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

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

DIVISION: AG

Plaintiff,

vs.

Defendant.

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

**ORDER SETTING ACTUAL JURY TRIAL PERIOD,**

**SCHEDULING PRETRIAL CONFERENCE, AND REQUIRING MATTERS**

**TO BE COMPLETED PRIOR TO PRETRIAL CONFERENCE**

**THIS CAUSE** having come before the Court to fix an actual trial period pursuant to Florida Rules of Civil Procedure 1.200 and 1.440, and the Court, having reviewed the parties’ filings, relevant pleadings, and being fully advised in the premises, finds as follows:

1. This case is assigned to the **[enter streamlined or general]** case management track.
2. A jury trial is demanded.
3. This action is ready to be set for an actual trial period.
4. The trial duration is **[enter number]** days.
5. This Order is intended to discourage wasteful and inefficient pretrial activities, reduce the cost of litigation, assist the parties in resolving their disputes without court intervention, if possible, promote judicial economy and efficiency, and secure the just and the efficient determination and final disposition of the action.

The Court having reviewed the filings, the parties’ *Trial Set Memorandum*, and otherwise being fully advised in the premises, it is hereby,

 **ORDERED** as follows:

1. **THIS ORDER GOVERNS.**

This action shall be governed by this Order. This Order shall supersede any previous Case Management Order(s) (“CMO(s)”) entered by the Court, including, but not limited to, the initial CMO setting a projected trial date and case management deadlines.

1. **PROCEDURES AND STANDARDS OF CONDUCT.**

Counsel for the parties shall familiarize themselves with all Division AG Policies and Procedures[[1]](#footnote-1) and be governed accordingly. 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 AGTrial Conduct and Courtroom Decorum Policy”1 published on the Court’s website and be governed accordingly.

1. **TRIAL TERM DATE.**

 This cause is hereby set for jury trial during **the week of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_,** at **8:30 a.m.** Time allocated for trial is **\_\_\_\_ DAYS**.

1. **PRETRIAL CONFERENCE.**

The Pretrial Conference will be held in Chambers, Palm Beach County Courthouse, 205 N. Dixie Highway, West Palm Beach, Florida, on **\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_, at \_\_\_\_\_\_ a.m./p.m.**, in accordance with the provisions of Rule 1.200, Florida Rules of Civil Procedure. Time allocated for conference is **twenty (20) minutes**.

1. **REQUIREMENTS PRIOR TO PRETRIAL CONFERENCE; PRETRIAL MEETING.**

**No later than seven (7) days prior to the Pretrial Conference**, attorneys for each party shall meet together by agreement instigated by counsel for the Plaintiff(s), to: discuss the possibility of settlement; stipulate to as many facts and issues as possible; discuss and cooperate with each other to prepare a **Pretrial Stipulation****[[2]](#footnote-2)2**; **“Pretrial Conference Checklist”**1 to be submitted to the Court at the Pretrial Conference; draft a proposed **“Pretrial Conference Order”**1 to be submitted to the Court at the Pretrial Conference or immediately thereafter; examine all exhibits and documents that may be used at trial; confirm for opposing counsel the names and addresses of all witnesses who may testify at trial; review all video depositions or exhibits to be used at trial; **agree to the extent possible on the use of jury instructions and verdict form at trial**; and complete all other matters which may expedite both the Pretrial Conference and the trial of this case. The templates for the “Pretrial Conference Checklist” and the “Pretrial Conference Order” can be found on the Court’s website.[[3]](#footnote-3)1 It is the responsibility of counsel for Plaintiff or Plaintiff, if *pro se*, to schedule this meeting.

1. **REQUIREMENTS OF PRETRIAL STIPULATION.**

Counsel shall prepare a Pretrial Stipulation[[4]](#footnote-4)2 which shall be **filed with the Court at the Pretrial Conference** and shall contain the following: (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 facts which are admitted and will require no proof at trial; (c) a concise statement of those issues or facts which remain to be litigated; (d) any proposed amendments to the pleadings; (e) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of each from whom testimony may be presented at trial – the list shall identify whether each witness is expected to testify live or by deposition; (f) a complete list of exhibits, including, but not limited to, exhibits to be used for demonstrative purposes only, as set forth in paragraph 7 below; (g) a statement reflecting any remaining issues or 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 timely filed and provided to the Court as set forth in paragraph 24 below to the parties and the Court for timely review and ruling); and (h) a list of any undisposed matters to be heard at the Pretrial Conference.

