

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 3.01

PRETRIAL ORDERS

WHEREAS, Florida Rule of Civil Procedure 1.200(c) requires that orders setting pretrial conferences shall be uniform throughout the territorial jurisdiction of the court; and

WHEREAS, Florida Rule of Civil Procedure 1.200(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 civil cases tried before juries and before the courts; it is therefore

ORDERED:


1. The attached forms of orders are hereby promulgated for use in every county in the Eighth Judicial Circuit and should not be altered substantially without specific justification. The forms are styled for cases in the circuit court, but also apply to cases in the county courts.

2. The Order Setting Pretrial Conference and Jury Trial is intended primarily for use in civil actions involving jury trials and should be modified appropriately for use in cases involving non-jury trials when pretrial conferences are ordered.

3. The Pretrial Order provides a guide to the kinds of issues which should be addressed and ordered at a pretrial conference, but substantial modification of this form might be necessary in order for it to be appropriate in a particular case. Judges conducting pretrial conferences should bear in mind that a different judge might be called upon to conduct the trial, and the Pretrial Order should provide as much pertinent information to the trial judge as possible.

This order replaces and supersedes prior Administrative Order No. 3.01(v3) entitled "Pretrial Orders."

ORDERED ON this 9th day of August 2019.



James P. Nilon, Chief Judge

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

Plaintiff,

CASE NO:

v.

DIVISION:

Defendant.

ORDER SCHEDULING PRETRIAL CONFERENCE AND JURY TRIAL

(With Expert Disclosure Schedule)

[Fla. R. Civ. P. 1.200, 1.440]

THIS ACTION is at issue according to Fla. R. Civ. P. 1.440 and is ready to be set for trial.

Therefore, it is

ADJUDGED that:

1. **PRETRIAL CONFERENCE**: Trial counsel for the parties and all parties representing themselves *pro se* are directed to appear 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*] for a Pretrial Conference to be conducted under the provisions of Fla. R. Civ. P. 1.200. The time allotted for the conference is minutes.

2. **TRIAL DATE**: This action is set for 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 Jury Trial, including jury selection, is days. The attorneys and parties shall appear before the trial judge for the commencement of trial at **9:00 A.M.** [*state the date the trial is to begin*], unless they are specifically notified otherwise.

3. (*Optional*): **EXPERTS**: The following requirements shall govern the use of one or more retained experts whose testimony may be offered at trial:

(A) Plaintiffs shall disclose the names and addresses of retained expert witnesses to be used at trial, **three (3) available dates per witness for their depositions to be taken**, together with said witnesses' curricula vitae and a reasonable description of said witnesses' anticipated testimony no later than _____.

(B) Plaintiffs shall make their retained experts available for deposition at a mutually agreed upon time and place no later than _____.

(C) Defendants shall disclose the names and addresses of retained expert witnesses to be used at trial, **three (3) available dates per witness for their depositions to be taken**, together with said witnesses' curricula vitae and a reasonable description of said witnesses' anticipated testimony no later than _____.

(D) Defendants shall make their retained experts available for deposition at a mutually agreed upon time and place no later than _____.

(E) (*Optional*) Plaintiffs shall disclose the names and addresses of rebuttal expert witnesses, if any, to be used at trial, together with said witnesses' curricula vitae and a reasonable description of said witnesses' anticipated testimony no later than _____; and shall make said expert(s) available for deposition no later than the close of discovery.

4. **WITNESS LIST**: Not later than **sixty (60) days** prior to the Pretrial Conference, each party shall **file** and **serve** a complete list of witnesses who are expected to testify at trial, together with their last known addresses, telephone numbers, and a concise description of the subject matter of their testimonies. Retained expert witnesses shall be identified as such. Non-

retained experts, from whom a party expects to elicit opinion testimony regarding standard of care, causation, or any matter beyond the scope of a fact witness, shall also be identified as such.

5. **EXHIBITS**: No later than **thirty (30) days** before the Pretrial Conference, each party shall **file** and **serve** a schedule of all exhibits and documentary evidence that the party will offer during trial.

