

IN THE CIRCUIT COURT OF THE SEVENTEENTH
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

Order Number 2016-28-Civ

**AMENDED ADMINISTRATIVE ORDER
INSTITUTING A UNIFORM TRIAL ORDER FOR
CIRCUIT CIVIL CASES EXCLUDING RESIDENTIAL
FORECLOSURE AND COMPLEX LITIGATION CASES**

(a) Florida Rule of Judicial Administration 2.215(b) (3) states the chief judge shall “considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(b) Florida Rule of Civil Procedure 1.200(c) requires a uniform order for pretrial conferences for the Circuit. The circuit civil judges determined it is appropriate to incorporate a uniform pretrial conference order with requirements for the conduct of the trial into a Uniform Trial Order excluding residential foreclosure cases.

(c) In accordance with the authority vested in the chief judge by Florida Rule of Judicial Administration 2.215, it is ordered:

(1) The Uniform Trial Order for the circuit civil division, excluding residential foreclosure cases, is attached as Exhibit A. The Uniform Trial Order shall be posted on the web page for the Seventeenth Judicial Circuit.

(2) The judges assigned to circuit civil divisions shall implement the Uniform Trial Order for all cases, excluding residential foreclosure, set for trial on or after June 1, 2014.

(3) When a case is at issue and ready for trial in accordance with Fla. R. Civ. P. 1.440, all parties shall communicate and agree upon a trial period and pretrial conference date. Each division’s trial period and pretrial conference dates are available at www.17th.flcourts.org.

(4) After the parties have agreed to a particular trial docket counsel for one of the parties shall complete the uniform trial order utilizing the courts’ on line scheduling system. Upon approval of the trial order, the parties will receive the trial order at the

email address on file with the eportal authority. The scheduling attorney shall be responsible for providing a copy of the trial order to any self-represented party and file a certificate of service reflecting service in accord with the Florida Rules of Judicial Administration.

(5) If the parties cannot agree on a trial period or pretrial conference date, the plaintiff may set the Notice for Trial on the division judge's motion calendar or the division judge may set the case for trial without further hearing.

(6) The division judges assigned to residential foreclosure and complex litigation cases may utilize other forms of a uniform trial order tailored to that particular division.

(7) Each judge assigned to the civil division may assign a mediator in any trial order or by separate court order.

(8) This administrative order amends and supersedes Administrative Order 2014-2-Civ.

DONE AND ORDERED in chambers at Fort Lauderdale, Broward County, Florida on June 9, 2016.

/s/ Peter M. Weinstein
Peter M. Weinstein, Chief Judge

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

CASE NO. _____ DIVISION _____ Judge _____

Plaintiff(s) / Petitioner(s)

v.

Defendant(s) / Respondent(s)
_____ /

**UNIFORM TRIAL ORDER
17TH JUDICIAL CIRCUIT
ORDER FOR PRETRIAL
CONFERENCE
AND
CALENDAR CALL**

TRIAL PERIOD Commencing _____. This is a (____) week calendar.

CALL OF THE CALENDAR AND PRETRIAL CONFERENCE: (____/____/20____ at ____ :
AM)

_____ DAYS/WEEKS _____ JURY _____ NON-JURY

THE ORDER OF TRIALS set during this period will be determined at the CALENDAR CALL. You are subject to being called to commence trial during any part of the above noted trial period. Failure of any party to attend the pretrial conference and calendar call may result in either the case being dismissed or a default being entered.

The court has determined this case is ready for trial pursuant to Fla. R. Civ. P. 1.440. The case is set for trial before the undersigned Judge in Courtroom _____, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida as stated above.

You are advised your case may be placed into the 17th Circuit's "Civil Trial Pool" and is subject to being called for trial before any circuit civil judge. If placed in the Civil Trial Pool, you **MUST** be prepared to proceed to trial if called. **ONLY** the division judge or administrative judge of the civil division may grant a continuance of any case placed in the Civil Trial Pool.

