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

Administrative Order No. 2019-4-CO (Amendment 1)

INSTITUTING A UNIFORM PRETRIAL ORDER FOR COUNTY CIVIL ACTIONS

(a) Florida Rule of General Practice and 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. In January 2019, the County Court Civil Division Judges determined it is appropriate to incorporate the requirements for the conduct of the trial into a uniform pretrial order.

(c) Because of the gradual implementation of a Uniform Case Management Order under Administrative Order 2021-19-CIV, it is necessary to clarify the applicability of the older Uniform Pretrial Order currently in use in the County Court Civil Division.

(d) In accordance with the authority vested in the Chief Judge by Florida Rule of General Practice and Judicial Administration 2.215, it is hereby **ORDERED:**

(1) The older Uniform Order Setting Pretrial Deadlines and Related Requirements ("Uniform Pretrial Order") for the County Court Civil Division is attached as Exhibit A.

(2) All County Court Civil Division Judges may implement the older Uniform Pretrial Order for all cases where a jury trial is demanded. County Court Civil Division Judges may not create their own pretrial order or modify the older Uniform Pretrial Order absent extraordinary or unique circumstances, or upon good cause shown. The older Uniform Pretrial Order may not, however, be used for any case filed after April 30, 2021. Further, for cases filed prior to May 1, 2021, the older Uniform Pretrial Order may be used only until December 3, 2021. For those cases in which the older Uniform Pretrial Order is not issued as set forth herein, the

presiding judge must instead issue the Uniform Case Management Order as provided in Administrative Order 2021-19-CIV.

(3) For cases that are pending before a judge located at a satellite courthouse location, the judge should not include any trial date, pretrial conference date, or calendar call date in the older Uniform Pretrial Order unless the judge will be retaining the case and presiding over the jury trial.

(4) Subject to the date requirements set forth above in sub-paragraph (2), the older Uniform Pretrial Order may be issued when a case is at issue as set forth in Florida Rule of Civil Procedure 1.440 (unless Rule 1.440 has not been invoked), and should in all cases where a jury trial has been demanded be issued no later than eighteen (18) months from the date of filing pursuant to the presumptively reasonable time period for completion of civil jury cases set forth in Florida Rule of Judicial Administration 2.250.

(5) This Administrative Order shall be effective immediately and remain in effect until further order of this Court.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 12th day of May, 2021.

/s/ Jack Tuter
Jack Tuter, Chief Judge

EXHIBIT "A"

ALL PARTIES MUST READ CAREFULLY
FULL COMPLIANCE IS MANDATORY

IN THE COUNTY COURT IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO.: _____ COCE ___
Plaintiff(s), JUDGE: _____

v.

UNIFORM ORDER SETTING PRETRIAL DEADLINES AND RELATED REQUIREMENTS

Defendant(s).
_____/

(☐ Applicable if checked): PRETRIAL CONFERENCE: _____

(☐ Applicable if checked): CALENDAR CALL: _____

(☐ Applicable if checked): TRIAL PERIOD: _____

(If not checked, dates will be provided at a later time.)

NO CONTINUANCES will be granted for reasons that should have been readily apparent to counsel when the trial order was received or based upon the unavailability of expert witnesses since testimony may be preserved by deposition. Continuances may only be granted based upon a properly filed written motion and court order granting same. **Continuances requested for reasons relating to failure to follow this Order will not be granted.**

BY ORDER OF THE COURT the following requirements are imposed on all parties:

1. THE REQUIREMENTS OF THIS PRETRIAL ORDER CANNOT BE WAIVED BY STIPULATION.

2. **DISCOVERY** must be completed no later than ninety (90) days from the date of this Order.

3. **EXPERT WITNESSES** - The names and addresses of expert witnesses shall be disclosed by the Plaintiff(s) no later than thirty (30) days from the date of this Order and by the Defendant(s) no later than forty (40) days from the date of this Order.

PRETRIAL STIPULATION REQUIREMENTS

4. A **JOINT** PRETRIAL STIPULATION must be filed (☐ and, if checked, a copy delivered to the Court) by all counsel of record no later than 100 days from the date of this Order. THE COURT DOES NOT ACCEPT UNILATERAL PRETRIAL STIPULATIONS. It is the responsibility of **all** parties to cooperate in good faith in preparation of the Joint Pretrial Stipulation. FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN SANCTIONS. Any Unilateral Pretrial Stipulation filed will be *sua sponte* STRICKEN and may result in the imposition of sanctions on the filing party. Failure to file a complete Joint Pretrial Stipulation, including witness lists, exhibit lists, jury instructions and verdict forms, will result in postponement of the trial, and/or sanctions including dismissal and/or default. If either party delays the preparation of the Joint Stipulation, a motion describing the delay must be immediately filed with the Clerk of the Courts and brought to the Court's attention prior to the deadline.