6. **EXCLUSION OF EVIDENCE**: No witnesses, documents, exhibits, experts or other evidence shall be permitted to testify or be admitted into evidence if not disclosed as required by the foregoing schedule, except by consent of the parties or order of the Court.

7. **MEDIATION**: The attorneys and parties will schedule, conduct, and conclude mediation on or before _____.

8. **DISCOVERY**: ALL DISCOVERY PROCEDURES ALLOWED BY THE FLORIDA RULES OF CIVIL PROCEDURE, INCLUDING THE TAKING OF ALL DEPOSITIONS FOR USE AT TRIAL, SHALL BE COMPLETED NO LATER THAN **THIRTY (30) DAYS** BEFORE THE PRETRIAL CONFERENCE.

9. **ADMISSIBILITY CONFERENCE**: No later than **ten (10) days** before the Pretrial Conference, the parties shall meet and exhibit to each other all documentary and tangible evidence, exhibits and visual aids to be used at trial, and shall specifically designate all portions of depositions intended to be offered or used at trial, and shall make a good faith effort to stipulate in writing as to the admissibility and use thereof. Stipulations may be conditioned on a showing at trial of such things as authenticity, relevance, foundation, and other predicates for admissibility.

10. **PLAINTIFF'S PRETRIAL STATEMENT:** No later than **seven (7) days** before the Pretrial Conference, Plaintiff(s) shall file and serve on all parties, and deliver a copy to the undersigned judge, a Pretrial Statement setting forth the following:

- (a) A short statement of the case and the facts on which Plaintiff bases the cause(s) of action;
- (b) An itemized statement of the special damages Plaintiff expects to prove;
- (c) If the Defendant has filed a counterclaim, Plaintiff will comply with Defendant's instructions 11(a) and 11(b);
- (d) A schedule of all exhibits and documentary evidence Plaintiff will offer during the trial;
- (e) A complete list of witnesses to be used at trial, together with their current addresses and current telephone numbers;
- (f) All stipulations regarding the authenticity, admissibility and use of exhibits and visual aids;
- (g) A memorandum of law particularly applicable to this case, with copies of cited authority;
- (h) Plaintiff's proposed jury instructions and verdict form.

11. **DEFENDANT'S PRETRIAL STATEMENT:** No later than **seven (7) days** before the Pretrial Conference, Defendant(s) shall file and serve a copy on all parties, and deliver a copy to the undersigned judge, a Pretrial Compliance setting forth the following:

- (a) A statement of the facts constituting Plaintiff's cause(s) of action, including damages, which Defendant will admit;
- (b) If Defendant has filed affirmative defenses, a statement of the facts on which Defendant bases such defenses;
- (c) If Defendant has filed a counterclaim or cross-claim, Defendant will comply with Plaintiff's instructions 10(a) and 10(b);

- (d) A schedule of all exhibits and documentary evidence Defendant will offer during the trial;
- (e) A complete list of witnesses to be used at trial, together with their current addresses and current telephone numbers;
- (f) All stipulations regarding the authenticity, admissibility and use of exhibits and visual aids;
- (g) A memorandum of law particularly applicable to this case, with copies of cited authority;
- (h) Defendant's proposed jury instructions and verdict form.

12. **MOTIONS**: ALL MOTIONS MUST BE FILED AND HEARD PRIOR TO THE PRETRIAL CONFERENCE, INCLUDING, TO THE EXTENT PRACTICABLE, ALL MOTIONS *IN LIMINE*, OBJECTIONS TO DEPOSITIONS AND EXHIBITS, AND DAUBERT MOTIONS. Motions filed after the Pretrial Conference will not be considered if they are based on any matter known to the movant at the time of the Pretrial Conference or of which the movant could have known at that time through the exercise of reasonable diligence.

