

ATTACHMENT A

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA**

**Plaintiff(s),**

-vs-

**Case Number:**

**Defendant(s).**

**UNIFORM PRETRIAL CONFERENCE ORDER (JURY TRIAL)**

**(Subject to the individual Judge's preferences.)**

Pursuant to paragraph 11. of this court's previously entered UNIFORM ORDER SETTING PRETRIAL CONFERENCE AND JURY TRIAL; the undersigned have met and drafted this UNIFORM PRETRIAL CONFERENCE ORDER (JURY TRIAL):

\_\_\_\_\_, for Plaintiff.

\_\_\_\_\_, for Defendant.

1. Concise statement of the nature of the case (to be read to the jury):

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2. Necessity or desirability of amendments to pleadings:

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3. Issues of fact for the jury to determine:

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4. Number of peremptory challenges per side: \_\_\_\_\_

5. Admissions or stipulations to avoid unnecessary proof:

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6. List of witnesses with addresses attached. (Please attach regardless of whether previously filed.)

7. Potential problems with the attendance or scheduling of witnesses:

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8. Limitations on the number of witnesses (e.g. expert witness, "before and after" witnesses, etc., to prevent cumulative testimony.)

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9. Itemized list of special damages attached with stipulations as to relevance, materiality, reasonableness and/or necessity. (Please attach regardless of whether previously filed.)

10. Concise statement of any disputed issues of law, evidence, or procedure for the court to determine (each counsel shall also attach a statement of position as to each issue together with supporting legal citations and a copy of each case cited):

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11. Time allowed for each opening statement: \_\_\_\_\_

12. Time allowed for each closing argument: \_\_\_\_\_

13. Stipulations (check):

- a. Waive x-ray and other technicians \_\_\_\_\_
- b. Waive records custodians \_\_\_\_\_
- c. Copies of ordinances or foreign laws \_\_\_\_\_
- d. Other: \_\_\_\_\_

14. Judicial Notice

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15. Estimated length of trial: Plaintiff \_\_\_\_\_ Defendant: \_\_\_\_\_

16. Objections to depositions testimony which is to be read or otherwise presented into evidence:

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XVII. View of scene necessary or

requested: \_\_\_\_\_

XVIII. Elements of surprise or surveillance:

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

XIX. Answers to written interrogatories or admissions pursuant to requests for admissions which a party desires to offer into evidence at trial, together with any objections thereto. (Please attach regardless of whether previously filed.)

XX. List of pending motions:

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

XXI. Settlement

possibilities: \_\_\_\_\_

XXII. List of all photographs, documents and exhibits attached. (Please attach regardless of whether previously filed.) Counsel shall confer prior to trial, and shall initial all photographs, documents and exhibits which they agreed shall be received in evidence.

XXIII. Presentation aids: The parties must provide all audio visual equipment and multi-media technology that party desires to use during the trial. A party requesting any audio visual equipment and multi-media technology shall contact Court Administration at least 7 days prior to the pretrial conference in order to determine if such equipment is available.

XXIV. The court reporter at trial will be:

- A. (Name) \_\_\_\_\_
- B. (Address) \_\_\_\_\_
- C. (Telephone) \_\_\_\_\_

XXV. This UNIFORM PRETRIAL CONFERENCE ORDER (JURY TRIAL) shall control the subsequent course of this action. Failure to comply with the requirements of this Order will subject the party or counsel to appropriate sanctions.

DONE AND ORDERED in chambers, at \_\_\_\_\_,  
Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

Copies furnished to:

The above preliminary draft was approved by the following who attach their signatures hereto.

\_\_\_\_\_  
Plaintiff's attorney

\_\_\_\_\_  
Defendant's attorney

ATTACHMENT B

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

Plaintiff(s),

-vs-

Case Number:

Defendant(s).

**UNIFORM ORDER SETTING PRETRIAL CONFERENCE AND JURY TRIAL**

THIS ACTION is at issue and is ready to be set for trial. Therefore, it is

**ORDERED AND ADJUDGED** that:

1. **PRETRIAL CONFERENCE:** Trial counsel for the parties, and all parties representing themselves pro se, shall appear in person before the undersigned Judge in chambers at \_\_\_\_\_, Florida, on \_\_\_\_\_, 20\_\_\_\_, beginning at \_\_\_\_\_ a.m./p.m. Central Time for a Pretrial Conference. Appearance at the Pretrial Conference by counsel and all unrepresented parties is mandatory. Failure to attend the Pretrial Conference may result in the dismissal of this action, the entry of a default or other appropriate sanctions. **NO MOTIONS WILL BE HEARD AT OR AFTER THE PRETRIAL CONFERENCE ABSENT COMPELLING CIRCUMSTANCES AND CONSENT OF THE COURT.**

2. **TRIAL DATE:** This action is at issue and set for Jury Trial on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before the undersigned Judge, or another judge assigned to conduct the trial, at \_\_\_\_\_, Florida. The trial shall commence immediately after jury selection. The time allotted for the Jury Trial, excluding jury selection, is \_\_\_\_\_ days as Case # \_\_\_\_\_ on the Court's trial schedule. The attorneys and parties shall appear before the trial judge on the date set forth in the first sentence of this paragraph 2 for commencement of jury selection at \_\_\_\_\_ a.m. Central Time in Courtroom \_\_\_\_\_ unless they are specifically notified in writing from the Court otherwise.

3. **EXPERT WITNESS:** No later than sixty (60) days prior to the Pretrial Conference, Plaintiff 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 on behalf of Plaintiff: (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 expert witnesses will be based. No later than forty five (45) days prior to the Pretrial Conference, the Defendant shall serve on all other counsel and file with the Court a Notice containing the same information regarding each expert witness who will testify at trial on behalf of the Defendant. Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court.

4. **NON-EXPERT WITNESS LIST:** No later than 60 days before the Pretrial Conference, the attorney for each party shall file with the Clerk of the Court, and serve a copy on the opposing

attorneys, a complete list of non-expert witnesses who are expected to testify at trial, together with their last known addresses, telephone numbers, and a concise description of the subject matter of their testimonies. Said Expert and Non-Expert Witness lists shall contain an expected length of time for each witness' testimony. Parties will ensure the witness lists are filed in the Court file and a copy provided to the Judge's chamber no later than three (3) business days before the Pretrial Conference. All witnesses must be ready to testify and be reasonably available for deposition no later than 30 days before the Pretrial Conference.

The Court may, on its own motion or on the motion of any party, limit the number of experts or other witnesses permitted to testify at trial.

5. **TESTIMONY BY DEPOSITION.** Not less than 10 days before the Pretrial Conference, each party shall serve on counsel for the opposing party a list of those depositions which the party intends to introduce, in whole or in part, at trial as testimony. The list should contain page and line designations of such testimony from the deposition transcript. If a video-recording of the deposition will be shown at trial, the properly edited video portion of such testimony must be exchanged at this time.

6. **EXHIBITS:** No later than 30 days before the Pretrial Conference, each attorney shall file with the Clerk of Court, and serve a copy on the opposing attorneys, a schedule of all exhibits and documentary evidence that the attorney will offer during trial.

At the Pretrial Conference, the parties shall be fully prepared to advise the Court of the precise objection, if any, to each of the opposing party's exhibits.

7. **DISCOVERY: ALL DISCOVERY PROCEDURES ALLOWED BY THE FLORIDA RULES OF CIVIL PROCEDURE, INCLUDING THE TAKING OF ALL DEPOSITIONS FOR USE AT TRIAL, SHALL BE COMPLETED NO LATER THAN 30 DAYS BEFORE THE PRETRIAL CONFERENCE.** Discovery conducted after this time period shall only be permitted on order of the Court for good cause shown. No continuances will be granted because of facts arising from discovery conducted after the Pretrial Conference.

8. **EXCLUSION OF EVIDENCE:** No witnesses, documents, exhibits, experts, or other evidence shall be permitted to testify or admitted into evidence if not disclosed as required by the foregoing schedule, except by consent of the attorneys or order of the Court upon showing of good cause.

9. **MOTIONS:** All dispositive motions and all Frye challenges shall be scheduled and heard prior to the Pretrial Conference. All other motions shall be filed (original filed with the Clerk and a copy delivered directly to the Judge's Chambers) and heard prior to the Pretrial Conference. All motions, except motions in limine, not heard by the Pretrial Conference shall be deemed abandoned. Motions in limine shall be filed not less than 7 days prior to the Pretrial and shall be scheduled for hearing on or before the Friday before trial. Objections raised in depositions expected to be introduced at trial shall be scheduled for hearing on or before the Friday before trial. Absent compelling circumstances, motions filed after the Pretrial Conference will not be considered if they are based on any matter known to the movant at the time of the Pretrial Conference or of which the movant should have known at that time through the exercise of reasonable diligence.

10. **CONTINUANCE.** If the trial date is continued for any reason, the time schedules referenced in this Uniform Order Setting Pretrial Conference And Jury Trial will be automatically recalculated in relation to the new Pretrial Conference date without the necessity of amending this Order unless the Court enters a later written scheduling order.

11. **CONSULTATION.** No later than 15 days before the Pretrial Conference, Parties shall conduct a consultation, by telephone or in person, with all counsel cooperating in order to:

- A. Discuss and attempt to settle the case in good faith.
- B. Produce, examine and initial every evidentiary exhibit intended to be offered at trial; 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, and note this on a separate copy of each party's exhibit list. Objections not reserved or grounds not noted on the annotated exhibit lists will be deemed waived at trial. The annotated copies of the exhibit lists will be attached to and made a part of the preliminary draft of the Uniform Pretrial Conference Order (Jury Trial) attached as **Exhibit "A"** to this Order. Any listed exhibit not objected to will be admitted into evidence.
- C. Review the witness lists and note on a separate copy which witnesses and depositions the parties in good faith anticipate will actually be used at trial. The annotated copies of the witness lists will be attached to the preliminary draft of the Uniform Pretrial Conference Order (Jury Trial) attached as Exhibit "A" to this Order.
- D. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered into evidence.
- E. Discuss and stipulate as to those facts which do not require proof at trial.
- F. Discuss the question of damages and identify all significant issues of law, procedure or evidence to be decided by the Court prior to or during trial.
- G. Discuss and attempt to agree upon any other matters which will lead to a more orderly trial (e.g., copies in lieu of originals, witnesses out of turn, how depositions will be presented, the treatment of collateral source set-offs, the need to call records custodians, etc.)

Once entered by the Court, the Uniform Pretrial Conference Order (Jury Trial) shall thereafter control the course of action. Fla.R.Civ.P. 1.200(d).

**12. JURY INSTRUCTIONS.** At least 7 days before the Pretrial Conference, Plaintiff shall provide Defendant with a complete set of all proposed jury instructions (both those to be read before the opening statements and those to be read immediately before the closing arguments). At least three (3) business days before the Pretrial Conference Defendant shall provide Plaintiff with only proposed jury instructions not included in Plaintiff's submission. Both the Plaintiff's and Defendant's proposed jury instructions will be submitted to the Judge at the Pretrial Conference, both in hard copy and on disk or thumb drive in WordPerfect or Word. All instructions will be in a form suitable for submission to the jury. (The face sheet is to identify the proposing party, the standard jury instruction number if applicable, and contain a numbered list of the proposed instructions. A party should attach citations of authority to individual non-standard jury instructions. No such citations shall be contained on the face of the instructions because a copy of the final instructions shall be provided to the jury for their deliberation.)

**13. UNIFORM PRETRIAL CONFERENCE ORDER (JURY TRIAL):** At least 3 business days prior to the Pretrial Conference, the Uniform Pretrial Conference Order (Jury Trial) attached hereto as Exhibit "A" shall be delivered directly to the Court's Chambers (not filed with the Clerk) either by hand delivery or overnight mail, not by facsimile or email. In the event the parties are unable to agree on any matter in the Uniform Pretrial Conference Order (Jury Trial), they shall each identify and list their proposed response in the preliminary draft of the Uniform Pretrial Conference Order (Jury Trial) and the court will resolve the dispute at the Pretrial Conference. In addition, the Plaintiff shall provide the Court's Judicial Assistant with a CD containing the up to date preliminary draft of the Uniform Pretrial Conference Order (Jury Trial) in Word or WordPerfect no later than immediately before the Pretrial Conference.

**14. COMPLIANCE WITH SCHEDULE:** The times for compliance with the schedule stated in this Order may be extended only for good cause shown upon timely application.

**15. TIME LIMITS:** The time limits provided in this Order may be extended only for good cause shown upon timely application.

**16 CANCELLATION:** The trial shall not be cancelled or postponed without a prior order of the Court for good cause shown. The attorney for each party shall notify the Court immediately in the event the trial should be cancelled because the case has settled. In order to cancel the trial, the Court may require the parties to submit a complete, written settlement agreement, or to appear on the scheduled trial date and announce on the record all the terms and conditions of settlement.

**17. SETTLEMENT. IN THE EVENT THIS CASE SETTLES, PLAINTIFF'S COUNSEL SHALL IMMEDIATELY NOTIFY THE UNDERSIGNED JUDGE BY WRITTEN FAX MEMORANDUM ( \_\_\_\_\_ ), AND BY PHONE CALL ( \_\_\_\_\_ ).**

**18. BINDING EFFECT OF THIS ORDER:** During the trial, the parties will be bound in all particulars by this Order and the Uniform Pretrial Conference Order

(Jury Trial). Before being offered or used at trial, all depositions and exhibits shall be redacted or edited according to rulings made by the court.

