

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL  
CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA**

**Case No:  
Complex Litigation Unit**

Plaintiff,

vs.

Defendant.

\_\_\_\_\_ /

**ORDER SETTING FINAL CASE MANAGEMENT  
CONFERENCE FOR NON-JURY TRIALS**

The Joint Final Pretrial Stipulation in this cause shall be filed seven (7) working days prior to the Final Case Management Conference. The Final Case Management Conference is scheduled for \_\_\_\_\_, 200 , at the Broward County Courthouse, 201 S.E. 6th Street, Room # \_\_\_\_\_, Fort Lauderdale, Florida.

The parties are ordered to comply with the following:

1. The Joint Final Pretrial Stipulation shall include an "agreed statement of facts" and those background facts that are not in dispute. The "agreed statement of facts" also will be separately included in the court's notebook.

**The court further orders the parties to address this matter in good faith with specific attention to matters already admitted by answer, answers to requests for admissions, and answers to interrogatories.** Nevertheless, the parties will be permitted to elicit witness testimony concerning undisputed background information (generally by leading questions) for the purpose of establishing a foundation or context for additional testimony.

**I. Exhibit List:**

All exhibits shall be pre-marked and initialed. If stipulated into evidence, plaintiff's exhibits shall be marked consecutively beginning with the Number ("Pl-1"). Plaintiff's exhibits not stipulated to shall be marked consecutively beginning with Pl-1-A, Pl-2-A, etc. Defendant's exhibits shall be marked consecutively beginning with the Number ("Def-1"). Any defendant's exhibits not stipulated to shall be marked consecutively beginning with Def 1-A, Def 2-A, etc.

Substantive, succinct, legal objections to any listed exhibit shall be reflected in a separate column of the list. As with record custodians, the parties shall attempt to enter into stipulations regarding the authenticity of documents, thereby reserving their objections only for substantive evidentiary issues.

**II. Witness List:**

As required by CLP 9.2(d), the parties' Joint Final Pretrial Stipulation shall include two separate lists of their witnesses and exhibits. Each party's first witness list, the "A" list, shall designate those witnesses the party intends to call at trial. The second list, the "B" list, shall designate witnesses that the party may call at trial, depending on the circumstances that arise during the trial of the case. The parties shall include an estimate of time expected for direct and cross-examination of each "A" witness. Based upon this estimate, the parties shall re-estimate the number of trial days required assuming a six (6) hour trial day.

To the extent an evidentiary objection raises substantive issues, the objecting party is encouraged to file a motion in limine specifying the basis for the objection and include applicable case law. The purpose of such a motion is to determine if a hearing is required prior to trial and to minimize the time required to hear such motions during trial.

### **III. Trial Notebook:**

A. The parties also shall coordinate the preparation of a trial notebook for the court. The trial notebook *shall* include proposed Findings of Fact and Conclusions of Law (together with a suitable CD disk). The proposed findings of fact will be divided between facts not in dispute and those facts that are contested. Where facts are in dispute, the parties shall refer to those documents and/or exhibits which establish the fact asserted. The parties also shall designate in the trial notebook areas of agreement and those areas which remain in dispute regarding the substantive application of the law. Where there is disagreement on the substantive law, each party shall provide supporting case law in addition to setting forth their conclusions of law.

B. The next section of the trial notebook will address each party's request for damages. The statement shall include the total amount of damages sought to be recovered and include a breakdown of the components of damages claimed by category, where applicable. The statement of damages will include the methodology by which damages are calculated. The parties shall provide applicable case law which supports their methodology and their claim of entitlement to each element of damages.

C. The remaining portion of the trial notebook shall include any joint exhibits and copies of each party's "A" exhibits.

In accordance with CLP 9.2(e), if a deposition is to be used, the introducing party must designate, in writing, by line and page reference, those portions which shall be included in the Joint Final Pretrial Stipulation. The party shall include in that statement a page-and-line description of any testimony that remains in dispute, together with argument and authority from each contesting party.

