

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 5.10

PRETRIAL ORDERS

WHEREAS, Florida Family Law Rule of Procedure 12.200(c) requires that orders setting pretrial conferences shall be uniform throughout the territorial jurisdiction of the court; and

WHEREAS, Florida Family Law Rule of Procedure 12.200(d) requires that the court shall make an order reciting the action taken at a Pretrial Conference; and

WHEREAS, the orderly administration of justice in the Eighth Judicial Circuit requires that uniform orders be established for use or guidance in all family cases tried before the courts;

IT IS HEREBY ORDERED:

The attached forms of orders are hereby promulgated for use in family cases in every county in the Eighth Judicial Circuit, and should not be altered substantially without specific justification.

This Administrative Order replaces and supersedes Administrative Order No. 5.10(v1) entitled "Pretrial Orders," dated May 7, 2015.

ORDERED ON this 17th day of October, 2016.



Robert E. Roundtree, Jr., Chief Judge

**IN THE EIGHTH JUDICIAL CIRCUIT COURT
IN AND FOR COUNTY, FLORIDA**

IN RE: The Marriage of

CASE NO:

,

DIVISION:

Husband,
and

,

Wife.

_____ /

ORDER SETTING PRETRIAL CONFERENCE AND NON-JURY TRIAL

[Fla. Fam. L.R.P. 12.200, 12.440]

THIS ACTION is at issue according to Florida Family Law Rule of Procedure 12.440, or the parties have waived any objection to setting trial before it is at issue, and it is ready to be set for trial. Therefore, it is **ADJUDGED** that:

1. PRETRIAL CONFERENCE: Attorneys for the parties (the term “attorneys” includes parties representing themselves without attorneys) shall attend a pretrial conference pursuant to Fla. R. Civ. P. 12.200 before the undersigned judge at [*state the location, including street address, of the Pretrial Conference*], Florida on [*state the time and date of the Pretrial Conference*]. The time allotted for the conference is _____ minutes.

2. TRIAL DATE: This action is set for Non-Jury Trial on [*state the time, the day of the week, and the date of the trial*], before the undersigned Judge, or another judge assigned to conduct the trial, at [*state the location, including street address of the trial*], Florida. The time allotted for Non-Jury Trial is _____ days. The attorneys and parties shall appear before the trial judge for the commencement of trial at _____ [*state the time and date the trial is to begin*], unless they are specifically notified otherwise.

3. WITNESS AND EXHIBIT LISTS: No later than **thirty (30) days** before the pretrial conference, the attorney for each party shall file with the Clerk of the Court, and serve a copy on the opposing attorneys, a complete list of witnesses, including rebuttal witnesses, and exhibits to be used at trial. Witness lists shall include witness addresses, telephone numbers, and a brief synopsis of the testimony of each witness. Expert witnesses shall be identified as such.

4. DISCOVERY: All discovery shall be completed no later than **three (3) days** before the pre-trial conference.

5. PRE-TRIAL CATALOGUE: No later than **three (3) days** before the pretrial conference, the attorney for each party shall file with the Clerk of the Court, and serve a copy on the opposing attorneys and the Court, the following:

- a) A statement as to whether or not the parties have participated in mediation with respect to the issues set for trial, or whether mediation is currently scheduled to take place before the date of trial. If mediation has not taken place and is not scheduled to take place before trial, an explanation shall be stated.
- b) A statement of all issues presented for adjudication by the court, setting forth those which remain in dispute and those to which the parties have stipulated. As to those to which the parties have stipulated, the specific nature of the stipulation shall be stated. As to those issues remaining in dispute, the parties shall state the specific relief or adjudication sought.
- c) A schedule of all exhibits and witnesses each party will offer during the trial.
- d) A concise statement of the marital history, including the date and place of marriage and the date of separation of the parties.
- e) If applicable, a list of the parties' children containing the name, date of birth, and social security number of each child.
- f) In all cases in which a parenting plan or time-sharing is in dispute, a statement describing the division of parenting responsibilities since the date of separation, and a description of the pattern of time-sharing which has been established; also, the specific parenting plan and time-sharing arrangement each party proposes to be ordered by the court, using Florida Family Law Form 12.995(a), including a specific description of any significant travel arrangements required by the plan.

- g) A current financial affidavit from each party and, if applicable, a child support guidelines worksheet, a motion for deviation from the guidelines when an award of support above or below the guidelines is requested, and a copy of a certificate of completion of an approved parenting class. Fla. Fam. L.R.P. 12.285(d)(1), (e), and (j); §61.21(4), (6), Fla. Stat.
- h) In all cases in which equitable distribution of property or debts is in dispute, a statement defining the valuation date(s) and the reasons for selecting those dates, the names in which the title, ownership, or liability lies if not jointly held, and the basis for any claim for unequal distribution; also, the specific equitable distribution plan each party proposes to be ordered by the court, using the chart found in Florida Family Law Form 12.990(c)(1)
- i) In all cases in which a party seeks alimony, a statement of that party's claim and the nature and amount of alimony claimed, whether lump-sum, rehabilitative, "bridge-the-gap", or permanent, together with the factual and legal basis for the claim. A party seeking rehabilitative alimony shall describe that party's rehabilitation plan.