   The Joint Pretrial Stipulation must be a **single, unified submission** and must contain the following information in separately numbered paragraphs or sections:

   a. **Statement of the Facts:** A concise, impartial statement of the facts of the case.

   b. **Stipulated Facts:** A list of any stipulated facts requiring no proof at trial.

c. **Statements of Disputed Law & Fact:** A statement of the disputed issues of law and fact to be tried.

d. **Exhibit Lists:** Each party shall separately list all exhibits they intend to introduce into evidence. Each exhibit shall be listed by number and contain a description on a separate schedule attached to the joint pretrial stipulation. Generic descriptions of exhibits will be stricken. Any evidentiary objections to any listed exhibit of an opposing party shall be stated in the joint pretrial stipulation and delineated with specificity. Demonstrative exhibits (e.g., charts, enlargements of exhibits) to be used at a jury trial must be displayed to all counsel prior to being shown to the jury.

e. **Witness Lists:** Each party shall attach to the joint pretrial stipulation a list of the names and addresses all witnesses, including "rebuttal" and "impeachment" witnesses, intended to be called at trial. Witnesses **MUST** be listed in alphabetical order by actual name of the witness, and not designation (i.e., use of such designations as "Corporate Representative," "Records Custodian," and "Adjuster" standing alone is insufficient). All expert witnesses shall be so designated. Only those witnesses listed by name shall be permitted to testify at trial.

f. **Jury Instructions:** If the trial is a jury trial, all agreed jury instructions and disputed jury instructions must be filed as part of the joint pretrial stipulation. Disputed jury instructions shall be identified as to the party that proposed the instruction(s) (☐ and, if checked, copies of any statutory citations and/or case law pertaining to the proposed instruction(s) shall be attached).

g. **Verdict Forms:** If the trial is a jury trial, an agreed verdict form or disputed verdict forms must be filed as part of the joint pretrial stipulation.

5. Failure to file a **complete** joint pretrial stipulation, including jury instructions and verdict forms, will result in sanctions including dismissal and/or default.

6. At trial, the parties shall be **STRICTLY LIMITED** to exhibits and witnesses disclosed and objections reserved in the joint pretrial stipulation.

A party desiring to use an exhibit, examination or test result, or witness discovered after the deadlines set forth in this Order must immediately, upon discovery, notify all other counsel and the Court by written motion. Use of the exhibit, examination or test result, or witness may be allowed for good cause shown or to prevent manifest injustice.

MEDIATION AND ARBITRATION

7. **(☐ Applicable if checked): MEDIATION**: Simultaneously herewith, the parties are being referred to mandatory mediation, which shall be completed within 105 days of the date of this Order.

8. **(☐ Applicable if checked): ARBITRATION**: Simultaneously herewith, the parties are being referred to mandatory non-binding arbitration, which shall be completed within 120 days of the date of this Order.

9. FAILURE TO MEDIATE OR ARBITRATE IN GOOD FAITH OR TO ATTEND THE PRETRIAL CONFERENCE MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OR DEFAULT.

REQUIREMENTS RELATED TO PRETRIAL CONFERENCE

IF A PRETRIAL CONFERENCE DATE HAS BEEN SET IN THIS ORDER ABOVE, OR IF THIS BOX ☐ IS CHECKED, THE FOLLOWING PROVISIONS WILL APPLY:

10. **MOTIONS FOR SUMMARY JUDGMENT** will **NOT** be heard at the pretrial conference or at the time of trial (☐ but, if checked, must be heard no later than ten (10) days prior to the pretrial conference).

11. **(☐ Applicable if checked):** Prior to the pretrial conference, the Court must have ruled on all motions previously filed, with the exception of motions in limine. In the absence of good cause for failure to notice such motion for hearing, the motion is subject to being deemed abandoned or waived.

12. **Motions in Limine** must be heard at least five (5) days prior to the date of trial.

13. **ALL EXPERT-RELATED ISSUES** shall be noticed and heard – or agreed to by the parties – no later than two (2) weeks before the pretrial conference. FAILURE TO DO SO SHALL CONSTITUTE A WAIVER AT TRIAL OF ANY EXPERT-RELATED EVIDENCE OBJECTION OR ISSUE.

14. **ALL** EXHIBITS MUST BE BROUGHT TO THE PRETRIAL CONFERENCE FOR PRE-MARKING. Any exhibit either party desires to use at trial exceeding four (4) pages in length must be consecutively paginated (by Bates-stamp method or otherwise). Any exhibit not meeting this requirement will not be allowed for use at trial.

15. At the time of the pretrial conference, the parties shall further be prepared to discuss all the items set forth in Florida Rule of Civil Procedure 1.200 (b).

16. **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.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida on _____.

_____
COUNTY COURT JUDGE

Copies furnished:
Plaintiff Counsel
Defendant Counsel

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 20140, 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.