IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

HILLSBOROUGH COUNTY, FLORIDA

CIVIL DIVISION

,

Plaintiff(s),

Case No.:

v. Division “C”

,

Defendant(s).

/

**ORDER SETTING CASE FOR NON-JURY TRIAL - DIVISION “C”**

**(Pro Se/Short Form/Date Certain/No PTC - Revised 03/10/17)**

**THIS CASE** being at issue, and the Court finding this case should be scheduled for a non-jury trial, it is ORDERED as follows:

1. **Non-Jury Trial Date**. This case is set for a non-jury trial before the Honorable Elizabeth G. Rice, Circuit Judge, at the George Edgecomb Courthouse, 800 E. Twiggs St., Tampa, FL 33602, in Hearing Room 521/Courtroom 504 (Fifth Floor) on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_ a.m./p.m.
2. **Pre-Trial Conference**. No pre-trial conference will be held in this case.
3. **Exchange of Witness Lists**. **No later than 45 days before the trial**, Plaintiff/Plaintiff’s counsel shall file with the Clerk of the Court and serve on Defendant or Defendant’s counsel, if represented, a list of the names and addresses of all witnesses, including live witnesses, deposition witnesses, video deposition witnesses, and expert witnesses, who are expected to testify at the trial of the case (collectively, “Witnesses”). **No later than 30 days before the trial**, Defendant/Defendant’s counsel shall file with the Clerk of the Court and serve on Plaintiff or Plaintiff’s counsel, if represented, a list of names and addresses of all Witnesses. Failure by either party to comply with this paragraph may result in sanctions, including exclusion at trial of untimely-disclosed Witnesses.
   1. **Expert Witnesses**. As to each expert witness listed, each party shall disclose in reasonable detail the expert’s area of expertise and serve on the opposing party/counsel a copy of each expert’s report or answers to expert interrogatories. In the absence of a report or expert interrogatory answers, a party shall provide a reasonably detailed summary of the testimony the expert is expected to provide. Please note, expert opinions not disclosed in conformance with this order will be excluded at trial.
4. **Discovery Deadline**. All discovery shall be completed by **no later than 10 days before the trial**. The conduct of discovery subsequent to this deadline will be permitted only upon the entry of a court order, for good cause shown and which will not delay the trial.
5. **Exchange of Exhibits**. All exhibits to be offered at trial shall be tendered physically to the opposing party or party’s counsel, if represented, **no later than five days before the trial**. Failure by either party to comply with this paragraph may result in sanctions, including exclusion at trial of untimely-disclosed exhibits.
6. **Supplementation of Witness and Exhibit Lists**. In addition, any party seeking to supplement that party’s witness or exhibit list after the discovery deadline set forth above, must seek leave of Court to do so and must show good cause as to why the witness, document, or other information was omitted from the initial witness or exhibit list.
7. **Motions**. All motions shall be filed and heard by **no later than five days before the trial**. Any motion not timely filed or heard will be deemed abandoned. The parties and counsel are admonished to file their motions and seek and obtain hearing time well in advance of deadlines due to the limited availability of hearing time closer to trial.
8. **Witness Availability**. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for trial or to preserve their witnesses’ testimony for trial as provided by the Florida Rules of Civil Procedure.
9. **Exhibit “A” – Pro Se/Self-Represented Parties**. The parties additionally are ordered and directed to comply with the requirements set forth on Exhibit “A” attached to this order. The exhibit, among other things, outlines what a pro se/self-represented party (in most cases) should do to prepare for the trial and what a pro se/self-represented party should bring with him/her to the trial.
10. **Mediation/Arbitration**. The case shall be mediated or arbitrated by **no later than 15 days before the trial**, unless waived by the Court in writing.
11. **Audio-Visual/Technology Needs**. **No less than 7 days before the trial**, the parties/counsel shall notify the Court's Business Center (CBC) (813-272-5520) as to any audio-visual equipment or other multi-media technology they intend to reserve for use at trial.
12. **Court Reporter**. **No later than seven days before the trial**, counsel for the parties shall, if desired, secure the services of a court reporter for the trial.
13. **Notice of Settlement**. The parties shall immediately notify the Court of any settlement of the case and shall submit to the Court by **no later than the one business day before the trial** a stipulation/joint motion for an order of dismissal, together with a proposed Order of Dismissal and completed Final Disposition Form. Otherwise, all parties and their counsel MUST appear at trial.
14. **Appropriate Dress**. Appropriate dress is required for court. Collarless shirts, shorts, and flip-flops are inappropriate. It will be the counsels’ responsibility to inform their respective clients, parties, witnesses and anticipated spectators of the requirements for appropriate dress.
15. **Continuances**. Stipulations between counsel/the parties as to a continuance of the trial are of no force and effect, and counsel/the parties should not presume that the Court will continue the trial of the case simply because counsel/the parties have so agreed between themselves.
16. **Sanctions**. Failure to comply with the requirements of this order will subject the non-compliant party/counsel to appropriate sanctions. Furthermore, a party’s failure to timely and properly disclose a witness or exhibit or supplement the party’s witness or exhibit list may result in that party’s inability to use as evidence any untimely disclosed witness, document, or other information.
17. **Application to Parties**. All provisions of this Order that require compliance by counsel are likewise applicable to any party representing himself or herself and appearing in a self-represented capacity (i.e., *pro se*).

