

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

**ADMINISTRATIVE ORDER ESTABLISHING THE
COMPLEX LITIGATION UNIT**

WHEREAS, specialization is common in every profession including the law and it is increasingly common for lawyers to narrow and focus their practices and increase their mastery of distinct substantive areas of the law; and

WHEREAS, specialization within the legal profession has resulted in a more efficient delivery of high quality legal services in complex matters; and

WHEREAS, this Circuit has long recognized the need for specialized courts to deal effectively with diverse matters including criminal law, juvenile justice, domestic relations, probate, and drugs; and

WHEREAS, the litigation and resolution of complex disputes has become an area of specialization within the legal profession; and

WHEREAS, complex cases often require a high degree of case management; and

WHEREAS, the handling of these cases will free judicial resources for other matters before the judges; and

WHEREAS, the number of complex litigation cases pending before the court require an inordinate amount of judicial resources to effectuate, manage and analyze; and

WHEREAS, a review of the current case loads in the circuit civil indicate there are cases which are suited for transfer to the Complex Litigation Unit;

NOW, THEREFORE, pursuant to the authority vested in the Chief Judge pursuant to Florida Florida Rule of Judicial Administration 2.215,

IT IS ORDERED as follows:

I. **Complex Litigation Unit.** Effective immediately, a Complex Litigation Unit is established to hear complex cases. The Complex Litigation Unit shall consist of business and tort subdivisions. Complex litigation is defined as:

A. A "complex case" is a case involving a complex legal and case management issues requiring extensive judicial management to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.

B. In deciding whether an action is a complex case, the court must consider whether the action is likely to involve:

- (1) Numerous pre-trial motions raising difficult or novel legal issues or legal issues that are inextricably intertwined that will be time consuming to resolve;
- (2) Management of a large number of separately represented parties;
- (3) Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court;
- (4) Management of a large number of witnesses or a substantial amount of documentary evidence (including electronically stored information);
- (5) Substantial time required to complete the trial;
- (6) Management at trial of a large number of expert witnesses, attorneys or exhibits;
- (7) Substantial post-judgment judicial supervision; and
- (8) Any other special factors identified by the court or a party.

II. **Cases Subject to a Complex Business Litigation Subdivision.** The following matters shall be assigned to a Complex Business Litigation Subdivision when the case meets the definition of paragraph I and:

- A. Where the amount in controversy is in excess of \$150,000.00:
1. The claim is an U.C.C. related transaction, if complex; or
 2. The claim arises from the purchases and sales of businesses or the assets of a business (including contract disputes, commercial landlord-tenant claims, and business torts); or
 3. The claim involves the sale of goods or services by or to business entities, if complex; or

4. The claim involves non-consumer bank or brokerage accounts (including loan, deposit, cash management, and investment accounts); or
5. The claim arises from the purchase, sale, or lease of commercial, real or personal property or security interests, if complex; or
6. The claim relates to construction litigation (non-personal injury) and surety bonds; or
7. The claim is a franchisee/franchisor dispute; or
8. The claim is professional malpractice of non-medical professionals in connection with rendering services to a business entity; or
9. The claim is an insurance coverage dispute, bad faith litigation, or third party indemnity action against insurers arising under policies issued to a business entity;
10. Other complex disputes of a commercial nature (including fraudulent transactions), excluding those listed in Section III of this Administrative Order. Cases eligible under this category will normally have four or more parties, multiple claims and defenses, a third party, cross or counterclaims, complex factual or legal issues, or other unusual features warranting assignment to the Complex Litigation Unit.

B. Where the amount in controversy is in excess of \$100,000.00 and:

1. The claim relates to the internal affairs, governance, dissolution, liquidation rights, or obligations between or among owners (shareholders, partners, members);
2. The claim concerns the liability or indemnity of officers, directors, managers, trustees, members or partners functioning as managers of a business entity; or
3. The claim relates to trade secrets; or
4. The claim relates to non-compete agreements; or
5. An intellectual property claim; or

6. The claim arises under the state securities laws or antitrust statutes; or
7. A shareholder derivative action and class actions.

III. **Cases Subject to a Complex Tort Litigation Subdivision.**

The following matters shall be assigned to a Complex Tort Litigation Subdivision when the case meets the definition of paragraph I and the trial is reasonably expected to exceed ten (10) days:

- A. Personal injury, survivor, or wrongful death matters;
- B. Individual or class action consumer claims¹;
- C. Matters involving occupational health or safety;
- D. Environmental claims which do not involve the sale or disposition of a business or the claims addressed in Section II.
- E. Eminent domain litigation;
- F. Malpractice claims, other than those brought by business enterprises against attorneys, accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise;
- G. Construction claims (personal injury).

