

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

Administrative Order 2019-5-Civ

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

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) 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.”

(c) Florida Rule of Civil Procedure 1.200(c) requires a uniform order for pretrial conferences for the Circuit. The circuit civil division 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).

(d) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:

(1) The Uniform Trial Order for the circuit civil division, excluding residential foreclosure cases, is attached as Attachment “A”. The Uniform Trial Order shall be posted on the web page for the Seventeenth Judicial Circuit. The Uniform Trial Order may be amended from time to time without further amendment of this Administrative Order.

(2) Each judge assigned to a circuit civil division shall implement the Uniform Trial Order for all cases, excluding residential foreclosure cases.

(3) When a case is at issue and ready for trial in accordance with Florida Rule of Civil Procedure 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 Florida Courts E-Filing Portal. 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 of same 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 schedule the Notice for Trial on the division judge's uniform 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 a civil division may assign a mediator in any trial order.

(8) This Administrative Order amends and supersedes Administrative Order 2018-62-Civ.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida on January 2nd, 2019.

/s/Jack Tuter
Jack Tuter, Chief Judge

ATTACHMENT "A"

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

CASE NO.: _____ DIVISION: _____ JUDGE: _____

,
Plaintiff(s) / Petitioner(s),

v.

,
Defendant(s) / Respondent (s).
_____ /

**UNIFORM TRIAL ORDER
SEVENTEENTH JUDICIAL CIRCUIT

ORDER FOR MANDATORY
CALENDAR CALL**

UNIFORM TRIAL ORDER

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

CALENDAR CALL: _____.

____ DAYS ____ WEEKS ____ JURY ____ NON-JURY

**FAILURE TO ATTEND CALENDAR CALL MAY RESULT IN EITHER
THIS CASE BEING DISMISSED OR A DEFAULT BEING ENTERED.**

I. ORDER OF TRIALS:

The order of trials set during this Trial Period will be determined at Calendar Call. Parties are subject to being called to commence trial during any portion of the above noted Trial Period.

II. TRIAL DATE:

The Court has determined this case is ready for trial pursuant to Florida Rule of Civil Procedure 1.440. This case is set for trial before the undersigned Judge in Courtroom _____, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida, 33301, as stated above.

III. CIVIL TRIAL POOL:

Parties are advised that this case may be placed into the Seventeenth Judicial Circuit Court's "Civil Trial Pool" and is subject to being called for trial before any judge. If placed in the Civil Trial Pool, **parties must be prepared to proceed to trial if called.** Only the Division Judge or the Administrative Judge of the Seventeenth Judicial Circuit Court's Civil Division may grant a continuance of any case placed in the Civil Trial Pool.

IV. WITNESS LISTS:

A. NO LATER THAN ONE-HUNDRED & TWENTY (120) DAYS PRIOR TO CALENDAR CALL:

Fact Witnesses: Parties must file and serve a list of names and addresses of all fact witnesses who are expected to testify at trial. Each party's fact witness list must include a brief description of the substance and scope of the testimony to be elicited from such witness. Both sides must cooperate in the scheduling of such witness depositions.

B. NO LATER THAN NINETY (90) DAYS PRIOR TO CALENDAR CALL:

Expert Witnesses: Parties must file and serve a list of the names and addresses of all expert witnesses who are expected to testify at trial. Each party's expert witness list must disclose the expert's area of expertise, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion. Parties must include a complete and updated curriculum vitae of all expert witnesses to be called at trial and all information regarding expert testimony that is required by Florida Rule of Civil Procedure 1.280(b)(4)(A). Both sides must cooperate in the scheduling of such witness depositions.

The Court may preclude an expert from testifying outside of the disclosed opinions.

C. NO LATER THAN SIXTY (60) DAYS PRIOR TO CALENDAR CALL:

Rebuttal Witnesses: Parties must file and serve a list of names and addresses of any rebuttal witnesses within sixty (60) days.

V. COMPULSORY MEDICAL EVALUATIONS ("CME"):

A. NO LATER THAN NINETY (90) DAYS PRIOR TO CALENDAR CALL:

All CME and other examinations pursuant to Florida Rule of Civil Procedure 1.360 must be completed no later than ninety (90) days prior to Calendar Call.