13. **SETTLEMENT CONFERENCE**: Within **forty-eight (48) hours** immediately before the Pretrial Conference, the parties shall meet or communicate via telephone and conduct good-faith settlement negotiations

14. **OBJECTIONS TO EXHIBITS**: At the Pretrial Conference, the parties shall be fully prepared to advise the Court of the precise objection, if any, to each of the opposing party's exhibits.

15. **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.

16. **TIME LIMIT FOR TRIAL:** The time limits provided in this Order may be extended only for good cause shown upon timely application.

17. **CANCELLATION:** The trial shall not be canceled or postponed without a prior order of the Court for good cause shown. Each party shall notify the Court immediately in the event the trial should be canceled because the case has settled. In order to cancel the trial, the Court may require the parties to submit a written acknowledgment of their settlement agreement, or to appear on the scheduled trial date and announce their settlement on the record.

18. **BINDING EFFECT OF THIS ORDER:** During trial, the parties will be bound in all particulars by this Order and the Pretrial Order to be entered following the Pretrial Conference. Before being offered or used at trial, all depositions and exhibits shall be redacted or edited according to rulings made by the Court, including elimination of superfluous matter.

19. **SANCTIONS:** The failure of a party or an attorney to comply with this Order shall subject that party or attorney to such sanctions as the Court shall determine to be just and proper under the circumstances, such as the sanctions provided for in Rule 1.200(c), Florida Rules of Civil Procedure.

ORDERED in County, Florida, on .

Circuit Judge

I HEREBY CERTIFY that copies have been furnished by electronic transmission and/or U.S. Mail to the following parties this day of , 201 .

Judicial Assistant

If you are a person with a disability that is covered under the Americans with Disability Act, who needs an accommodation in order to participate in this proceeding, you are entitled to be provided with certain assistance, at no cost to you. Please call (352) 337-6237 or if you are hearing-impaired or voice-impaired, call 1-800-955-8771, within 7 working days after you receive this notice.

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

Plaintiff,

CASE NO:

v.

DIVISION:

Defendant.

_____ /

PRETRIAL ORDER
[Fla. R. Civ. P. 1.200(d)]

THIS MATTER came before the Court on _____ for a pretrial conference. After conferring with counsel with respect to matters pertaining to the trial of this cause, it is hereby

ORDERED as follows:

1. **REPORTING FOR TRIAL**: Trial counsel and the parties participating in this trial shall appear before the Court at the Alachua County Courthouse, Family and Civil Justice Center, Courtroom _____, 201 E. University Avenue, Gainesville, Florida, on _____ at _____ ready to commence trial. Because the number of cases remaining on the civil trial docket may require the temporary assignment of other judges, counsel are instructed to contact the undersigned's judicial assistant on the Friday before trial to verify who the presiding judge will be and in which courtroom the trial will take place

2. **JURY SELECTION**: Jury selection shall commence as soon as practicable after qualification of the venire. The trial shall commence immediately after jury selection. _____ days have been reserved for jury selection and trial.

3. **PEREMPTORY CHALLENGES**: The Court anticipates initially seating a panel of _____ prospective jurors for jury selection. Six jurors and one/two alternates will be selected.

Plaintiff shall have _____ peremptory challenges and Defendant shall have _____ peremptory challenges during selection of the principal jurors. Each party shall have _____ peremptory challenges during selection of the alternate jurors.

4. **ISSUES FOR TRIAL:** *[Recite the parties' basic contentions with respect to the issues to be tried to include, for example, claims such as negligence, comparative negligence, breach of contract, other affirmative defenses, counterclaims, etc.]*

5. **STATEMENT OF THE CASE:** The parties shall agree upon and submit to the Court, by noon on _____, a concise and neutral statement of the case which will be read to the prospective jurors by the judge at the beginning of jury selection.

6. **EVIDENTIARY STIPULATIONS:** *[For example, authenticity and waiver of need for records custodians, all medical records, etc.]*

7. (Optional) **AUTHENTICATION:** All documentary evidence which has been disclosed in accordance with the Order Scheduling Pretrial Conference and Jury Trial is deemed to be authentic, and no witness is required for authentication.

