****[[6]](#footnote-6)3**; (k) complete the Division CV-E **“Pretrial Conference Checklist”**[[7]](#footnote-7)1 to be submitted to the Court at the Conference; (l) draft a proposed **“Pretrial Conference Order”**1 to be submitted to the Court at the Pretrial Conference or immediately thereafter; (m) agree to the extent possible on the use of jury instructions and verdict form at trial; and (n) attempt to agree upon any other matters which will lead to a more orderly trial.

24**. Joint Pretrial Stipulation.** Plaintiffs’ counsel shall prepare and present to opposing counsel and all unrepresented parties a proposed Joint Pretrial Stipulation.3 The stipulation shall be signed by all attorneys and unrepresented parties. The original shall be filed with the Clerk and one copy shall be mailed or delivered to the Court **no later than fifteen (15) days prior to** **the pretrial conference.** To the extent the parties differ as to how portions of the Joint Pretrial Stipulation3 should read the differing views should be set forth in the statement. The Joint Pretrial Stipulation3 shall contain the following items in the following format: (a) a concise factual statement of the nature of the action, which shall include the date and place of accrual, identity of the parties as they relate to the action, and a brief general statement of each party’s case or contention. The statement shall be in such form and contain such necessary information for the Court to read to and apprise the jury of the claims to be tried, including any Counter-Claims, Cross-Claims, or Third-Party Claims; (b) a concise statement of those issues or facts which remain to be litigated or tried; (c) a statement of facts which are admitted and which of those admitted facts may be read in evidence at trial as a stipulation of the parties; (d) a list of issues raised by the pleadings that are abandoned; (e) any proposed amendments to the pleading; (f) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of them from whom testimony may be presented at trial – the list shall identify whether each witness is expected to testify live or by deposition; (g) an itemized list of special damages that each party claiming special damages expects to prove; (h) the exhibit list (i) the witness list; (j) a current estimate of the number of days required for trial and the time requested for opening statements; (k) the number of peremptory challenges, (l) a statement reflecting objections to specific portions of video depositions, testimony, or video exhibits which may be offered in evidence at trial shall be filed with the stipulation (the depositions with objections noted on each page of designations, shall be provided to the Court in a manner agreeable to the parties and the Court for review and rulings); (m) a list of any undisposed matters to be heard at the Pre-Trial Conference; (n) any other agreed matters.

With respect to the exhibits and demonstrative aids for trial, all parties shall agree on those which can be admitted as joint exhibits, those which can be admitted without objection, and identify those to which objections will be made and the grounds for each objection. Objections not reserved or grounds not noted in writing will be deemed waived at trial, but only with respect to the authenticity and the admissibility of the exhibit. The parties shall indicate their agreement or objection to exhibits as part of the Joint Pretrial Stipulation[[8]](#footnote-8)3 required by this Order. Any listed exhibit not objected to will be admitted in evidence. If possible, a consolidated exhibit list incorporating all exhibits, eliminating duplicate exhibits, and incorporating all objections shall be prepared for submission to the court with the Joint Pretrial Stipulation[[9]](#footnote-9)3. For demonstrative aids, any material changes and/or additions to any such presentation after disclosure to the parties prior to trial made during the course of trial, such as for closing, shall be disclosed to opposing counsel prior to their use. All exhibits which are the subject of any objection raised in the Pretrial Stipulation shall be brought to the Pretrial Conference.

With respect to witnesses or deposition for trial copies of the witness lists will be attached to the Joint Pretrial Stipulation required by this Order. If possible, a consolidated witness list shall be prepared and attached to the Joint Pretrial Stipulation3 required by this Order.

25. **Trial Exhibits.** All exhibits intended to be offered at trial, including rebuttal, shall be exhibited to all opposing counsel **THIRTY (30) DAYS** prior to the Pretrial Conference. The Pretrial Stipulation shall contain a list of all exhibits that may be offered in evidence at trial, together with a statement of objections, if any, to exhibits offered by the opposing party. With respect to each item, the Pretrial Stipulation shall reflect whether or not the evidence will be stipulated into evidence, stipulated as to authenticity, with objection reserved for relevancy and materiality, or objected to in its entirety and the ground therefor. All exhibits which are the subject of any objection raised in the Pretrial Stipulation shall be brought to the Pretrial Conference.