VI. DISCOVERY DEADLINES:

A. NO LATER THAN SIXTY-FIVE (65) DAYS PRIOR TO CALENDAR CALL:

All final discovery must have been initiated at least sixty-five (65) days prior to Calendar Call.

B. NO LATER THAN THIRTY (30) DAYS PRIOR TO CALENDAR CALL:

Parties must complete all discovery, including expert discovery in accordance with Florida Rule of Civil Procedure 1.280(b)(4), at least thirty (30) days prior to Calendar Call.

Discovery conducted after this time period is strongly disfavored and will only be permitted by order of the Court under exceptional circumstances.

VII. MOTIONS:

A. NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO CALENDAR CALL:

1. Dispositive Motions: must be filed and served no later than forty-five (45) days before Calendar Call and must be scheduled for hearing prior to Calendar Call.

2. Deposition Objections: objections raised in depositions expected to be introduced at trial must be filed and served no later than forty-five (45) days before Calendar Call and must be scheduled for hearing prior to Calendar Call.

3. Expert Challenges: motions challenging an expert witness ("Expert Challenges"), must be filed and served no later than forty-five (45) days before Calendar Call and must be scheduled for hearing prior to Calendar Call.

B. NO LATER THAN THIRTY (30) DAYS PRIOR TO CALENDAR CALL:

1. Motions in Limine: must be filed and served no later than thirty (30) days prior to Calendar Call and must be scheduled for hearing before Calendar Call.
2. All motions, other than motions in limine, not heard before Calendar Call will be deemed abandoned.

C. PRIOR TO CALENDAR CALL:

1. Motions for Summary Judgment: must be scheduled for hearing and heard prior to Calendar Call. Motions for summary judgment will not be heard at Calendar Call.

VIII. JOINT PRETRIAL STIPULATION:

A. NO LATER THAN TEN (10) DAYS PRIOR TO CALENDAR CALL:

1. The Joint Pretrial Stipulation contemplates a single document that must be filed and served, **with a courtesy copy served on the undersigned judge**, no later than ten (10) days before Calendar Call.
2. The Joint Pretrial Stipulation requires that all agreed matters be fully identified and any disputed matters be specifically delineated with respect to each party.
3. At the time of the above noticed Calendar Call, all parties must be prepared to discuss all items set forth in Florida Rule of Civil Procedure 1.200(b).

B. The Joint Pretrial Stipulation must contain the following in separately numbered paragraphs:

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 trial.
3. Statement of Disputed Law & Fact: A concise, impartial statement of those issues of law and fact that are to be tried.
4. Exhibit Lists: Each party must separately list all exhibits they intend to introduce into evidence. Each item must be listed by number and description on a separate schedule attached to the Joint Pretrial Stipulation. Each exhibit must be specifically described. **Generic descriptions of exhibits are subject to being stricken.** If any party objects to the introduction of any such exhibit, such objection **must be stated in the Joint Pretrial Stipulation**, setting forth the grounds with specificity. All exhibits must have been made available to all parties for examination. Parties must initial each other's exhibit lists and exhibits. **At trial, only those exhibits properly listed and initialed may be offered into evidence.**
5. Demonstrative Exhibits: all demonstrative exhibits (e.g., charts, graphs, enlargements of exhibits, etc.) intended to be used at a jury trial must be displayed to all parties at least ten (10) days before trial.
6. Witness Lists: Parties must furnish a written list containing the names and addresses of all witnesses intended to be called at trial in alphabetical order. Such list must designate the type of witness ("expert," "rebuttal," "impeachment," or otherwise) and must be attached to the Joint Pretrial Stipulation. All fact witness lists must include a brief description of **the substance and scope of the testimony** to be elicited from such witness. All expert witness lists must **designate the expert's specialties**. If any party objects to any witness, such objection must be stated in the Joint Pretrial Stipulation, setting forth the grounds with specificity. **At trial, only those witnesses properly and timely disclosed will be permitted to testify.**