19. **SANCTIONS:** The failure of a party or an attorney to timely comply with this Order or the Uniform Pretrial Conference Order (Jury Trial) shall subject that party or attorney to such sanctions as the Court shall determine to be just and proper under the circumstances, including dismissing the action, striking pleadings, limiting proof of witnesses, or taking any other appropriate action.

20. **ATTENDANCE.** Each party shall be represented at the Pretrial Conference by the person who will try the case. *If the person attending the Pretrial Conference is not authorized to enter into binding stipulations concerning anticipated trial matters [i.e., needs to confer with the client before entering into any agreements concerning matters that will expedite the progress of the trial; See, Fla. R. Civ. P. 1.200(b)], then the party must also be present.*

21. **COMMUNICATIONS NOTICING COURT APPEARANCES.** All communications noticing court proceedings including, but not limited to, subpoenas for trial, jury summonses, notices of hearings, notices for depositions and all other court related proceedings shall provide notice that any person with a disability who needs an accommodation shall contact the Office of the Court Administrator to insure that reasonable accommodations are available. Such communications noting court proceeding shall include the following substantive language:

**\*\*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 Office of the Court Administrator ( ) within 2 business days of your receipt of this (describe notice); if you are hearing or voice impaired, call TDD (863)534-7777 or Florida Relay Service 711.\*\***

22. **MEDIATION:** If this case has not previously been mediated, this case is ordered to mediation no later than 60 days prior to the Pretrial Conference. If the parties are unable to agree on a mediator then the Plaintiff's attorney shall so notify the Court and provide the Court with a proposed Order (with the appropriate number of copies and stamped envelopes) with the name of the mediator left blank no later than 75 days prior to the Pretrial Conference.

**ALL PARTIES AND COUNSEL MUST STRICTLY COMPLY WITH THIS ORDER. FAILURE TO FULLY AND TIMELY COMPLY MAY RESULT IN SANCTIONS INCLUDING, WITHOUT LIMITATION, STRIKING THE PLEADINGS, ENTRY OF DEFAULT, DISMISSAL OF THIS ACTION AND CONTEMPT.**

DONE AND ORDERED in Chambers at the \_\_\_\_\_ County  
Courthouse located in \_\_\_\_\_ County, Florida, this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

Copies furnished to:

ATTACHMENT C

60 DAYS PRIOR TO PRETRIAL CONFERENCE:

Plaintiff to provide expert witness list to Defendant.  
(According to ¶ 3 of the Uniform Order Setting Pretrial Conference and Jury Trial)

Non-expert witness lists to be exchanged. (¶ 4)

45 DAYS PRIOR TO PRETRIAL CONFERENCE:

Defendant to provide expert witness list to Plaintiff. (¶3)

30 DAYS PRIOR TO PRETRIAL CONFERENCE:

Depose all non-expert witnesses. (¶ 4)

Exhibit List to be exchanged. (¶ 6)

Discovery to be completed. (¶ 7)

15 DAYS PRIOR TO PRETRIAL CONFERENCE:

Consultation between attorneys. (¶ 11)

10 DAYS PRIOR TO PRETRIAL CONFERENCE

List of depositions to be used at trial. (¶ 5)

7 DAYS PRIOR TO PRETRIAL CONFERENCE:

Plaintiff's Jury Instructions to be provided to Defendant. (¶ 12)

3 BUSINESS DAYS PRIOR TO PRETRIAL CONFERENCE:

Witness lists filed with Clerk and a copy to Judge. (¶ 4)

Preliminary Draft of Uniform Pretrial Conference Order (Jury Trial) (¶ 13)

Defendant's Jury Instructions to be provided to Plaintiff. (¶ 12)

## PRIOR TO THE PRETRIAL CONFERENCE

All Frye challenges and all motions, other than motions in limine, shall be scheduled and heard. (¶ 9)

All other motions except motions in limine shall be heard. (¶ 9)

## FRIDAY BEFORE TRIAL

Objections raised in depositions expected to be introduced at trial shall be scheduled for hearing. (¶ 9)

Motions in limine shall be filed not less than 7 days prior to the Pretrial and shall be scheduled for hearing on or before the Friday before trial. (¶ 9)

PLEASE NOTE: There is no time period for:

Attorneys to conduct good faith settlement negotiations.

All expert witness depositions scheduled.

Plaintiff to provide list of rebuttal witnesses.