IV. **Assignment of Cases to the Complex Litigation Unit.**

A. Effective immediately, the Civil Cover Sheet for the cases seeking assignment to the Complex Litigation Unit shall include additional lines and boxes where the party or attorney signing the Civil Cover Sheet certifies the action is appropriate for assignment to a Complex Litigation subdivision. The "Complex Litigation Unit Addendum to Civil Cover Sheet" is attached hereto as Exhibit "A".

¹ Note: Non-personal injury matters should be assigned to a Complex Business Litigation Subdivision.

B. Cases meeting the criteria to qualify for the Complex Litigation Unit, pursuant to this Administrative Order, shall be randomly (and temporarily) assigned by the Clerk of the Court as follows:

- *(07) 100% Complex Business
- *(19) % Complex Business, % Complex Tort
- *(26) % Complex Tort.

C. Complex Litigation cases currently assigned to the other Circuit Civil divisions shall remain assigned to those subdivisions, subject to the transfer provisions of this Order.

D. Any party (in writing), or the court on its own motion, may seek to declare a case complex. The court shall make a determination whether the nature of the case requires the use of complex litigation procedures and if so, shall promptly enter an order on the motion. In the event that a hearing is held, an order shall be entered determining whether the case is complex within ten (10) days of that hearing.

E. The assignment/transfer of any case *to* or *from* the Complex Litigation Unit shall be ultimately decided by the Administrative Judge of the Circuit Civil Division in accordance with the definitions established in this Order.

V. **Disputes Arising From the Civil Cover Sheet Designation.**

If any party disagrees with the assignment or lack of assignment of a *new* case to the Complex Litigation Unit, that party may file a "Motion To Transfer Divisions", and the motion will be resolved by the Administrative Judge of the Circuit Civil Division in accordance with the definitions established in this Order.

* To be re-allocated subsequently.

VI. Case Management Procedures.

These procedures will apply to all cases which are assigned to the Complex Litigation Unit. The Clerk of the Court is directed to furnish each Complex Litigation Subdivision, weekly, a list of newly filed or assigned cases.

A. The Case Management Conference. A Case Management Conference Order ("CMCO"), which schedules a Case Management Conference (CMC) for approximately ninety (90) days after filing of complaint (or case transfer) will be sent by the court to counsel and unrepresented parties approximately sixty (60) days after filing of complaint (or case transfer). Prior to the CMC, it shall be the obligation of the parties to meet and when possible reach agreement.

The presiding judge may modify the procedures for the CMC.

B. Case Management Order. After the CMC, the judge shall issue a Case Management Order ("CMO") setting forth dates for mediation, other case management conferences (with required statements to be filed in advance), and trial. The CMO will also include all agreements of the parties, rulings at the CMC, dates for completion of discovery, dates for service of expert reports, and dates for the filing of motions.

Based upon the nature and complexity of the case, the judge, with input from the parties at the CMC, shall assign the case to a track. The Complex Litigation Unit shall typically employ the following management tracks: *Expedited* (Target Trial Date within 13 months of filing of complaint or case transfer) and *Standard* (Target Trial Date within 18 months of filing of complaint or case transfer); only exceptionally complicated cases should be designated *Complex* (Target Trial Date within two (2) years of filing of complaint or case transfer). The judge may schedule such status conferences as are necessary to effectively manage the case, or at any other times or upon application of the parties, if appropriate.

The Expedited Track shall consist of matters in which minimal discovery is anticipated and

legal issues are routine. Examples of such actions, in the absence of complicating factors, are actions relating to contracts and commercial loans, UCC matters, and non-standard foreclosure matters. Other matters should presumptively be designated Standard Track. Actions in which preliminary injunctive relief is sought may be appropriate for any of the tracks depending upon the circumstances.

C. Final Case Management Conference. A Final Case Management Conference shall be held in all Complex Litigation Unit actions pursuant to Fla. R. Civ. P. 1.200 (b).

Following the conference, the judge shall enter a Trial Order (TO) consistent with Fla R. Civ. P. 1.200 (b). The TO may set forth specific dates for such matters as:

1. Exchange of proposed stipulations; and
2. Filing of stipulations to facts and issues of law about which there can be no reasonable dispute; and
3. Pre-marking and exchanging copies of all documents or exhibits to be offered in evidence at trial; and
4. Service and filing of written objections to any documents or other exhibits which a party intends to object at trial, which shall include the legal basis for the objections; and
5. Identification in writing of all deposition testimony, by page and line number, intended to be read into the record at trial, followed by counter-designations and objections; and
6. Exchange of trial briefs and proposed findings of fact and conclusions of law for nonjury trials; and
7. Proposed jury instructions if applicable; and
8. Such other matters as the court deems appropriate.

At such time prior to trial as may be fixed by the court, it shall rule on all matters requiring resolution. In addition, the court may establish procedures consistent with the requirements of each case to ensure efficient case management and minimize trial time.