7. Jury Instructions: If the trial is a jury trial, the parties must identify all agreed upon standard instructions and all special instructions. Copies of all agreed upon jury instructions and disputed jury instructions must be attached to the Joint Pretrial Stipulation identifying the party that proposed the instruction, along with copies of supporting statutory citations and/or case law.
8. Verdict Forms: If the trial is a jury trial, the jury verdict form must be designated as “agreed to” or “disputed” and must be attached to the Joint Pretrial Stipulation.
9. Peremptory Challenges: If the trial is a jury trial, the number of peremptory challenges for each party must be stated and attached to the Joint Pretrial Stipulation.
10. Pending Motions: Parties must set forth a list of all pending motions with copies attached to the Joint Pretrial Stipulation.
11. Trial Estimate: Each party must provide an estimate of the number of trial days required for presenting its side of the case.
12. Expert Challenges: All expert related issues involving any requests for hearings on related evidence must be noticed and heard—or agreed to by the parties—no later than forty-five (45) days prior to Calendar Call. FAILURE TO DO SO MAY CONSTITUTE A WAIVER OF ANY EXPERT RELATED EVIDENCE ISSUE(S). It is within the discretion of the Court to remove any case with pending expert issues.

IX. COURT POLICIES:

- A. Parties must do all things reasonable and necessary to assure the availability of witnesses for the entire Trial Period or to otherwise preserve witness testimony for trial as provided by the Florida Rules of Civil Procedure. *See* Fla. R. Civ. P. 1.300 & 1.460; *see also* Fla. R. Jud. Admin. 2.545.
- B. The requirements of this Uniform Trial Order cannot be waived by stipulation **absent prior approval from the Court** pursuant to written agreement between the parties.
- C. This Uniform Trial Order may be tailored by the assigned division judge to conform to the particular requirements of the residential foreclosure, asbestos litigation, and complex litigation divisions. *See* Admin. Order 2016-28-Civ (c)(6) (June 9, 2016).
- D. At trial, there will only be one (1) official record transcribed by one (1) court reporter. Plaintiff is responsible for arranging for a court reporter unless otherwise agreed. If a conflict exists, the parties must resolve it among themselves prior to Calendar Call.

X. CONTINUANCES:

- A. CONTINUANCES will only be considered upon written motion filed with the Clerk of Court and served on the undersigned judge prior to the above noticed Calendar Call.
- B. NO CONTINUANCES will be granted for reasons that should have been readily apparent to the parties when this Uniform Trial Order was issued.
- C. NO CONTINUANCES will be granted if expert witnesses are unavailable because testimony may be preserved by deposition.
- D. NO CONTINUANCES will be granted for reasons relating to the failure to follow this Uniform Trial Order.

XI. MANDATORY MEDIATION:

Mediation must commence no later than sixty (60) days prior to Calendar Call. The parties must comply with Florida Rules of Civil Procedure 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 appoints:

as Mediator, unless, within thirty (30) days of this Uniform Trial Order, the parties choose a different Mediator. Failure to attend mediation may result in sanctions.

XII. SANCTIONS:

- A. All parties should be familiar with Florida Rule of Civil Procedure 1.380 entitled "Failure to Make Discovery; Sanctions" and section 57.105, Florida Statutes, entitled "Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation."
- B. FAILURE TO APPEAR, FAILURE TO FOLLOW TIME REQUIREMENTS, OR FAILURE TO FILE DOCUMENTS REQUIRED BY THIS COURT MAY RESULT IN THE DISMISSAL OF THE ACTION OR THE IMPOSITION OF SANCTIONS INCLUDING THE STRIKING OF PLEADINGS.

XIII. SETTLEMENT NOTIFICATION:

Parties must immediately notify this Court in the event of settlement and submit a stipulation for an Order of Dismissal. Parties must also notify the Court of any pending hearings that will be canceled as a result of the settlement.

Pursuant to Florida Rule of Judicial Administration 2.516(h)(1), counsel must file this Uniform Trial Order with the Clerk of Court, serve any self-represented parties with this Uniform Trial Order, and file a "Certificate of Service" with the Clerk of Court, in compliance with Florida Rule of Judicial Administration 2.516(f), certifying the self-represented party was served with this Uniform Trial Order.

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

Circuit Court Judge

CC: All persons listed on e-Portal Service List.

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 20-140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.