**DONE AND ORDERED**:

ELIZABETH G. RICE

Circuit Judge

*Conformed copies furnished to*:

(insert names of parties/counsel)

**PLEASE NOTE**: If you are a person with a disability who needs any accommodations in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance.  Please contact the ADA Coordinator, Hillsborough County Courthouse, 800 E. Twiggs Street, Room 604, Tampa, FL 33602, (813) 272-7040, at least 7 days before your scheduled 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 711.

FORMS/TRIAL-PRE TRIAL/PRO SE/ORD TRI NJT SF DC NO PTC 00 031017

**EXHIBIT “A”**

**(PRO SE PARTIES - IMPORTANT- READ CAREFULLY!)**

**THIS WILL BE THE ONLY NOTICE YOU WILL RECEIVE CONCERNING YOUR TRIAL DATE AND WHAT YOU NEED TO DO TO PREPARE FOR YOUR TRIAL. DO NOT LOSE THIS ORDER AND EXHIBIT. PLEASE MAKE SURE YOU ARE AWARE OF ALL OF THE FOLLOWING:**

1. **NON-JURY TRIAL.** You are scheduled for a non-jury trial before a circuit court judge.
2. **TRIAL DATE.** Do not forget your trial date. Your failure to come to court on the given date at the right time may result in your losing the case and the other party winning.
3. **EXCHANGE OF DOCUMENTS AND INFORMATION.** If the judge told you to submit any documents or give any information to the other party (such as a list of your witnesses’ names and addresses), DO IT. Your failure to do this as directed by the judge may cause court sanctions against you such as extra court costs, contempt of court, or delays.
4. **THIRD-PARTY COMPLAINTS.** If you are the defendant and you believe the plaintiff may win the suit against you, but, if the plaintiff does, someone else should pay you so you can pay the plaintiff, then you must have timely filed a third-party complaint against that person and have served that person with notice of your claim. Once served, that person must appear in court as you have to answer your complaint against that person. This must be done prior to trial within the time allowed you by the judge.
5. **TRIAL PREPARATION.** Bring all witnesses, all documents, and all other evidence you plan to use at the trial to prove your claim or defense. **There is only one trial!** Have everything ready and be on time. If the judge advised you at the pre-trial conference hearing that you needed something for the trial, such as an expert witness (an automobile mechanic, and automobile body worker, a carpenter, a painter, etc.) or a particular document (a promissory note, a lease, receipts, statements, etc.), make sure you have that necessary person, document, or other evidence with you at the trial. Written estimates of repairs are usually not acceptable as evidence in court unless both parties agree the written estimates are proper for the judge to consider or unless the person who wrote the estimate is present to testify as to how that person arrived at the amounts on the estimate and that those amounts are reasonable in that particular line of business. Please remember that the rules of evidence set forth in Chapter 90, *Florida Statutes,* apply equally to pro se parties, and the Court will expect the parties to be familiar with such rules. LASTLY, YOU (AND NOT THE COURT) ARE RESPONSIBLE FOR SUBPOENAING ALL WITNESSES YOU NEED AT THE TRIAL AND HAVING THEM SERVED WITH THE TRIAL SUBPOENA WELL IN ADVANCE OF THE TRIAL.
6. **INTERPRETER.** If you have difficulty speaking or understanding English and believe you will need a person at the trial to translate and assist you in presenting or defending your case, you will need to bring that person with you to trial. The Court **does not** provide an interpreter in civil lawsuits such as this. The person you bring to trial to translate for you needs no formal training as an interpreter. That person can be a relative or friend who can communicate effectively in English and in the language you speak.
7. **COURT REPORTER AND APPEALS.** Your non-jury trial will not be recorded. If you wish to have a record of the proceedings, a court reporter is necessary. To obtain a court reporter to record your final hearing, you must immediately contact a court reporter or court-reporting firm. Appeals to a higher court because you are not satisfied with the outcome of the trial are governed by special rules. One of these rules requires that the appellate court have a complete record of the trial to review for errors. If you do not have a court reporter at your trial, your chances of success on appeal will be severely limited.
8. **SETTLEMENT.** If all parties agree on settlement of all claims before trial, each party must notify the judicial assistant by email to the division email (circivdivc@fljud13.org) or telephone (813.272.6994) so the allotted trial time may be reassigned to someone else and so the judicial assistant may give the parties further instruction on documenting the settlement.
9. **ADDRESS CHANGES.** All changes in mailing addresses must be furnished in writing to the clerk and to the opposing party.
10. **ADDITIONAL PROBLEMS.** For anything you do not understand about the above information and for any additional questions you may have concerning procedural issues only, please contact the judicial assistant at 813.272.6994. Please know that the judicial assistant CANNOT give you legal advice on how to prove your case. However, she may be of assistance to you in questions of procedure. If you need legal advice, please contact an attorney of your choice. If you know of none, you may wish to call the Hillsborough County Bar Association Lawyer Referral Service for assistance at 813.221.7780.