The following requirements are imposed on all parties by the Court:

- I. NO LATER THAN NINETY (90) DAYS PRIOR TO TRIAL - EXPERT WITNESSES DISCLOSURE** (Filed with the Clerk and served on all counsel)
The parties shall furnish opposing counsel with the names and addresses, along with complete and updated curriculum vitae of all expert witnesses to be called at trial; and all information regarding expert testimony that is required by Fla. R. Civ. P. 1.280 (b)(4)(A); and shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of taking their deposition. Both sides shall cooperate in the scheduling of such expert depositions.
- II. NO LATER THAN SIXTY (60) DAYS PRIOR TO TRIAL - MEDICAL EVALUATIONS:** All medical evaluations and other examinations pursuant to Fla. R. Civ. P. 1.360 shall have been completed.
- III. NO LATER THAN FORTY- FIVE (45) DAYS PRIOR TO TRIAL:** All final discovery shall have been initiated.
- IV. TEN (10) DAYS PRIOR TO TRIAL:** All pretrial discovery, including discovery depositions or testimony preserved by video of witnesses or experts to be used at trial, shall have been completed. Any motions in limine, shall be filed and served upon opposing counsel.
- V. AT THE TIME OF THE ABOVE NOTICED PRETRIAL CONFERENCE / CALENDAR CALL,** the Joint Pretrial Stipulation must be completed and timely filed with the Clerk *with a copy provided to the undersigned judge*. At the time of the pretrial conference/calendar call the parties shall be prepared to discuss all items set forth in Fla R. Civ. P. 1.200(b).
- VI. THE JOINT PRETRIAL STIPULATION MUST CONTAIN IN SEPARATELY NUMBERED PARAGRAPHS:** [A joint pretrial stipulation contemplates a single document. It requires that all agreed matters be fully identified, and any disputed matters be specifically delineated with respect to each party]:

 1. **Statement of the Facts:** A concise, impartial statement of the facts of the case.
 2. **Stipulated Facts:** A list of those facts that can be stipulated and require no proof at the trial.
 3. **Statements of Disputed Law & Fact:** Those issues of law and fact that are to be tried.

4. **Exhibit Lists**: Each party shall separately list all exhibits they intend to introduce into evidence. Each item shall be listed by number and description on a separate schedule attached to the stipulation. Each exhibit shall be specifically described. *Generic descriptions of exhibits are subject to being stricken.* Counsel shall initial each other's exhibit list and exhibits. All exhibits to be offered in evidence at trial shall have been made available to opposing counsel for examination and initialing. Only those exhibits listed and initialed may be offered in evidence. If any party objects to the introduction of any such exhibit, such objection must be stated in the stipulation, setting forth the grounds with specificity. Demonstrative exhibits (e.g. charts, enlargements of exhibits) to be used at a jury trial must be displayed to all counsel before being shown to the jury.
5. **Witness Lists**: Parties shall attach and furnish counsel with a written list in alphabetical order containing the names and addresses of all witnesses ("rebuttal", "impeachment" or otherwise) intended to be called at trial. Only those witnesses listed shall be permitted to testify. All witness lists shall include a brief description of the substance and scope of the testimony to be elicited from such witness. All expert witnesses and their specialties shall be designated. If any party objects to any witness, such objection must be stated in the stipulation, setting forth the grounds with specificity. At trial, all parties shall be strictly limited to witnesses properly and timely disclosed.
6. **Jury Instructions**: If the trial is a jury trial counsel shall identify all agreed upon standard instructions and all special instructions. Any disputed jury instructions shall be attached and identified as to the party that proposed the instruction. Copies of all agreed upon instructions or disputed instructions shall be attached to the stipulation, along with copies of supporting statutory citations and/or case law.
7. **Verdict Forms**: If the trial is a jury trial the jury verdict form shall be attached and designated as agreed to or disputed. Agreed and/or disputed verdict forms shall be attached.
8. **Peremptory Challenges**: If the trial is a jury trial, state the number of peremptory challenges for each party.
9. **Pending Motions**: Set forth a list of all pending motions with copies attached to the pretrial stipulation. To the extent the court has time prior to commencement of the trial; all pending motions will be heard or set for hearing at the above-noticed pre-trial conference. All parties shall be fully prepared to present legal argument for all pending motions at the pretrial conference.
10. **Trial Estimate**: Each party shall provide an estimate of the number of days of trial for its side.
11. **Daubert issues**. All DAUBERT related issues involving any requests for hearings on DAUBERT related evidence shall be noticed and heard – or agreed to by the parties – no later than (30) days prior to the trial period. FAILURE TO DO SO SHALL CONSTITUTE A WAIVER OF ANY DAUBERT RELATED EVIDENCE