**No later than FIVE (5) DAYS** **prior to the Trial,** counsel for each party shall deliver to the Trial Clerk an Exhibit List that contains an itemized list of all exhibits to be introduced during trial. All exhibits shall be pre-marked for identification, with letters being utilized for the marking of exhibits for identification. The letters utilized for marking the exhibits for identification shall correspond to the Exhibit List given to the Trial Clerk. Those exhibits that will be admitted into evidence by stipulation of the parties or without objection shall be further pre-marked accordingly as exhibits in evidence. Those exhibits to be admitted by stipulation or without objection shall be sequentially numbered. Further, prior to Opening Statements, the parties shall communicate with the Trial Clerk so as to coordinate the marking, organization and handling of exhibits.

26. **Jury Instructions.** If this case is scheduled for a jury trial, **no later than twenty (20) days** before the beginning of trial, the parties shall schedule a Jury Instruction Charge Conference with the Court. **At least ten (10) days** prior to this conference with the Court each party shall file and submit to the Court an original and copy of that party's Proposed Jury Instructions and Verdict Form. Counsel shall meet and confer prior to trial and attempt to agree on the jury instructions and verdict form. Parties may choose to submit Joint Proposed Jury Instructions and Verdict Form. The jury instructions and verdict form shall be finalized at the Jury Instruction Charge Conference.

The Plaintiff(s) shall be responsible for preparing a complete set of proposed jury instructions and verdict forms and serving them upon opposing counsel **no later than TEN (10) DAYS** before the pre-trial meeting of attorneys referred to in **Paragraphs 5 and 23** above.

27. **Trial Witnesses.** Plaintiff(s) shall furnish Defendant(s) a **final** list of all witnesses expected to testify at trial, including any rebuttal witnesses, **no later than SEVENTY-FIVE (75) DAYS** prior to the Pretrial Conference. Defendant(s) shall furnish Plaintiff(s) a **final** list of all witnesses expected to testify at trial, including any rebuttal witnesses, **no later than SIXTY (60) DAYS** prior to the Pretrial Conference. Each list shall contain the name and address of each witness and shall identify whether each witness is expected to testify live or by deposition. **Any witness not disclosed as described herein shall not be permitted to testify at trial without an order of the Court.**

28. ***Daubert* or Other Expert Witness Issues**. Counsel for the parties shall familiarize themselves with the “Procedures for Setting F.S. 90.702 (“*Daubert*”) Type Hearings in Division CV-E”[[10]](#footnote-10)1 and be governed accordingly. All *Daubert* or other expert witness related motions or objections shall be filed, served and noticed by the deadlines set forth in Paragraph 5 above. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing expert witness related motions or objections shall be responsible to do that which is necessary so that hearings regarding expert witness related evidence **shall be heard or agreed to by the parties no later than** **THIRTY** **(30) DAYS** prior to the Pretrial Conference. Any expert witness related motions or objections shall state with particularity the grounds upon which they are based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. Any expert related motions or objections not filed or noticed for hearing within the time referenced in this paragraph are denied and such objections are overruled. The Court may summarily rule on any expert witness related motion not written with particularity as described above.

29. **Disclosure of Northup Impeachment Materials.** **NO LATER THAN SIXTY (60) DAYS** prior to the Final Case Management Conference, pursuant to the holding in *Northup v. Acken*, 865 So. 2d 1267 (Fla. 2004), all parties shall identify, disclose and exchange **all** materials reasonably expected or intended to be used at trial for witness impeachment, including, but not limited to: deposition and trial transcripts of testimony given in unrelated actions; medical literature; articles; learned treatises; video or audio recordings; and publications. If such materials are reasonably expected to be disclosed to the Court or jury at trial, then it must be identified, disclosed, and copies provided to the adverse party in accordance with this order. Such impeachment materials shall be included on the parties’ respective Trial Exhibit Lists. The disclosure of such *Northup* impeachment materials shall include, as it concerns deposition and trial transcripts of testimony given in unrelated actions, page and line designations of such transcripts reasonably expected or intended to be used at trial for witness impeachment.

30. **Dispositive and Summary Judgment Motions.** All Pretrial dispositive motions, (e.g. motion to dismiss for fraud upon the court) and summary judgment motions shall be filed by the moving party and served on all opposing parties by the deadlines set forth in paragraph 5 above and noticed for hearing or agreed to by the parties **no later than THIRTY (30) DAYS** prior to the Pretrial Conference. Counsel for the parties shall familiarize themselves with the “Procedures for Pleading, Scheduling, and Hearing Summary Judgment Motion in Division CV-E”[[11]](#footnote-11)1 and be governed accordingly.

31. **Motions in *Limine*.** All case specific Motions in *Limine* shall be filed, served, and noticed by the deadlines set forth in Paragraph 5 above, and heard or agreed to by the parties **no later than THIRTY (30) DAYS** prior to the Pretrial Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. The Court may summarily rule on any Motions in Limine not written with particularity as described above. The parties shall comply with the specific provisions of the “Division CV-E Civil Policies and Procedures”[[12]](#footnote-12)1 related to “Motions in Limine (MIL)” (Section XX.) and the “Meet and Confer” Requirements (Section III. L. and M.).

32. **Deposition Designations.** **No later than NINETY (90) DAYS** prior to the Final Case Management Conference, all parties shall exchange and file deposition designations of witnesses whose testimony the party expects to be presented by deposition, whether by transcript or video. **No later than TEN (10) DAYS** after receiving such designations, all parties shall exchange and file objections and counter-designations to the same. **No later than TEN (10) DAYS** after receiving counter-designations, all parties shall exchange and file objections to counter-designations and counter-counter-designations, if necessary. The parties shall comply with the Division CV-E “Meet and Confer” Requirements, set forth in this Court’s Policies and Procedures,[[13]](#footnote-13)1 to resolve any issues, objections and/or completeness concerns related to such deposition designations before scheduling a hearing.

33. **Notice Regarding Use of Demonstrative Aids.** Parties may use demonstrative aids, video, audio or PowerPoint or similar presentations, during opening statements, trial, and/or closing arguments. Prior to use at trial, the party intending to use any such demonstrative aid must make the demonstrative aid available to opposing counsel **no later than the meeting preceding the Pretrial Conference referred to in Paragraph 23 above** to allow opposing counsel to reasonably evaluate the same. Parties intending to use such demonstrative aid(s) during closing arguments must make the same available to opposing counsel no later than 1:00 p.m. the last business day preceding closing arguments. Any material changes and/or additions to any such presentation shall be disclosed to opposing counsel prior to their use. Parties may use exhibits during opening statement that are marked and admitted in evidence **prior to opening statements** without providing notice to the opposing party. However, such exhibits used during opening statement must be an exact duplicate of the exhibit admitted in evidence without any annotations, graphics, alterations, or embedding into a PowerPoint or similar presentations. Similarly, parties may use exhibits during closing arguments that are marked and admitted in evidence **prior to closing arguments** without providing notice to the opposing party. However, such exhibits used during closing argument must be an exact duplicate of the exhibit admitted in evidence without any annotations, graphics, alterations or embedding into a PowerPoint or similar presentations.

34. **Attorney Representation and Authority.** In order for the full purpose of the Pretrial Meeting and Pretrial Conference to be accomplished, the parties shall be represented at all such meetings and hearings required herein to prepare the **“Pretrial Stipulation”[[14]](#footnote-14)3, “Pretrial Conference Checklist”1**, and a proposed **“Pretrial Conference Order”1** by attorneys who will participate in the trial of the case and who are vested with full authority to make admissions and disclosure of facts to bind their respective client(s) by agreement regarding all matters pertaining to the trial of this case and the “Pretrial Stipulation”, “**Pretrial Conference Checklist”1,** and a proposed **“Pretrial Conference Order.”1**

35. **Alternative Dispute Resolution (“ADR”) and ADR Completion Deadline.** This case is referred to mediation for alternative dispute resolution (“ADR”). \_\_\_\_\_\_\_\_\_\_\_\_\_ is appointed Mediator by separate order, pending availability, in accordance with Rules 1.700 - 1.730 of the Florida Rules of Civil Procedure, Chapter 44 of the Florida Statutes, and Administrative Order No. 2013-13. If \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is unable to accommodate the mediation requirements of this case, then the parties shall select another mediator in the alternative who can accommodate the mediation schedule set forth in paragraph 5b. above. Unless otherwise agreed to by the parties in writing all fees and costs incurred for general mediation services, including but not limited to the mediator’s fees and location services, shall be borne equally by all parties to this action. **ALL REQUIRED ADR OR MEDIATIONS SHALL BE HELD PRIOR TO THE PRETRIAL CONFERENCE. IT IS MANDATORY THAT ADR OR MEDIATION BE ATTENDED BY THE PARTIES, THEIR COUNSEL WHO WILL TRY THE CASE, AND WHEN APPLICABLE, AN INSURANCE COMPANY REPRESENTATIVE WITH FULL AND ABSOLUTE AUTHORITY TO SETTLE THE CASE WITHOUT FURTHER CONSULTATION.** ADR or mediation may be conducted in person, through the use of communication technology as that term is defined in Florida Rule of General Practice and Judicial Administration 2.530, or by a combination thereof. In the event all parties do not stipulate or agree that the ADR or mediation proceedings be conducted by communication technology as that term is defined in Florida Rule of General Practice and Judicial Administration 2.530 or by a combination of communication technology and in-person participation, the party objecting to using communication technology shall file a motion setting forth why good cause exists to grant the motion seeking an order requiring ADR or mediation be conducted in person and schedule a fifteen (15) minute hearing on such motion be heard prior to the scheduled mediation conference. A party, trial attorney, or insurance company representative may be excused from attending the mediation conference by the Mediator of the Court only for good cause. Certificates of Authority specified in Rule 1.720(e) shall be filed and served at least **ten (10) days** prior to the commencement of each mediation. All communications, written or oral, for or during the course of the mediation process are confidential and inadmissible at trial or in any subsequent evidentiary hearing convened in this case.

36. **Settlement.** All counsel shall immediately notify this Court in the event of settlement or dismissal, and the parties shall immediately file a Notice of Settlement. The parties shall immediately meet and confer to prepare an *Agreed Case Management Order Regarding Settlement**[[15]](#footnote-15)1* to be submitted to the Court detailing the anticipated timeline for final disposition of this action pursuant to Rule 1.545 Fla. R. Civ. P. A template for this Agreed Order is published in Word format on the Court’s website.[[16]](#footnote-16)1 Additionally, the parties shall submit a stipulation for an order of dismissal or shall file a dismissal with prejudice. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement. A copy of the mediation report is insufficient to remove the case from the Court’s docket.

37. **Modification of this Order; Extension of Time Limits and Deadlines.** The parties shall not unilaterally, individually or by agreement, modify this Order or waive any of the provisions of this Order. The provisions and deadlines of this Order, to the extent they can be modified or extended, shall only be modified, or extended upon motion/stipulation **and** written Court order. The parties are permitted to grant extensions to the deadlines set forth in this order, without Court approval, **except for paragraphs 11 and 27-33 above**, provided that any such deadline extension agreement does not cause a continuance of the trial or would prevent the completion of mediation prior to trial. Any such extension or modification agreed to shall be by joint motion/written stipulation by the parties directly affected by the extension or modification, filed with the Court **and** written Court order. **Extensions to the specific deadlines set forth in paragraphs 11 and 27-33 above, and any other permissible extension of the deadlines or compliance dates established herein or modifications to this order, that the parties are unable to resolve, requires Court approval and a written Court order.**

38. **Continuances.** This Court adheres strictly to Florida Rule of General Practice and Judicial Administration 2.545(e) and Florida Rule of Civil Procedure 1.460. Accordingly, motions for continuance or stipulations/agreements and motions to amend or extend deadlines set forth in this order that change the trial period, even if agreed, must be in writing and state with specificity the following:

1. the signature of the named party and the attorney representing the party requesting the continuance except for good cause shown;
2. a concise statement of the facts and reasons that form the basis of the need for the continuance, including when the basis became known to the movant;
3. whether the motion is opposed;
4. the action and specific dates for the action that will enable the movant to be ready for trial by the proposed date, including, but not limited to, confirming the specific date any required participant such as third-party witnesses or experts are available;
5. the proposed date by which the case will be ready for trial and whether that date is agreed to by all parties; and
6. either a certificate of conferral substantially in the form provided in rule 1.202(b), Fla. R. Civ. P., or if the conference required in rule 1.460(d), Fla. R. Civ. P. did not occur, an explanation of the dates and methods of the efforts to confer substantially in the alternative form provided in rule 1.202(b), Fla. R. Civ. P..

Any such motion(s), stipulation(s), or agreement(s) must be approved upon hearing by the Court no later than the Pretrial Conference. No such motion will be heard that is not in compliance with this Order except upon good cause shown.