The parties **shall** prepare for submission and consideration at the Final Case Management Conference trial-edited and marked copies of any deposition or deposition excerpts which are to be offered into evidence including edited videotaped depositions. Designation of an entire deposition will only be permitted on a showing of necessity. To assist the court with its analysis, the parties shall suitably highlight on the transcript: (1) the designation; (2) the counter-designation; and (3) any objections. The court shall rule on the objections prior to the use of a deposition at trial. The parties shall advise the court if a ruling is required at an earlier point in order to edit video depositions.

**The trial notebook shall be submitted no later than the Final Case Management Conference.**

**IV. Trial:**

At trial, all exhibits must be pre-marked and initialed. The parties shall submit exhibit lists on form utilized by the Clerk of the Court, a copy of which is attached. The plaintiff shall mark its exhibits numerically ("Pl-1", etc.). Defendant shall also mark its exhibits numerically ("Def-1", etc.). A typewritten exhibit list setting forth the number, and description of each exhibit must be submitted at the Final Case Management Conference. Each exhibit shall be marked with a sticker identifying the case number, exhibit number, and party offering the exhibit. No document or exhibit, except impeachment exhibits, may be offered into evidence unless it has been pre-marked **and initialed** by all **counsel as having been reviewed.**

Prior to the commencement of trial, the parties shall provide to the clerk a copy of the witness and exhibit lists.

The parties shall submit to the court a request for authorization to bring electronic equipment into the court room. The parties shall arrange for installation. The parties shall consult

each other regarding the use of the other's computer-based exhibits.

All summaries to be offered into evidence shall comply with § 90.956, Fla. Stat. Summaries shall be included in the Joint Final Pretrial Stipulation. Any objection to the summaries shall be filed with the Joint Final Pretrial Stipulation. Summary evidence is admissible only if the underlying materials are admissible. If written objections are filed, the underlying materials shall be produced and be subject to a hearing prior to their admission.

All demonstrative exhibits shall be disclosed to the opposing party and referenced in the Joint Final Pretrial Stipulation. The party proposing to use a demonstrative exhibit as substantive evidence shall include it on the "A" exhibit list. With respect to an item to be used demonstratively, the burden shall be on the proposing party to show that it depicts relevant information that is or will be, proven by other substantive evidence. Any objection to the opposing party's demonstrative exhibit shall be included in the Joint Final Pretrial Stipulation.

Where the parties have designated experts, and exchanged expert witness summaries and reports, in accordance with the initial Case Management Order and CLP 6.2, each party, as part of the Joint Final Pretrial Stipulation, shall set forth the following: (1) a statement of each opinion to which the expert is intended to testify; (2) a specific reference to where that opinion was included in the expert's report or rebuttal report; and (3) a list of "A" exhibits or demonstrative exhibits applicable to each such opinion.

The court will preclude any "new" opinions at trial, i.e., those which were not properly disclosed. Absent leave of the court, each party is hereby on notice that any "new" opinion shall be stricken. If any party intends to challenge an opposing party expert's opinion under §§ 90.702 or 90.703, Fla. Stat., that party shall state in the Joint Final Pretrial Stipulation the specific basis for the objection, including any legal authorities in support of the stated objection. If prior briefs

have been filed on the subject, the parties may incorporate them by reference.

If either party desires the court to judicially notice any adjudicative facts pursuant to §§ 90.201 through 90.204, Fla. Stat., the request shall be in writing and included in the Joint Final Pretrial Stipulation. The request shall state, with particularity, the specific facts sought to be recognized and provide any legal authorities in support. Any objections shall be included in the Joint Final Pretrial Statement.

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 court's ADA Coordinator; Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, FL 33301, 954.831.7743 within two (2) working days of your receipt of this order. If you are hearing or voice impaired, call 954.831.7743.

**DONE AND ORDERED** in Chambers at Broward County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 200 .

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

Copies furnished to: