

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

Plaintiff,
v.

Case No.

Division K

Defendant.
_____ /

**UNIFORM ORDER SETTING TRIAL & PRETRIAL
(JURY TRIAL)**

THIS CAUSE comes before the Court on review of the file and issuance of the Differentiated and/or Amended Differentiated Case Management Order. Having determined that this case is now at issue, and in accordance with Florida Rule of Civil Procedure 1.440, Amendment 3 to Florida Supreme Court Administrative Order AOSC21-17 (the “Supreme Court Order”), and the Thirteenth Judicial Circuit’s Administrative Order S-2022-033 (the “Case Management Plan”), it is now appropriate to set this matter for trial and pretrial.

Accordingly, it is now ORDERED and ADJUDGED that:

1. Deadlines. In addition to the deadlines previously set in the current Differentiated Case Management Order (the “DCM Order”), the deadlines set forth below in this Uniform Order Setting Trial & Pretrial are ESTABLISHED and will GOVERN this case. Counsel and any self-represented parties are DIRECTED to review, calendar, and abide by them:

Deadline for Plaintiff to file witness list.	120 days before pretrial
Deadline for Defendant to file witness list.	90 days before pretrial
Deadline to file dispositive motions, <i>Daubert</i> motions, and any motion directed to the pleadings.	30 days after close of fact expert discovery in DCM order

Deadline to hear any dispositive motions, <i>Daubert</i> motions, and any motion directed to the pleadings. <i>Any motion not heard by this date is abandoned.</i>	30 days before pretrial
Deadline to file exhibit lists	21 days before pretrial
Deadline for meeting before Pretrial for the purposes outlined in paragraph 3 below.	14 days before pretrial
Deadline to file: <ul style="list-style-type: none"> • Joint pretrial statement • Motions in limine • Objections to depositions • Proposed jury instructions • Proposed verdict form <i>Motions in limine not filed by this date are abandoned.</i>	14 days before pretrial
Pretrial Conference <i>Edgecomb Courthouse Courtroom 303 800 E. Twiggs St. Tampa, FL 33602</i>	[DATE] [TIME]
Deadline to contact Court Business Center if trial technology will be used. <i>813.272.5520</i>	7 days before trial
Deadline to arrange for court reporter, if needed.	7 days before trial
Deadline to hear motions in limine. <i>Motions in limine not heard by this date are abandoned.</i>	Friday before trial
Trial week. <i>The courtroom and start time will be addressed at the pre-trial conference.</i>	[DATE]

2. Continuances. Pursuant to the Supreme Court Order and the Case Management Plan, the Court will apply a firm continuance policy allowing continuances only for good cause shown. See Supreme Court Order, p. 20.

A. Motion and Hearing Required. Any party seeking a continuance of any deadlines in this Uniform Trial Order must file a motion and set it for hearing. See Fla. R. Gen. Prac. & Jud. Admin. 2.545(e). Notwithstanding this provision, the Court may rule on the motion for a continuance without a hearing, if appropriate. The parties may also electronically submit to the Court a proposed Amended Uniform Trial Order identifying the new deadlines sought.

B. Motions must address impact of continuance on other deadlines. Any motion seeking a continuance of any deadlines in this Uniform Trial Order must indicate what, if any, impact the continuance of that deadline would have on all other remaining deadlines. See Fla. R. Gen. Prac. & Jud. Admin. 2.545(e).

3. Meeting before Pretrial Conference. It is Plaintiff's responsibility to take the lead in scheduling an agreed date and time for all counsel and any self-represented parties to meet ***in person or by videoconference***, no later than 14 days before the pretrial conference, to:

- A. Exchange copies of all listed exhibits, if not already provided.
- B. Mark all exhibits for identification.
- C. Prepare an exhibit list for the Clerk and the Court (actual exhibits and documentary evidence must be available for inspection at this time).
- D. Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit.
- E. Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof.
- F. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
- G. Discuss the possibility of settlement.
- H. Submit an itemized statement of special damages Plaintiff expects to prove.

I. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its pretrial conference, and trial.

J. Draft one Pretrial Conference Order (using the form order located under the “Forms” tab on the 13th Judicial Circuit’s website (www.fljud13.org/Forms.aspx), under the Circuit – Civil Division heading. This order must be signed by all participating counsel and submitted directly to the Court at least 3 days before the pretrial conference. If the parties are unable to agree on a matter in the Pretrial Conference Order, the matter should be raised and addressed at the pretrial conference. *Disagreement on a matter or the refusal of the other parties to participate in drafting is not an acceptable reason for failing to timely submit a proposed Pretrial Conference Order.*

4. Jury Instructions and Verdict Form. By the deadline set forth above, jury instructions and verdict forms must be filed with the Clerk and e-mailed in Word format to the division email address in accordance with the following:

A. Each instruction must be printed on a separate sheet of paper.

B. Counsel must confer before the pretrial conference as to any agreement they can reach on the instructions and verdict forms and advise the Court at the pretrial conference. For any disagreement, each party must provide authority supporting their preferred instruction or form.

C. Counsel are responsible for providing to the Court hard copies of the jury instructions and verdict form. Please ensure there are enough copies for all jurors and alternate jurors, lawyers, and any self-represented parties, the courtroom deputy clerk, and the Court to each be given their own copy. The jurors’ hard copies should not be numbered, should not have any designation as to the requesting party, and should not contain citations to supporting authority.

5. Full Settlement Authority. Counsel must be prepared to negotiate settlement at the pretrial conference and have full authority to settle the case or have available at the conference a party or representative with full authority to settle.

6. Availability of Witnesses. Counsel are responsible for doing all things reasonable and necessary to ensure their witnesses are available for the entire trial period or to otherwise preserve their testimony for trial in accordance with the Florida Rules of Civil Procedure.

7. Settlement Notification. Counsel must immediately notify the Court by telephone or email of any settlement. Counsel must likewise notify the Court if the parties wish to avail themselves of the Voluntary Trial Resolution provisions of Chapter 44, Florida Statutes.

8. Jury Communication by Bailiffs. In accordance with Florida Rule of Civil Procedure 1.431(i), routine *ex parte* communication between the bailiff or other courtroom personnel and the jurors are limited to juror comfort and safety and may occur off the record. Examples of permissible *ex parte* communications include discussion of routine matters such as parking, location of break areas, how and when to assemble for duty, proper attire, and which items of a juror's personal property may be brought into the courthouse or jury room. Except for these types of permissible *ex parte* communication regarding juror comfort and safety, any other communication between bailiffs or other courtroom personnel and the jurors will be promptly reported to the court and the court will notify the parties of any matter that may be of interest to the parties.

9. Applicability of this Order to Self-Represented Parties. All provisions of this order that require compliance by counsel are likewise applicable to any self-represented party.

10. Trial Counsel Required at Pretrial Conference. At least one trial counsel per part must be physically present at the pretrial conference. ***Failure to comply with this provision will be construed as a willful and contumacious refusal to comply with a court order and will result in cancellation of the trial and the issuance of an order for the non-complying party to show cause why the case should not be dismissed or a default entered.***

11. Sanctions. Failure to comply with this order will result in the imposition of sanctions including, but not limited to, delay of the trial date, costs, attorney fees, reprimand, and striking pleadings. **The parties should carefully read this order and strictly comply with its deadlines and obligations.**

DATED this ___ day of _____, 20__.

JESSICA G. COSTELLO
Hillsborough County Judge

Copies to:
Counsel of Record via JAWS