EXHIBIT “A”

[CIVIL COVER SHEET COMPLEX LITIGATION UNIT ADDENDUM]

CIVIL COVER SHEET (COMPLEX LITIGATION UNIT)

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of the Court for the purpose of reporting judicial workload data pursuant to Florida Statute 25.075.

I. CASE STYLE

In the Circuit Court of the 17th Judicial
Circuit in and for Broward County, Florida

<hr/> <p style="text-align: center;">Plaintiff,</p>	Case # <hr/>
vs.	Judge <hr/>
<hr/> <p style="text-align: center;">Defendants.</p>	

II. TYPE OF CASE

Domestic Relations	Torts	Other Civil
<hr/>		
<input type="checkbox"/> Simplified dissolution	<input type="checkbox"/> Prof. Malpractice	<input type="checkbox"/> Contracts
<input type="checkbox"/> Dissolution	<input type="checkbox"/> Products Liability	<input type="checkbox"/> Condominium
<input type="checkbox"/> Support IV-D	<input type="checkbox"/> Auto Negligence	<input type="checkbox"/> Real Property/ Mortgage Fclsre.
<input type="checkbox"/> Support Non IV-D	<input type="checkbox"/> Other Negligence	<input type="checkbox"/> Eminent Domain
<input type="checkbox"/> URESA - IV-D		<input type="checkbox"/> Other
<input type="checkbox"/> URESA - Non IV-D		
<input type="checkbox"/> Domestic Violence		
<input type="checkbox"/> Other Domestic Relations		

This case is appropriate for assignment to the Complex Litigation Unit. Please see attached Complex Litigation Unit Addendum.

Definition of Complex Litigation. A "complex case" is a case involving a complex legal and case management issues requiring extensive judicial management to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel.

In deciding whether an action is a complex case, the court must consider whether the action (excluding domestic relations cases) is likely to involve:

- (a) Numerous pre-trial motions raising difficult or novel legal issues or legal issues that are inextricably intertwined that will be time consuming to resolve;
- (b) Management of a large number of separately represented parties;

- (c) Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court;
- (d) Management of a large number of witnesses or a substantial amount of documentary evidence (including electronically stored information);
- (e) Substantial time required to complete the trial;
- (f) Management at trial of a large number of expert witnesses, attorneys or exhibits;
- (g) Substantial post-judgment judicial supervision; and
- (h) Any other factors identified by the court or a party.

III. Is Jury Trial Demanded in Complaint?

Yes No

Date: _____ Signature of Attorney for _____
Party Initiating Action Attorney
Firm
Address
City, State Zip

CIVIL COVER SHEET BUSINESS-COMMERCIAL ADDENDUM
PARTY OR ATTORNEY FILING ACTION MUST SELECT WHICH APPLIES

Cases Subject to Complex Litigation Unit. All jury, non-jury, injunction and class action case shall be assigned to the Complex Litigation Unit if they are among the following types of actions.

THE PARTY OR ATTORNEY FILING ACTION MUST CIRCLE AT LEAST ONE OF THE PARAGRAPHS NUMBERS BELOW:

A. Any of the following where the amount in controversy is in excess of \$150,000:

1. Claims arising from U.C.C. related transactions, if complex;
2. Claims arising from the purchase and sales of business or the assets of a business including contract disputes, commercial landlord-tenant claims and business torts;
3. Claims involving the sale of goods of services by or to business enterprises, if complex;
4. Claims involving non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;
5. Claims arising from the purchase, sale, lease of real or personal property or related security interest, if complex;
6. Claims related to construction litigation (non-personal injury) and surety bonds;
7. Franchise/franchisor relationships and liabilities;
8. Malpractice claims of non-medical professionals in connection with rendering services to a business enterprise;
9. Insurance coverage disputes, bad faith suits, and third party indemnity actions against insurers arising under policies issued to businesses, such as those claims arising under a commercial general liability policy or commercial property policy; and
10. Other complex disputes of a commercial nature (including fraudulent transactions), excluding those listed in Section III of Administrative Order Number . Cases eligible under this category will normally have four or more parties, multiple claims and defenses, third party, cross or counterclaims, complex factual or legal issues, or other unusual features warranting assignment to the Complex Litigation Division.

B. Any of the following where the amount in controversy is in excess of \$100,000.00:

1. Actions relating to the internal affairs or governance, dissolution or liquidation rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises;
2. Actions relating to trade secrets and non-compete agreements;
3. Intellectual property claims;
4. Actions relating to securities or relating to or arising under the securities laws or antitrust statutes;

5. Shareholder derivative suits and class actions involving claims that are subject to Complex Litigation Court, pursuant to Administrative Order Number;

6. Actions relating to corporate trust affairs or directors and officer liability.

NOTE: A copy of the Civil Cover Sheet and this Addendum must be served with the Complaint. See Administrative Order Number for further Complex Litigation Unit procedures.