39. **Admonitions and Sanctions.** Failure to comply with the requirements of this Order will subject the party and/or attorney to appropriate monetary and nonmonetary sanctions, which may include the sanctions referenced in Rules 1.200(j)(6) and 1.420(b) of the Florida Rules of Civil Procedure, including, but not limited to striking of pleadings, witnesses, exhibits, and/or defenses, dismissal of the case, and/or award of attorney’s fees and costs, and/or imposition of fines.

**TRIAL**

40. **Trial.** This case has been set for trial during the **trial period beginning \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_, 20\_\_.** The first day of the trial period is hereinafter referred to as the “Trial Date”.

**DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida this \_\_\_\_ day of \_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CARYN SIPERSTEIN**

**CIRCUIT COURT JUDGE**

Copies furnished to all counsel of record.

Case No.: 16-20\_\_-CA-00\_\_\_\_\_\_\_\_\_-XXXX

*Complex Action Case Management Order Fixing Actual Jury Trial Period, Scheduling Pretrial Conference, and Requiring Matters to be Completed Prior to Pretrial Conference*

**INSURANCE INTERROGATORIES**

Case Name and No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Full Name of Responding Party:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter "You").

1. State the full legal name of the party responding to this Questionnaire.

**Response**:

2. State the name of the attorney and law firm representing the party responding to this Questionnaire, as applicable:

**Response**:

3. State the name of each insurance carrier the responding party believes may have insurance coverage obligations for damages claimed in this lawsuit and provide the following information:

**Response**:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Carrier Name | Policy Number | Policy Period | Policy Limits (Per Occurrence & Aggregate where applicable) | Amount remaining on policy (Per Occurrence & Aggregate where applicable) | Primary or Excess |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

4. For each insurance policy identified in your Response to Question 3, provide the following information:

**Response**:

|  |  |  |  |
| --- | --- | --- | --- |
| Policy Number | Carrier Defending Under Reservation of Rights? (Y/N) | Coverage Denied or Revoked? (Y/N) | Competing claims against the policy? (Y/N) |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

**VERIFICATION OF ANSWERS TO INSURANCE INTERROGATORIES**

Under penalties of perjury, I hereby swear or affirm that the above responses to Insurance Interrogatories are true and correct to the best of my knowledge.

PARTY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as identification.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(seal)

**STANDARD INTERROGATORIES TO DEFENDANTS AT ALL LEVELS,**

**OTHER THAN GENERAL CONTRACTOR**

**Case Name and No:**

**Full Name of Responding Party:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter "You").

1. State the name and address of all individuals assisting You in responding to these Standard Interrogatories.

**Response:**

1. State the description of the work You performed at or for the Project.

**Response:**

1. State the location of the work You performed (the buildings, phases or other areas where You performed your work).

**Response:**

1. State the dates in between which You performed your work at or for the Project.

**Response:**

1. Identify the person or entity whom You contracted with to perform your work at or for the Project.

**Response:**

1. Describe in detail the materials, if any, You supplied toward the construction of the Project.

**Response:**

1. If You subcontracted with any person or entity to fulfill of your work obligations, provide the following information.
   1. The name and last known address of each person or entity You subcontracted with;
   2. The nature of the work each subcontractor performed on your behalf;
   3. The materials supplied by each subcontractor on your behalf;
   4. The specific location or locations of the work each subcontractor performed on your behalf.

**Response:**

1. Identify, by name and address, any individuals who have knowledge as to signing of any contracts pertaining to the work performed or materials supplied by You at or for the Project.

**Response:**

1. State the name and last known address of each person who served as job foreman, superintendent and/or project manager with regard to the work performed or material supplied by You at or for the Project.

**Response:**

1. Identify, by name and address, the individuals who have knowledge regarding the work performed by You toward the construction and development of the Project.

**Response:**

1. Identify, by name and address, the individuals who have knowledge regarding any repairs performed by You at the Project.

**Response:**

**VERIFICATION OF ANSWERS TO STANDARD INTERROGATORIES TO DEFENDANTS AT ALL LEVELS, OTHER THAN GENERAL CONTRACTOR**

Under penalties of perjury, I hereby swear or affirm that the above responses to Standard Interrogatories to Defendants and Third-Party Defendants are true and correct to the best of my knowledge.