1. **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.

Prior to Opening Statements, 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.

1. **FACT WITNESSES.**

**No later than** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_**, Plaintiff(s) shall provide Defendant(s) with a **preliminary** list of fact witnesses reasonably known to the Plaintiff(s) for purposes of the parties meeting the applicable discovery deadlines set forth in paragraph 11 below. **No later than \_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_**, Defendant(s) shall provide Plaintiff(s) with a **preliminary** list of fact witnesses reasonably known to Defendant(s) for purposes of the parties meeting the applicable discovery deadline set forth in paragraph 11 below. Each list shall contain the name and address of each witness and it shall identify whether each witness is expected to testify live or by deposition. Such written disclosure of preliminary fact witnesses shall be in a format that can be filed with the Court and served on all respective opposing counsel. **Any witness not disclosed herein shall not be permitted to testify at trial without an order of the Court.**

1. **DISCLOSURE OF RETAINED EXPERT WITNESSES.**

Pursuant to Florida Rule of Civil Procedure 1.280(c)(5), each party shall serve on all opposing counsel and file with the Court a notice containing 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.

**No later than ONE HUNDRED EIGHTY (180) DAYS** prior to the Pretrial Conference, Plaintiff(s) shall disclose each retained expert witness who will testify at trial on behalf of Plaintiff(s).

**No later than ONE HUNDRED FIFTY (150) DAYS** prior to the Pretrial Conference, Defendant(s) shall disclose each retained expert witness who will testify at trial on behalf of Defendant(s).

**No later than THIRTY (30) DAYS** after the Plaintiff(s) is served with Defendant’s retained expert witness disclosure, Plaintiff(s) shall disclose each retained rebuttal expert witness, if any, who may testify at trial on behalf of Plaintiff(s).

**No later than FOURTEEN (14) DAYS** after Defendant(s) is served with Plaintiff’s retained rebuttal expert witness disclosure, if any, Defendant’s shall disclose each retained sur-rebuttal expert witness, if any, who may testify at trial on behalf of Defendant(s).

Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court. All parties shall cooperate in the scheduling of expert depositions. Notwithstanding the foregoing, the Court expects the parties to truthfully and thoroughly answer interrogatories and other discovery. If interrogatories seeking information regarding expert witnesses have been served, the party answering such discovery shall do so in good faith and shall not delay furnishing the information regarding expert witnesses and until the time such disclosure is required by this order.

The Court expects the parties to conduct discovery in good faith. Nothing in the foregoing should be interpreted to cause discovery regarding experts to commence on the deadlines referenced above. Should it be determined that a party failed to conduct discovery in good faith by refusing to identify expert witnesses or their opinions in a timely manner pursuant to interrogatories or other discovery, the Court may strike such experts’ testimony. Regardless of whether or not the Defendant(s) has served interrogatories upon the Plaintiff(s) requesting discovery of those things outlined in subparagraphs (a) – (e) above, the Plaintiff is required to timely disclose and provide the information regarding experts described above. Regardless of whether or not the Plaintiff(s) has served interrogatories upon the Defendant requesting discovery of those things outlined in subparagraphs (a) – (e) above, the Defendant is required to timely disclose and provide the information regarding experts described above. Should it be determined that a party failed to timely disclose expert(s) and provide the information regarding each such expert outlined in subparagraphs (a) – (e) above, the Court may strike such expert(s) entirely and/or strike such experts’ testimony.

1. **TREATING PHYSICIANS AND NON-RETAINED EXPERT WITNESSES.**

**No later than** **ONE HUNDRED EIGHTY (180)** **DAYS** prior to the Pretrial Conference, all parties shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each treating physician and non-retained expert witness who will testify at trial as an expert witness on behalf of a party: (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.

Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court. All parties shall cooperate in the scheduling of expert depositions. Notwithstanding the foregoing, the Court expects the parties to truthfully and thoroughly answer interrogatories and other discovery. If interrogatories seeking information regarding expert witnesses have been served, the party answering such discovery shall do so in good faith and shall not delay furnishing the information regarding expert witnesses and until the time such disclosure is required by this order.

 The court expects the parties to conduct discovery in good faith. Nothing in the foregoing should be interpreted to cause discovery regarding treaters and non-retained experts to commence on the deadlines referenced above. Should it be determined that a party failed to conduct discovery in good faith by refusing to identify expert witnesses or their opinions in a timely manner pursuant to interrogatories or other discovery, the court may strike such experts' testimony. Regardless of whether or not the defendant(s) has served interrogatories upon the plaintiff(s) requesting discovery of those things outlined in subparagraphs (a) - (e) above, the plaintiff is required to timely disclose and provide the information regarding experts. Regardless of whether or not the plaintiff(s) has served interrogatories upon the defendant requesting discovery of those things outlined in subparagraphs (a) - (e) above, the defendant is required to timely disclose and provide the information regarding experts described above. Should it be determined that a party failed to timely disclose such treaters and non-retained expert(s) and provide the information regarding each such expert outlined in subparagraphs (a) – (e) above, the Court may strike each expert(s) entirely and/or strike such experts’ testimony.

1. **DISCOVERY AND PRETRIAL DISCOVERY MOTIONS.**

 All **fact discovery** shall be completed **no later than NINETY (90) DAYS** prior to the Pretrial Conference unless otherwise extended by written agreement of counsel or by order of the Court. All **expert discovery** shall be completed **no later than SIXTY (60) DAYS** prior to the Pretrial Conference unless otherwise extended by written agreement of counsel and order of the Court. All **motions, objections, and requests** related to **fact and expert discovery** must be filed, noticed and resolved by hearing, or agreed to by the parties **no later than** **NINTY (90) DAYS** prior to the Pretrial Conference.

1. **TRIAL WITNESSES.**

 Plaintiff(s) shall disclose to Defendant(s) a **final** written list or notice 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 disclose to Plaintiff(s) a **final** written list or notice 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. Such written disclosure of a final list of all witnesses expected to testify at trial shall be in a format that can be filed with the Court and served on all respective opposing counsel. **Any witness not disclosed as described herein shall not be permitted to testify at trial without an order of the Court.**

1. ***DAUBERT* OR OTHER EXPERT WITNESS ISSUES.**

Counsel for the parties shall familiarize themselves with the “Procedures for Setting F.S. 90.702 (“*Dauber**t*”) Type Hearings and be governed accordingly. All *Daubert* or other expert witness related motions or objections shall be filed and served at least **SIXTY (60) 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 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 noticed and 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 **will be deemed moot and denied and any objections overruled by entry of this Order.** The Court may **summarily rule** on **and deny** any expert witness related motion not written with particularity as described above.

1. **DISCLOSURE OF POST-ACCIDENT SURVEILLANCE VIDEOS.**

**No later than ONE HUNDRED EIGHTY (180) DAYS** prior to the Pretrial Conference all parties conducting surveillance shall disclose and produce all surveillance video intended to be presented at trial to all opposing counsel in an unedited form together with a list of all persons involved in conducting the surveillance and obtaining the surveillance video. Said list shall contain the name and address of each person together with a brief description of the nature of their involvement. Such disclosure of surveillance witnesses shall be in writing in a format that can be filed with the Court and served on all respective opposing counsel. Counsel for the parties shall familiarize themselves with the specific provisions of the “Division AG Policies and Procedures”[[5]](#footnote-5)1 related to “Post-Accident Surveillance Videos” (Section XII) and be governed accordingly.

1. **DISCLOSURE OF *NORTHUP* IMPEACHMENT MATERIALS.**

 **No later than THIRTY (30) DAYS** prior to the Pretrial 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.

1. **DISPOSITIVE AND SUMMARY JUDGMENT MOTIONS.**

 All pre-trial 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 **no later than EIGHTY (80) DAYS** prior to the Pretrial Conference 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 Motions in Division AG”1 and be governed accordingly.