6. **EXHIBITS:** No later than three (3) days before the pretrial conference, the attorneys shall meet personally or electronically and exhibit to each other all documentary and tangible evidence intended to be offered at the trial, and shall make a good faith effort to stipulate to their admissibility. Stipulations may be conditioned on a showing of such things as authenticity, relevance, foundation, and other predicates for admissibility.

7. **MOTIONS:** All pretrial motions must be filed and heard before the pretrial conference.

8. **CANCELLATIONS:** The non-Jury trial shall not be canceled or postponed without a prior order of the court for good cause shown.

9. **COMPLIANCE WITH SCHEDULE:** The times for compliance with the schedule stated in this order may be extended only for good cause shown upon timely application.

10. **TIME LIMIT:** This case must be tried and concluded within the amount of time allowed by this order, and the attorneys will be strictly limited to that amount of time. The court will allocate the time between the attorneys, which will include one hour for oral argument.

Immediately notify the Court in writing if settlement is achieved or if less than the time reserved for the hearing is necessary.

11. SANCTIONS: Failure by a party or an attorney to comply with the requirements of this order may result in the court striking that party's pleadings, limiting that party's proof or witnesses, imposing costs and attorney's fees, and any other appropriate action.

DONE AND ORDERED in Chambers at _____, _____ County, Florida, this _____ day of _____, _____.

Circuit Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing has been furnished by US Mail, hand delivery, facsimile delivery, or email delivery to the following parties on this _____ day of _____, _____:

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Judicial Assistant

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled to be provided with certain assistance at no cost to you. Please contact the ADA Coordinator, Alachua County Family and Civil Justice Center, 201 East University Avenue, Gainesville, Florida, 32601 (352-337-6237) at least seven 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 1-800-955-8770 via Florida Relay Service.

**IN THE EIGHTH JUDICIAL CIRCUIT COURT
IN AND FOR COUNTY, FLORIDA**

IN RE: The Marriage of

CASE NO:

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DIVISION:

Husband,
and

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Wife.

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ORDER SETTING NON-JURY TRIAL

[Fla. Fam. L.R.P. 12.200(b), 12.440]

THIS ACTION is at issue according to Florida Family Law Rule of Procedure 12.440, or the parties have waived any objection to setting trial before it is at issue, and it is ready to be set for trial. Therefore, it is **ADJUDGED** that:

1. TRIAL DATE: This action is set for Non-Jury Trial on [*state the time, the day of the week, and the date of the trial*], before the undersigned Judge, or another judge assigned to conduct the trial, at [*state the location, including street address of the trial*], Florida. The time allotted for Non-Jury Trial is _____ days. The attorneys and parties shall appear before the trial judge for the commencement of trial at _____ [*state the time and date the trial is to begin*], unless they are specifically notified otherwise.

2. WITNESS LIST: No later than twenty (20) days before the trial, the attorney for each party shall file with the Clerk of the Court, and serve a copy on the opposing attorneys, a complete list of witnesses to be used at trial, including rebuttal witnesses, together with their addresses, telephone numbers, and a brief synopsis of the testimony of each witness. Expert witnesses shall be identified as such.

3. DISCOVERY: All discovery shall be completed no later than seven (7) days before the trial.

4. PRE-TRIAL CATALOGUE: No later than seven (7) days before the trial, the attorney for each party shall file with the Clerk of the Court, and serve a copy on the opposing attorneys and the Court, the following:

- a) A statement as to whether or not the parties have participated in mediation with respect to the issues set for trial, or whether mediation is currently scheduled to take place before the date of trial. If mediation has not taken place and is not scheduled to take place before trial, an explanation shall be stated.
- b) A statement of all issues presented for adjudication by the court, setting forth those which remain in dispute and those to which the parties have stipulated. As to those to which the parties have stipulated, the specific nature of the stipulation shall be stated. As to those issues remaining in dispute, the parties shall state the specific relief or adjudication sought.
- c) A schedule of all exhibits each party will offer during the trial.
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- g) A current financial affidavit from each party and, if applicable, a child support guidelines worksheet, a motion for deviation from the guidelines when an award of support above or below the guidelines is requested, and a copy of a certificate of completion of an approved parenting class.
- h) In all cases in which equitable distribution of property or debts is in dispute, a statement defining the valuation date(s) and the reasons for selecting those dates, the names in which the title, ownership, or liability lies if not jointly held, and the basis for any claim for unequal distribution; also, the specific equitable distribution plan each party proposes to be ordered by the court, using the chart found in Florida Family Law Form 12.990(c)(1)

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6. **EXHIBITS**: No later than **seven (7)** days before the trial, the attorneys shall meet personally or electronically and exhibit to each other all documentary and tangible evidence intended to be offered at the trial, and shall make a good faith effort to stipulate to their admissibility. Stipulations may be conditioned on a showing of such things as authenticity, relevance, foundation, and other predicates for admissibility.
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10. **TIME LIMIT**: This case must be tried and concluded within the amount of time allowed by this order, and the attorneys will be strictly limited to that amount of time. The court will allocate the time between the attorneys, which will include one hour for oral argument.

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11. **SANCTIONS**: Failure by a party or an attorney to comply with the requirements of this order may result in the court striking that party's pleadings, limiting that

party's proof or witnesses, imposing costs and attorney's fees, and any other appropriate action.

DONE AND ORDERED in Chambers at _____, _____ County, Florida, this _____ day of _____, _____.

Circuit Judge

CERTIFICATE OF SERVICE

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Judicial Assistant

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