PARTY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as identification.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(seal)

**STANDARD INTERROGATORIES TO GENERAL CONTRACTOR**

**Case Name and No:**

**Full Name of Responding Party:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter "You").

1. State the name and address of all individuals assisting You in responding to these Standard Interrogatories.

**Response:**

1. For each person or entity named as a Defendant by Plaintiff, or as Cross-claim Defendant by YOU state the following:
   1. The name and last known address of each person or entity You contracted with;
   2. The nature of the work each person or entity performed on your behalf;
   3. The materials supplied by each person or entity on your behalf;
   4. The specific location or locations of the work each person or entity performed on your behalf (i.e. addresses, building numbers, or other information sufficient to identify the location of the work).
   5. The years in which each person or entity performed work on your behalf at the Project.
   6. Please state whether you entered into a written contract with such person or entity which related to the construction of the Project at issue, and for each such contract please state whether you have produced a copy of the contract to the parties in this action.
   7. If you had required, the work or services performed by each person or entity to comply with the applicable Florida building code.
   8. For each such person or entity state the date that you contend the contract was complete.

**Response:**

1. Identify, by name and address, of any individuals who have knowledge as to bidding, negotiations and signing of any contracts pertaining to the work performed or materials supplied any parties identified in response to question 2 above.

**Response:**

1. State the name and last known address of each person who served as a licensed qualifier with regard to the construction performed by You at or for the Project.

**Response:**

1. State the name and last known address of each person who served as job foreman, superintendent and/or project manager for the project and provide a description of the job responsibilities of each such individual.

**Response:**

1. Identify, by name and address, the individuals who have knowledge regarding the work performed Your subcontractors, contractor, architects, and engineers identified in response to question 2 above.

**Response:**

1. Identify, by name and address, the individuals who have knowledge regarding any warranty work or repairs performed by You or at your direction or request at the Project.

**Response:**

**VERIFICATION OF ANSWERS TO STANDARD INTERROGATORIES**

**TO GENERAL CONTRACTOR**

Under penalties of perjury, I hereby swear or affirm that the above responses to Standard Interrogatories to General Contractor are true and correct to the best of my knowledge.

PARTY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as identification.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(seal)

**STANDARD INTERROGATORIES TO PLAINTIFF**

**Case Name and No:**

**Full Name of Responding Party:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (hereinafter "You" or “Your”).

1. Identify, by name and address, the individual who is most knowledgeable regarding any repairs performed by You at the Project.

**Response:**

1. Identify, by name and address, the individual who is most knowledgeable regarding any maintenance performed by You or on your behalf at the Project.

**Response:**

1. Identify, by name and address, the individual who is most knowledgeable regarding complaints made by the Project's occupants that You believe relate to alleged construction defects.

**Response:**

1. Identify all property management companies who have managed the Project on your behalf since turnover and provide the period of their services.

**Response:**

**VERIFICATION OF ANSWERS TO STANDARD INTERROGATORIES**

**TO PLAINTIFF**

Under penalties of perjury, I hereby swear or affirm that the above responses to Standard Interrogatories to Plaintiff are true and correct to the best of my knowledge.

PARTY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The foregoing was acknowledged before me, by means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as identification.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(seal)

1. [↑](#footnote-ref-1)
2. 2 This Final Case Management Conference will allow the Court to assess the number of remaining parties in the litigation, the potential for additional settlements and the potential for further narrowing the trial issues. The Court may also advise the parties as to the status of the trial docket and other concerns. See Fla. R. Civ. P. 1.201(d) and paragraph 9 below. [↑](#footnote-ref-2)
3. 3 Also referred to as Joint Pretrial Statement. [↑](#footnote-ref-3)
4. 3 Also referred to as Joint Pretrial Statement. [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. 3 Also referred to as Joint Pretrial Statement. [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. 3 Also referred to as Joint Pretrial Statement. [↑](#footnote-ref-8)
9. [↑](#footnote-ref-9)
10. [↑](#footnote-ref-10)
11. [↑](#footnote-ref-11)
12. [↑](#footnote-ref-12)
13. [↑](#footnote-ref-13)
14. 3 Also referred to as Joint Pretrial Statement. [↑](#footnote-ref-14)
15. [↑](#footnote-ref-15)
16. [↑](#footnote-ref-16)