8. **RULINGS ON MOTIONS IN LIMINE, OBJECTIONS TO DEPOSITIONS, ETC.:** *[Examples: All Motions in Limine were previously ruled upon/ The Motions in Limine that are currently pending were not timely set for hearing and may/may not be addressed by the trial judge if time permits.]*

9. **PRE-MARKING OF EXHIBITS:** The parties shall pre-mark all exhibits. Those exhibits which the parties agree are admissible shall be marked numerically in the anticipated order in which they will be introduced. Those exhibits which the parties do not agree are admissible shall be marked alphabetically for identification only. Lists of each party's agreed exhibits "in

evidence” and exhibits marked “for identification only” shall be given to the clerk at the commencement of trial.

10. *(Optional, if parties have been granted leave to submit after Pretrial Conference):*

JURY INSTRUCTIONS: No later than _____ each party shall submit proposed jury instructions and verdict forms to the Court and to all other parties, if they have not already done so.

11. *(Optional, if parties have been granted leave to do so after Pretrial Conference):*

DEPOSITION TESTIMONY: Prior to the first day of the trial, the parties shall disclose to each other all deposition testimony, including page and line, which is intended to be read or shown to the jury, and all objections thereto shall be heard either before or after the hours when the jury is present.

12. **WITNESSES:** Prior to the first day of the trial, and at the end of each day of the trial, the appropriate party shall announce to the Court and to the opposing party the names of the witnesses who will be called to testify on the first or next day of the trial.

13. **DOCUMENTS, ETC.:** Prior to the first day of the trial, and at the end of each day of the trial, the appropriate party shall announce to the Court and to the opposing party the documents and other tangible evidence which will be offered into evidence on the first or next day of the trial.

14. **JUROR QUESTIONS AND NOTE TAKING:** The jurors will/will not [*select one*] be permitted to take notes during the course of the trial, and the appropriate instruction will be given to them by the Court. [*Optional: In addition, the parties agree that the jurors will not be invited to submit questions during the trial.*]

15. **ANTICIPATED LENGTH AND PROGRESSION OF TRIAL:** The Court has reserved days for the trial of this cause, including jury selection. The presentation of evidence to the jury during the trial shall begin every day at 9:00 a.m. and end every day at 5:00 p.m., unless altered by the presiding judge. This time limitation must be strictly observed. Any prolonged legal issues will be addressed prior to the start of trial each day, during a lunch break, or after trial ends each day, to eliminate juror down time. Counsel should coordinate in good faith regarding their schedules of respective witness presentations and shall ensure that each side has a fair opportunity to present their case during the time allotted. During each side's presentation-in-chief, there will be no delays or recesses due to unavailability of witnesses. All efforts should be made to assure that the jury's service is not prolonged or delayed unnecessarily.

16. **MISCELLANEOUS TIMING ISSUES:** The time anticipated for voir dire is one (1) hour per side, unless good cause is shown. The proposed time Plaintiff's counsel anticipates for opening statement is (enter time Plaintiff agreed to) and the proposed time Defense counsel anticipates for opening statement is (enter time Defendant agreed to).

17. **EFFECT OF PREVIOUS ORDER:** All provisions of the Order Setting Pretrial Conference and Jury Trial, which are not inconsistent with the terms of this Order, shall remain in effect through the conclusion of the trial.

18. (Optional) **POST-TRIAL MOTIONS:** Post-trial motions, if any, shall be scheduled for hearing through the office of the undersigned judge.

DONE AND ORDERED in County, Florida, on .

Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by electronic transmission and/or U.S. Mail to the following on _____, 201 by:

Judicial Assistant

If you are a person with a disability that is covered under the Americans with Disability Act, who needs an accommodation in order to participate in this proceeding, you are entitled to be provided with certain assistance, at no cost to you. Please call (352) 337-6237 or if you are hearing-impaired or voice-impaired, call 1-800-955-8771, within 7 working days after you received this notice.