

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR HILLSBOROUGH COUNTY
GENERAL CIVIL DIVISION

Plaintiff(s),

Case No:

vs.

Division:

Defendant(s).

_____ /

ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL
IN THE COMPLEX BUSINESS LITIGATION DIVISION
(JURY TRIAL)

(Revised February, 2011)

This cause being at issue and the court being otherwise fully advised in the matter, it is
ADJUDGED as follows:

1. The above-entitled cause is hereby set for **JURY TRIAL** during the week(s) of _____, commencing at 8:30 am, or as soon thereafter as the matter may be heard.

2. A **PRE-TRIAL CONFERENCE** shall be held in Chambers before the Honorable Richard A. Nielsen, Circuit Judge, George Edgecomb Courthouse, 800 E. Twiggs St., Courtroom 510, Tampa, FL 33602, on _____, at _____ A.M./P.M., pursuant to Rule 1.200, Florida Rules of Civil Procedure.

3. Case Management Order (“CMO”)

a. The Parties shall fully and strictly comply with the CMO which has been or will be entered in this action. Specifically, the parties shall disclose fact and expert witnesses and conclude discovery on or before the dates set in the CMO.

b. Except to the extent modified by this Order, the provisions of the latest CMO shall remain in full force and effect.

4. List of Witnesses and List of Exhibits.

a. At least 120 days before the Pre-Trial Conference, counsel for the Plaintiff shall furnish to counsel for the Defendant and file with the Clerk a list of names and addresses of all witnesses, including expert witnesses and rebuttal witnesses, who are expected to testify at the trial of this cause. At least 90 days before the Pre-Trial Conference, counsel for the Defendant shall furnish to counsel for Plaintiff, and file directly with the Clerk, a list of names and addresses of all witnesses, including expert witnesses and rebuttal witnesses, who are expected to testify at the trial of this cause.

b. At least 100 days before the Pre-Trial Conference, counsel for the Plaintiff shall furnish to counsel for the Defendant and file with the clerk a list of the exhibits that are expected to be offered at the trial of this cause. At least 70 days before the Pre-Trial Conference, counsel for the Defendant shall furnish to counsel for the Plaintiff and file with the clerk a list of the exhibits that are expected to be offered at the trial of this cause.

5. Any discovery conducted after the discovery cut off set in the latest CMO shall only be permitted on order of the court, for good cause shown. If not already addressed by a case management order, Counsel must complete all discovery at least 30 days prior to the Pre-Trial Conference. Discovery conducted after this time period is strongly disfavored and will be permitted by order of the court only under exceptional circumstances.

6. Unless directed by the court to do so earlier in a case management order, all dispositive motions and all *Frye* challenges shall be filed not later than 45 days before the Pre-Trial Conference and must be heard prior to the Pre-Trial Conference. All motions not heard by the Pre-Trial conference will be deemed abandoned. Motions in limine shall be filed not less than 45 days prior to the trial and must be scheduled for hearing on or before ten days prior to trial. Objections raised in depositions expected to be introduced at trial must be filed with the court prior to the Pre-Trial Conference. Those objections must be scheduled for hearing on or before ten days prior to trial.

7. The attorneys for all parties are directed to meet together by agreement initiated by counsel for the Plaintiff, no later than 14 days before the Pre-Trial conference, to:

- a. Mark all exhibits for identification;
- b. Prepare an exhibit list for the Clerk and court (actual exhibits and documentation evidence shall be available for inspection at this time);
- c. Stipulate to the admission into evidence or list specific objection, if any, to each proposed exhibit;
- d. Stipulate to any matter of fact and law about which there is no issue to avoid unnecessary proof;
- e. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portion to be offered in evidence;
- f. Discuss the possibility of settlement;
- g. Submit an itemized statement of special damages Plaintiff expects to prove;
- h. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pre-Trial Conference and Trial; and
- i. Draft one Pre-Trial Conference order (using the form order located at the court website www.fljud13.org), signed by all participating counsel, that shall be submitted directly to the court at least three days prior to the Pre-Trial Conference. In the event the parties are unable to agree on a matter in the Pre-Trial Conference Order, the matter will be resolved at the Pre-Trial Conference.

8. The parties must submit the cause to mediation or arbitration. The case shall be mediated or arbitrated in accordance with the CMO. If not previously conducted, mediation or arbitration shall be completed 30 days prior to the Pre-Trial Conference unless waived by the court.

9. Jury Instructions and verdict forms.

a. Jury Instructions and verdict forms must be submitted to the court no later than the Pre-Trial Conference. Counsel shall also e-mail or provide a CD-Rom disk with the instructions and verdict forms in Word format. Each instruction shall be on a separate sheet of paper; shall contain citations of supporting authorities, if any; shall designate the party submitting the instructions; and shall be numbered in sequence. Counsel shall confer prior to trial as to any agreement they can reach on the instructions and verdict forms and advise the court at the Pre-Trial Conference.

b. This paragraph shall not exclude the right of each party to modify the instructions up to and including the jury instruction conference held at the time of trial.

c. In order that the court may provide the jury with a set of written jury instruction for consideration during deliberations, the parties shall provide the court at trial a clean copy of the requested instructions for each juror (not numbered and with no designation as to the requesting party or citations to supporting authority) and one proposed verdict form.

10. Counsel shall be prepared to negotiate settlement at the Pre-Trial Conference and have full authority to settle the case or have available at the conference a party or representative who does have full authority to settle.

11. Failure to comply with the requirements of this Order shall subject counsel and the parties to such sanctions as the court shall determine just and proper under the circumstances.

12. 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.

13. Counsel shall immediately notify the court in the event of settlement, and submit a stipulation for an Order of Dismissal and a Final Disposition form. Counsel shall likewise notify the court in the event the parties wish to avail themselves of the “Voluntary Trial Resolution” provisions of Chapter 44 of the Florida Statutes.

14. No later than seven days prior to the Pre-Trial Conference the attorneys for the parties shall notify the Court Business Center (813)272-5520 as to any audio-visual equipment or other multi-media technology they intend to reserve for use at trial, as indicated in paragraph 24 of the UNIFORM PRE-TRIAL CONFERENCE ORDER.

15. No later than seven days prior to the Pre-trial Conference the parties shall, if desired, secure the services of a court reporter for trial.

16. All provisions of this order that require compliance by counsel are likewise applicable to any party appearing *pro se*.

17. Other provisions:

ORDERED in chambers, at Tampa, Hillsborough County, Florida, this ____ day of _____, 2011.

Richard A. Nielsen
CIRCUIT JUDGE

Copies furnished to: