IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

HILLSBOROUGH COUNTY, STATE OF FLORIDA

CIVIL DIVISION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Plaintiff,

v. Case No.:

Division: C

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Defendant.

/

**CASE MANAGeMENT ORDER**

THIS CASE came before the Court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_, for a case management conference. Present at the case management conference were \_\_, counsel for Plaintiff, and \_\_, counsel for Defendant. The Court, having reviewed the status of the case and having conferred with counsel regarding the matters set forth in Florida Rule of Civil Procedure 1.200, **ORDERS** as follows pursuant to *Florida Rule of Civil Procedure* 1.200 and *Florida Rule of Judicial Administration* 2.545:

1. **Uniform Order Setting Case for Trial and Pretrial (Jury Trial)**. Unless otherwise expressly stated, the dates, deadlines, and requirements set forth in this Case Management Order control the pretrial proceedings in this case and supersede the dates, deadlines, and requirements set forth in any Uniform Order Setting Case for Trial and Pretrial (Jury Trial) (“Trial Order”) currently or previously rendered in this case.
2. **Non-Expert Written Discovery**. The parties shall file and serve all initial non-expert written discovery **on or before \_\_, 20\_\_**. Except for good cause shown, the parties shall timely respond to all propounded non-expert written discovery **no later than 30 days** after being served with such discovery request.
3. **Expert Written Discovery**. The parties shall file and serve all initial expert witness written discovery **on or before \_\_, 20\_\_**. The parties shall file and serve all other or supplemental expert witness written discovery (i.e., “*Northup*” or “*Boecher*” type discovery) **no later than 15 days** after the date of disclosure of expert witnesses pursuant to paragraphs 4. 5., and 6. below. Except for good cause shown, the parties shall timely respond to all propounded expert witness written discovery **no later than 30 days** after being served with such discovery request.
4. **Witness Disclosures**.
   1. **Plaintiff’s Initial Disclosure**. Plaintiff shall file and serve on Defendant a list of the names and addresses of all witnesses, including expert witnesses, who are expected to testify at the trial of this case **on or before \_\_, 20\_\_**. The list shall include all the information required pursuant to paragraph 3. (Witness List) of the Trial Order, including five proposed deposition dates for each listed expert witness. In addition, the list shall disclose whether the expert witness will prepare a report memorializing his or her expert opinion and the anticipated date of completion of such report.
   2. **Defendant’s Initial Disclosure**. Defendant shall file and serve on Plaintiff a list of the names and addresses of all witnesses, including expert witnesses, who are expected to testify at the trial of this case **on or before \_\_, 20\_\_**. The list shall include all the information required pursuant to paragraph 3. (Witness List) of the Trial Order, including five proposed deposition dates for each listed expert witness.
5. **Rebuttal Expert Witness Disclosures**.
   1. **Plaintiff’s Disclosure**. Plaintiff shall file and serve on Defendant a list of the names and addresses of all rebuttal expert witnesses **no later than 15 days** after the date of service of Defendant’s expert witness designations pursuant to paragraph 4.b. above. The list shall include all the information required pursuant to paragraph 3. (Witness List) of the Trial Order, including five proposed deposition dates for each listed expert witness.
   2. **Defendant’s Disclosure**. Defendant shall file and serve on Plaintiff a list of the names and addresses of all sur-rebuttal expert witnesses **no later than 15 days** after the date of service of Plaintiff’s rebuttal expert witness designation pursuant to paragraph 5.a. above and, in any event, **no later than \_\_, 20\_\_**. The list shall include all the information required pursuant to paragraph 3. (Witness List) of the Trial Order, including five proposed deposition dates for each listed expert witness.
6. **Supplemental Expert Witness Disclosure**. If a party has named an expert witness in a field in which any other party(ies) has not identified an expert(s), the other party(ies) may file a list naming an expert in that field **no later than 30 days** after the date of service of the opposing party’s designation. No additional expert(s) may be named unless good cause is shown. The list shall include all the information required pursuant to paragraph 3. (Witness List) of the Trial Order, including five proposed deposition dates for each listed supplemental expert witness.