1. **MOTIONS TO AMEND PLEADINGS AND ADDING NEW PARTIES.**

 All **motions to amend the pleadings** shall be filed **no later than ONE HUNDRED FIFTY (150) DAYS** prior to the Pretrial Conference and noticed and resolved by hearing or agreed to by the parties **no later than ONE HUNDRED TWENTY (120) DAYS** prior to the Pretrial Conference. All motions **adding new parties** shall be filed **no later than THREE HUNDRED (300) HUNDRED DAYS** prior to the Pretrial Conference, and noticed and resolved by hearing or agreed to by the parties **no later than TWO HUNDRED SEVENTY (270) DAYS** prior to the Pretrial Conference. Plaintiff(s) and any Defendant(s) at all levels (including all Defendants regardless of their individual status (e.g. 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 resolved by hearing or agreed to by the parties a *Motion for Trial* **by no later than TWO HUNDRED FORTY (240) DAYS** prior to the Pretrial Conference to schedule 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 of this Order was entered by the Court. **Subject to motion and good cause shown by any such subsequent new parties or any other interested parties, this action as to any such subsequent new parties shall be governed by this Order.**

1. **DISCLOSURE OF *FABRE* DEFENDANTS.**

 **No later than ONE HUNDRED FIFTY (150) DAYS** prior to the Pretrial Conference all *Fabre* Defendants or any other persons, entities or other non-parties sought to be placed on the verdict form and against whom some measure of liability may be assessed by the jury, shall be disclosed to opposing counsel and the Court by filing and serving an appropriate pleading. (i.e., Motion to Amend Affirmative Defenses). No person or entity not timely disclosed will be placed on the verdict form without good cause shown.

1. **MOTIONS IN LIMINE AND OTHER PRETRIAL NON-DISPOSITIVE MOTIONS.**

 All case specific **Motions in *Limine*** shall be filed, served, noticed and resolved by hearing 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 AG Policies and Procedures”[[6]](#footnote-6)1 related to “Motions in Limine (MIL)” (Section XX.) and the “Meet and Confer” Requirements (Section III L. and M.). All **Non-Dispositive Pretrial Motions**, other than those pretrial motions governed by paragraphs 11, 13, 17, 19, 20, 21, 22 and 31 must be filed, noticed and resolved by hearing or agreed to by the parties **no later than THIRTY (30) DAYS** prior to the Pretrial Conference

1. **DEADLINE FOR DETERMINATION OF ADMISSIBLE EVIDENCE OF MEDICAL TREATMENT OR SERVICE EXPENSES PURSUANT TO SECTION 768.0427, FLORIDA STATUTES.**

For cases in which section 768.0427, Florida Statutes applies, all case specific motions for determination of admissible evidence of medical treatment or service expenses (e.g. motion in limine) shall be filed, served, noticed, and heard or agreed to by the parties **no later than SIXTY (60) DAYS** prior to the Pretrial Conference. In the event any of the parties determine that an evidentiary record must be developed by the Court to consider in order to make any relevant and necessary findings of fact to make its statutory determination of admissible evidence of medical treatment or service expenses, then the parties must meet and confer to prepare an appropriate Order scheduling the evidentiary hearing on the Motion and establishing deadlines for matters to be disclosed, discovered, and completed prior to the hearing. To facilitate this meet and confer process the parties must comply with *Division AGProcedures for Scheduling and Hearing Motions Requiring Evidentiary Hearing* published on the Court’s website[[7]](#footnote-7)1 and shall utilize the Court’s template for *Order Scheduling Motion for Evidentiary Hearing and Pre-Evidentiary Hearing Case Management Conference, and Requiring Matters to be Completed Prior to Pre-Evidentiary Hearing Case Management Conference* published in Word Format on the Court’s website1 to draft either an “Agreed Order” or a single red-lined version of the Order in draft form for the Court to consider competing provisions during a Case Management Conference if necessary.

1. **SERVICE OF COMPLAINT AND SERVICE UNDER EXTENSIONS.**

The deadlines for service of the initial Complaint, or any amended Complaint(s), and service under extensions are established pursuant to Florida Rule of Civil Procedure 1.070(j).