ISSUE. It is within the discretion of the court to remove any case for trial with pending DAUBERT issues.

VII. NO LATER THAN TEN (10) DAYS prior to the trial period set forth above the following shall be completed or heard by the Court:

1. Depositions to preserve testimony of any witness, including experts, shall have been completed;
2. All pretrial motions, depositions or proceedings related thereto and **MOTIONS IN LIMINE**: All motions to exclude witnesses or evidence of other motions directed to the conduct of the trial for which grounds then exist must be filed and heard prior to commencement of the trial.

VIII. MOTIONS FOR SUMMARY JUDGMENT will NOT be heard at the calendar call, pretrial conference or at the time of trial.

IX. SETTLEMENT: Counsel shall immediately notify this Court in the event of settlement and submit a stipulation for and order of dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement.

**THE PARTIES ARE CAUTIONED REGARDING
THE FOLLOWING POLICIES OF THE COURT:**

1. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure. See Rules 1.300 and 1.460 Fla.R.Civ.P. and Rule 2.545 of the Florida Rules of Judicial Administration. CONTINUANCES will only be considered on written motion prior to calendar call.
2. **NO CONTINUANCES** will be granted for reasons that should have been readily apparent to counsel when the trial order was received or expert witnesses are unavailable since testimony may be preserved by deposition. **Continuances requested for reasons relating to failure to follow this Order will not be granted.**
3. **THE REQUIREMENTS OF THIS PRETRIAL ORDER CANNOT BE WAIVED BY STIPULATION.**
4. The parties and counsel should be familiar with Fla.R.Civ.P 1.380 regarding "Failure to Make Discovery: Sanctions", and, Fla. Stat., §57.105, entitled "Attorney's Fee; sanctions for raising unsupported claims or defenses; service of motions; damages for delay of litigation." The court may impose sanctions for failure to comply with the requirements of this pretrial order including dismissal of the action.

5. FAILURE TO ATTEND, FAILURE TO FOLLOW TIME REQUIREMENTS OR FILE DOCUMENTS REQUIRED BY THIS COURT MAY RESULT IN THE DISMISSAL OF THE ACTION OR THE IMPOSITION OF SANCTIONS INCLUDING STRIKING OF THE PLEADINGS.
6. **MEDIATION IS MANDATORY**: Mediation shall commence no later than (60) days prior to the calendar call. The parties shall comply with Fla. R. Civ. P. 1.700, 1.710, 1.720, and 1.730 as to the conduct of mediation. Plaintiff's counsel is appointed lead counsel to facilitate and schedule the settlement conference with the mediator and all parties. The court will issue a separate appointing a mediator in this case who shall mediate this case, unless, within (30) days of this order the parties choose a different mediator. Failure to attend mediation may result in sanctions.
7. Plaintiff is responsible for arranging for a court reporter unless otherwise agreed.

Pursuant to Florida Rule of Judicial Administration 2.516 (h) (1) the court directs the attorney scheduling this case for trial to serve a copy of this order on any self-represented party and file with the clerk of court a certificate of service certifying the self-represented party was served with this order. The certificate of service shall be in compliance with Rule 2.516 (f).

ORDERED and ADJUDGED at Fort Lauderdale, Florida on
_____, 20_____.

CIRCUIT JUDGE

Copies furnished to counsel of record

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 Diana Sobel, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.