

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

CBLD PLAINTIFF,

Plaintiff,

CASE NO.: 00-CA-0000

vs.

CBLD DEFENDANT,

DIVISION "L"

Defendant.

_____ /

CASE MANAGEMENT ORDER

THIS CAUSE came before the court on the ___ day of _____ 20___, for a Case Management Conference pursuant to the court's notice and order. This case has been assigned to the Complex Business Litigation Division L, pursuant to Administrative Order No.: 2008-105 for the Thirteenth Judicial Circuit, Hillsborough County, Florida. After reviewing the Joint Case Management Report, with the stipulation of the Parties to the trial date set forth below and being otherwise fully informed in the matter, it is

ADJUDGED that unless later modified by Order of this court, the following schedule of events shall control the management and proceedings in this case.

COMMUNICATION WITH COURT AND COUNSEL

1. **LEAD TRIAL COUNSEL.** The parties are represented by the following persons who shall be designated "Lead Trial Counsel":

- a. A. B. C., Esquire for Plaintiff;
- b. D. E. F., Esquire for Defendant.

2. COURT COPIES. The Thirteenth Judicial Circuit Division L receives pleadings by e-filing. Therefore, it is not necessary to provide courtesy copies of motions and memoranda related thereto. Courtesy copies of emergency motions shall be delivered to the court immediately upon being filed with the Clerk of the Court. All communications with the court must be delivered to the following address:

The Honorable Richard A. Nielsen
800 E. Twiggs St., Room 527
Tampa, FL 33602
Telephone: 813-272-5330
Facsimile: 813-301-3818
E-Mail: DivisionL@fljud13.org

PRELIMINARY FINDINGS AND DEADLINES

#. AMENDMENTS & ADDING PARTIES. Any motions for leave to amend the pleadings to add additional parties or otherwise, shall be filed no later than _____.

#. PROCEDURES. The parties are directed to comply in all respects with Fla. R. Civ. P. Rule 1.201 and the Complex Business Litigation Division Procedures (“CBP”) located on the court’s website at www.fljud13.org.

MOTIONS, DISCOVERY, ALTERNATIVE DISPUTE RESOLUTION AND TRIAL

#. MOTIONS.

a. The parties intend to file the following motions to dismiss or other preliminary or pre-discovery motions, and have designated the following time periods in which such motions shall be filed, briefed, and argued:

(1)

(2)

b. Any motions to dismiss or other preliminary or pre-discovery motions shall be filed and briefed on or before _____.

c. It is further ordered that the setting of the deadline for completion of discovery shall not limit any party from filing summary judgment motions as to merits issues during such period, but any such motions should be very narrowly drawn so as to address only issues on which fact discovery has been completed. If there are still motions pending after the discovery period, the court will set a briefing schedule at that time.

d. For the purposes of the length limitations on briefs under CBP Section 5, the following parties shall be required to file joint briefs: _____.

#. **SIMPLIFICATION OF ISSUES.** The Parties have discussed the formulation and simplification of issues in this action. They have agreed on the following matters. (If no agreement was reached or such agreement is unnecessary, this should be stated below.)

a.

#. **ADMISSIONS, EXCHANGE OF DOCUMENTS, ELECTRONICALLY STORED INFORMATION, AUTHENTICITY OF DOCUMENTS AND ADMISSIBILITY OF EVIDENCE.** The Parties have discussed the possibility of obtaining admissions of fact, the voluntary exchange of documents and electronically stored information, stipulations regarding authenticity of documents, electronically stored information and the need for advance rulings from the court on admissibility of evidence in this action. They have agreed on the following matters. (If no agreement was reached or such agreement is unnecessary, this should be stated below.)

a.

#. **DISCOVERY.**

a. Discovery Deadlines.

(1) The parties shall have until _____ to conduct and conclude discovery of fact witnesses.

(2) The parties shall have until _____ to conduct and conclude discovery of expert witnesses.

(3) All discovery shall be served and otherwise conducted so that the response date will be on or before the above stated dates for the conclusion of discovery.

(4) It is further ordered that the setting of the discovery deadline will not limit any party from filing summary judgment motions during the period, but any such motions should be narrowly drawn to address only issues on which discovery has been completed.

b. Protective Orders. The Parties have discussed whether discovery will be facilitated by entry of a protective order. Counsel for the Parties either have already met or will do so within 30 days to try and agree on the provisions of a mutually acceptable Confidentiality Agreement. If an agreement cannot be reached, one of the parties should file a motion seeking a Protective Order.

c. Discovery Guidelines. The following further limitations and guidelines are hereby placed on discovery:

(1) Depositions shall be conducted in accordance with the following guidelines:

(a) All parties or employees will be made available for deposition on ten days' notice to counsel.

(b) Counsel shall not direct or request that a witness not answer a question, unless counsel has objected to the question on the ground that the answer is protected by privilege or a limitation on evidence directed by the court.

(c) Counsel shall not make objections or statements which might suggest an answer to a witness. Counsel's statements when making objections should be succinct, stating the basis of the objection and nothing more.

(d) Counsel and their witness clients shall not engage in private, off-the-record conferences while the deposition is proceeding in session, except for the purpose of deciding whether to assert a privilege.

(e) Deposing counsel shall provide to the witness's counsel a copy of all documents shown to the witness during the deposition. The copies shall be provided either before the deposition begins or contemporaneously with the showing of each document to the witness. The witness and the witness's counsel do not have the right to discuss documents privately before the witness answers questions about them.

(2) The parties may conduct only that discovery described in CBP Section 7 or as specifically provided for in this Order (this Order controlling over the Procedures).

d. No extensions of time shall be granted without written consent of the opposing party or by order of the court.

#. **EXPERT WITNESSES.** The Parties anticipate having expert witnesses testify at trial. The party bearing the burden of proof on any issue requiring expert testimony shall designate the experts expected to be called at trial and provide all information specified in Fla. R. Civ. P. Rule 1.201 and CBP Section 7.5 by _____, 20____. Each party responding shall then designate its experts and provide all information specified in Fla. R. Civ. P. Rule 1.201 and CBP Section 7.5 by _____, 20____.

#. **DISPOSITIVE MOTIONS.** Dispositive motions, including but not limited to motions for summary judgment and partial summary judgment, shall be filed no later than 90

days prior to the pre-trial conference. If any party wants oral argument on a dispositive motion, it will be granted without having to file a written request. If oral argument is sought on a dispositive motion, the hearing shall occur no later than 45 days prior to the pre-trial conference. Although full briefing of a dispositive motion is preferred by the court, the court will conduct a hearing on a dispositive motion even when full briefing on the motion has not been completed.

#. MOTIONS IN LIMINE. Motions in limine may be filed at any time, but must be heard at least twenty (20) days prior to the first day of trial, except upon showing of good cause.

#. ALTERNATIVE DISPUTE RESOLUTION.

a. The court encourages all efforts by the parties to resolve the issues pending in this case. While this action is proceeding the parties may select and implement any one or more alternative dispute resolution methods recognized in the Florida Rules of Civil Procedure or in the Florida Statutes.

b. Mediation. This action must go to mediation before proceeding to trial. The Parties are ordered to conduct mediation on or before _____.

c. Counsel for the parties have discussed the likelihood of settlement in this case and believe that settlement is [choose one – (probable) – (more likely than not) – (possible) – (less likely than possible) – (remote)].

d. Mediation Outcome. Plaintiff's counsel is ordered to advise the court, in writing, of the outcome of the mediation no later than five (5) days following the conclusion of the mediation conference.

#. PRE-TRIAL STATEMENT AND PRE-TRIAL CONFERENCE.

a. Conferences. Counsel for the parties have discussed the need for additional or periodic status conferences before trial. The Parties have agreed on the following or their respective positions are stated immediately below.

(1)

b. Final Case Management Conference. In accordance with Fla. R. Civ. P. Rule 1.201, a final case management conference shall occur on or before _____ (not less than 90 days prior to the date set for trial). The parties shall confer as required by Rule 1.201(d) and file a case status report in compliance with Rule 1.201(d).

c. A Pre-trial conference is scheduled on _____ at _____ a.m./p.m. to take place in the location which will be stated in the Pre-trial Conference Order to be entered at a later date. The parties shall comply with CBP Section 9 and Section 11.

d. The parties are directed to meet together in person no later than fourteen (14) days prior to the date set forth in sub-paragraph a., immediately above, for the purpose of complying with CBP Section 9.

e. A Joint Final Pretrial Statement shall be prepared in accordance with CBP Section 9 and submitted to the court five (5) days prior to the Final Pretrial Conference.

f. The parties shall comply with Fla. R. Civ. P. Rule 1.201, the Uniform Order Setting Trial and Pre-trial and the Uniform Pre-trial Conference Order.

#. TRIAL. The parties have stipulated and it is agreed that the trial is tentatively scheduled for the week of _____. The parties are directed to contact the Judicial Assistant in order to place this case on the trial calendar and to schedule the pre-trial conference. The trial will not be placed on the court's trial calendar until the Order Setting Cause for Trial and Pre-trial in Complex Business Litigation Division "L" is entered by court.

[*Alternate wording*: "... during a trial period in the spring of 20____,
which date will be set by further order of the court".]

This case is currently designated to be tried ___ by jury ___ non-jury. The parties estimate the trial will be completed in _____ (___) days.

#. In Accordance With Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact A.D.A Coordinator for Proceedings in Court or Out of Court Proceedings no later than seven (7) days before the proceeding. Telephone 272-7040 for assistance. If hearing impaired, telephone (TDD) for proceedings in Court or Florida Relay Service at 1-800-955-8771 for out of Court proceedings.

ORDERED in chambers at Tampa, Hillsborough, Florida this _____ day of _____,
20__.

RICHARD A. NIELSEN
CIRCUIT JUDGE

cc: All counsel of record