7. **Expert Witness Discovery Deposition Dates**.
   1. **Discovery Deposition Scheduling Conference**. To the extent expert witness depositions have not previously been scheduled or conducted, counsel for the parties shall meet in person or telephonically **no later than 10 days** after the last date set for naming expert witnesses to schedule the dates for the depositions of all experts and all other witnesses not yet deposed. At the time of the meeting, counsel for each party is responsible for having reconfirmed the availability of their respective expert witness on the dates initially disclosed in each party’s list filed pursuant to paragraphs 4., 5., and 6. above.
   2. **Failure to Agree On Discovery Deposition Schedule**. If counsel for the parties cannot agree on a discovery deposition schedule, the Court, upon motion and hearing, shall set the schedule. Each party’s counsel shall file and serve his or her proposed discovery deposition schedule and provide a courtesy copy to the Court no later than two full business days before the hearing. Counsel for the parties are ordered to be mindful of the deadline for concluding expert witness discovery in scheduling the hearing for the Court to establish the schedule.
   3. **Filing of Discovery Deposition Schedule; Sanctions**. Counsel for any party may file the completed discovery deposition schedule agreed upon or entered by the Court. Once filed, the deposition dates in the schedule shall not be modified without the written consent of all parties or upon order of the Court. Failure to comply with the filed discovery deposition schedule may result in sanctions in accordance with *Florida Rule of Civil Procedure* 1.380.
   4. **Deadline for Concluding Expert Witness Depositions.** Expert witness depositions shall be concluded **no later than \_\_, 20\_\_** (“Expert Deposition Deadline”). Counsel for the parties are ordered and directed to be mindful of this deadline in retaining and designating their respective expert witnesses. Further, this deadline may not be extended by the parties absent an order of the Court.
8. **Deadline for Expert Witness Written Reports**. Unless previously or otherwise ordered, any expert witness retained to testify at trial shall complete his or her written report (if applicable ethical/professional guidelines or standards require such report to be completed) **no later than \_\_\_\_ days** before the deadline set forth above in paragraph 7.d. for concluding expert witness depositions.
9. **Sanctions for Untimely Disclosure and Untimely Reports**.
   1. Any expert witness (1) who is not disclosed or retained by the deadline set forth in this paragraphs 4., 5., and 6. or (2) who fails to timely complete his/her written report and make him/herself available for deposition before the Discovery Deadline, will be precluded from testifying at Trial without further order of the Court unless good cause is demonstrated for the failure to timely meet the deadline.
   2. A party’s failure to timely designate or retain an expert witness OR an expert witness’ failure to timely complete his/her report, without more, shall not constitute grounds for the continuance of the Trial by the party seeking to have such expert witness testify at Trial.
10. **CME Deadline**. All compulsory medical examinations (CME’s) shall be completed **no later than** **\_\_, 20\_\_**. If a report is requested by Plaintiff’s counsel in accordance with Florida Rule of Civil Procedure 1.360(b), it must be served on him or her **no later than 15 days** after either the CME is conducted or the request is made, whichever date is later.
11. **Dispositive & *Daubert* Motions**. All dispositive motions (i.e., motions to dismiss, for judgment on the pleadings, and partial/final summary judgment) and motions filed in accordance with section 90.702, *Florida Statutes* (*Daubert* challenges), shall be filed **no later than** **\_\_, 20\_\_**.
12. **Mediation**. The parties shall mediate this case **on or before** **\_\_, 20\_\_**, pursuant to *Florida Rule of Civil Procedure* 1.720. The parties are to use the form “Order Referring Parties to Circuit Civil Mediation” located on the Thirteenth Judicial Circuit’s website (Menu/Forms/Circuit – Civil Division).

**DONE AND ORDERED**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

ELIZABETH G. RICE

Circuit Court Judge

*Electronically conformed copies furnished via JAWS to:*

-All properly associated parties/counsel in JAWS