1. **RESOLUTION OF ALL OBJECTIONS TO PLEADINGS.**

All objections to pleadings must be filed, served, noticed and resolved by hearing or agreed to by the parties **no later than ONE HUNDRED TWENTY (120) DAYS** after service of the Complaint.

1. **RULE 1.360 EXAMINATIONS.**

 **No later than ONE HUNDRED FIFTY (150) DAYS** prior to the Pretrial Conference, all medical and/or mental evaluations and other examinations pursuant to Fla. R. Civ. P. 1.360 shall be completed. Also, the report of the examiner shall be prepared and provided to Plaintiff’s counsel **no later than THIRTY (30) DAYS** after the examination. In the event the Defendant intends to call the medical or mental evaluator as an expert witness at trial, then and in that event, the Defendant shall immediately furnish opposing counsel with three (3) alternative dates of witness availability for purpose of taking his/her deposition. The witness shall be available to be deposed within **TEN (10) DAYS** of rendering the report. Counsel for the parties shall familiarize themselves with all “Division AG Guidelines Regarding Compulsory Medical Examinations”1 and be governed accordingly. For each such Rule 1.360 examiner, the Defendant shall comply with all retained expert witness disclosure requirements set forth in paragraph 9 above.

1. **DEPOSITION DESIGNATIONS.**

 **No later than THIRTY (30) DAYS** prior to the Pretrial Conference, all parties shall exchange and file written notice(s) of deposition designations of witnesses whose testimony the party expects to be presented by deposition, whether by transcript or video. **No later than FIVE (5) DAYS** after receiving such designations, all parties shall exchange and file written notice of objections and counter-designations to the same. **No later than FIVE (5) DAYS** after receiving counter-designations, all parties shall exchange and file written notice(s) of objections to counter-designations and counter-counter-designations, if necessary. The parties shall comply with the Division AG“Meet and Confer” Requirements (Section III. L. and M.) set forth in this Court’s Policies and Procedures,[[8]](#footnote-8)1 to resolve any issues, objections and/or completeness concerns related to such deposition designations before scheduling a hearing.

1. **JURY INSTRUCTIONS AND VERDICT FORMS.**

Typed proposed jury instructions and verdict forms shall be filed with the Court **at the Pretrial Conference** and may be supplemented prior to the jury instruction conference at trial. The Plaintiff(s) shall be responsible for preparing a **complete set of instructions and verdict forms and serving them upon opposing counsel at or before the pre-trial meeting of attorneys contemplated by paragraph 5**.

1. **NOTICE REGARDING USE OF DEMONSTRATIVE AIDS.**

 **Jury Selection.** Parties may use PowerPoint slides during jury selection. Such jury selection PowerPoint slides shall be limited to a white background and black font. No photos, diagrams, illustrations, animations, nor color will be permitted in the jury selection PowerPoint. The content of the jury selection PowerPoint shall be limited to words, phrases, or bullet points that provide an outline or framework for appropriate areas of inquiry with the venire during jury selection. Parties intending to use any such PowerPoint slides during jury selection must make the PowerPoint slides available to opposing counsel no later than the meeting preceding the Pretrial Conference referred to in paragraph 5 above to allow opposing counsel to reasonably evaluate the same.

 **Opening Statement.** Parties may use demonstrative aids, video, audio or PowerPoint or similar presentations, (collectively referred to as “demonstrative aid(s)” herein) during opening statements and/or trial. Prior to use at trial, the party intending to use any such demonstrative aid(s) must make the demonstrative aid(s) available to opposing counsel no later than the meeting preceding the Pretrial Conference referred to in paragraph 5 above to allow opposing counsel to reasonably evaluate the same. Parties may use exhibits during opening statements 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.

 **Closing Argument.** 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 demonstrative aid(s) shall be disclosed to opposing counsel prior to their use. 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.

1. **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”**[[9]](#footnote-9)2, **“Pretrial Conference Checklist”[[10]](#footnote-10)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”**2, **“Pretrial Conference Checklist”**1, and a proposed **“Pretrial Conference Order.”**1

1. **COURT REPORTING/INTERPRETERS/TRANSLATORS.**

Counsel for the parties shall meet and confer to discuss retention of a court reporter in advance of the trial and make appropriate scheduling arrangements so as to ensure the court reporter’s timely appearance. Furthermore, it is the responsibility of counsel to coordinate, retain, and pay for the services of an interpreter or translator as necessary to present their case. **Trial will not be delayed due to the failure to make timely arrangements for a court reporter, interpreter, or translator to appear at the duly noticed time.**

1. **ALTERNATIVE DISPUTE RESOLUTION (ADR) AND ADR COMPLETION DEADLINE.**

This case is referred to mediation for alternative dispute resolution (“ADR”). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq. is appointed Mediator 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. The **EFFECTIVE DATE of the order** of referral is **ONE HUNDRED TWENTY (120) DAYS** prior to the Pretrial Conference. However, the above referenced **EFFECTIVE DATE of the order** is not intended to prevent the parties and their attorneys from cooperating with each other and the mediator to **voluntarily schedule** the mediation **PRIOR TO THE EFFECTIVE DATE OF THE ORDER.** The **EFFECTIVE DATE** of the order of referral is **NOT A DEADLINE TO HOLD OR COMPLETE ADR OR MEDIATION.** The **DEADLINE** to hold and complete the ADR or mediation is by **ANY DATE PRIOR TO THE DATE OF THE PRETRIAL CONFERENCE.**

**ADR OR MEDIATION SHALL BE HELD AND COMPLETED 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 proceeding 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 mediation be conducted in person and schedule a fifteen (15) minute hearing on such motion be heard prior to the scheduled ADR or mediation conference. A party, trial attorney, or insurance company representative may be excused from attending the ADR or mediation conference by the Mediator or the Court only for good cause.

1. **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[[11]](#footnote-11)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.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 ADR or mediation report is insufficient to remove the case from the Court’s docket.

1. **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 5-7, 9-13, 16, 19, 20, 21, 22 and 23 above,** provided that any such deadline extension agreement does not cause a continuance of the trial or would prevent the completion of ADR or mediation prior to the Pretrial Conference. 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 5-7, 9-13, 16, 19, 20, 21, 22 and 23 above, 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 and a written Court order.**

1. **MOTIONS AND OBJECTIONS NOT TIMELY FILED, NOTICED OR HEARD**

All pending dispositive, discovery, non-dispositive, and *Daubert*/expert-related motions and objections not filed, noticed, or heard in accordance with the deadlines and provisions set forth in this Order will be deemed moot and denied, and any objections overruled by entry of this Order.

1. **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.

1. **STRICT ENFORCEMENT OF DEADLINES, ADMONITIONS AND SANCTIONS.**

 The deadlines established in this Order will be strictly enforced by the Court. Failure to comply with the requirements of this Order will subject the party and/or attorney to appropriate monetary and non-monetary 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, and/or defenses, dismissal of the case, and/or award of attorney’s fees and costs, and/or imposition of fines.

 **DONE AND ORDERED** in Chambers at West Palm Beach, Palm Beach County this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 202\_.

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

**CARYN SIPERSTEIN**

**CIRCUIT COURT JUDGE**

Copies furnished to:

, Esq.

Attorney for Plaintiff

E-mail:

, Esq.

Attorney for Defendant

E-mail:

, Esq.

Mediator

E-mail:

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at (561) 355-4380 at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days. If you are hearing or voice impaired, call 711.**

1. [↑](#footnote-ref-1)
2. 2 Also referred to as a Joint Pretrial Statement or Pretrial Statement [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)
4. 2 Also referred to as a Joint Pretrial Statement or Pretrial Statement [↑](#footnote-ref-4)
5. [↑](#footnote-ref-5)
6. [↑](#footnote-ref-6)
7. [↑](#footnote-ref-7)
8. [↑](#footnote-ref-8)
9. 2 Also referred to as a Joint Pretrial Statement or Pretrial Statement [↑](#footnote-ref-9)
10. [↑](#footnote-ref-10)
11. [↑](#footnote-ref-11)