

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

IN RE:

Petitioner/Father,

and

Respondent/Mother.

_____ /

Case No.:

Division:

ORDER SETTING TRIAL AND PRETRIAL CONFERENCE

(Judge Wesley D. Tibbals)

Pursuant to Rule 12.440 of the Florida Family Law Rules of Procedure, the Court finds this action is at issue and ready for trial and orders as follows:

1. This cause is set for Final Hearing on _____ beginning at _____ M. in Courtroom _____, Edgecomb Courthouse, 800 East Twiggs Street, Tampa, Florida 33602.

2. This cause is set for Pretrial Conference on _____ beginning at _____ M. for _____ minutes in Courtroom 410, Edgecomb Courthouse, 800 East Twiggs Street, Tampa, Florida 33602.

3. The parties to this case and lead counsel for the final hearing shall be present for the Pretrial Conference.

4. At least **60** days before the first scheduled trial date, each party shall provide to the other party and file with the court a witness list giving all names, addresses, and telephone numbers of individuals and representatives that the party reasonably expects to call at trial, along with a brief summary of each witness's expected testimony. The witness list shall specifically designate all expert witnesses. Absent good cause, witnesses not disclosed by this deadline will be prohibited from testifying.

5. All discovery shall be completed by the date of the Pretrial Conference set forth above.

- a. Prior to the Pretrial Conference, the substance of any expert opinions to be offered at trial shall be disclosed;
- b. Prior to the Pretrial Conference, any expert witness expected to testify at trial shall be made available for deposition.
- c. Note that all discovery requests must be timely served so that the applicable rule allows for a response no later than the date of the Pretrial Conference.

6. Counsel for the parties shall meet to exchange and mark exhibits for trial no later than the Tuesday before the week in which the trial is scheduled to start. Counsel shall attempt to agree to the admissibility of as many exhibits as possible. All agreed upon exhibits shall be in a notebook or series of notebooks with a descriptive index and marked as agreed for purposes of admission into evidence. Any exhibits not agreed upon shall be kept in separate notebooks and marked as the particular party's proposed exhibits. The notebooks shall be no larger than 2.5 inches. All parties are encouraged to consider technology in their submissions, including the use of electronic exhibits with an electronic hyperlinked index.

7. All trial notebooks shall be delivered to the Court by noon on the Friday before the week in which trial is scheduled to begin.

8. Please be advised that absent extraordinary circumstances and good cause shown (or there it is otherwise permitted under the rules), the Court will generally preclude the testimony of a witness not disclosed on the witness list, and will generally preclude the introduction of evidence not disclosed during discovery.

9. A mediation conference shall be completed at least 14 days before the first day of trial or have been completed within 120 days of the trial date.

10. At least three (3) days prior to the Pretrial Conference, the attorneys for the parties are directed to each file with the court and serve on opposing counsel a memorandum setting forth the following:

A. **THE MARRIAGE**

1. Date and place of marriage.

2. Date of separation.
3. Date of filing petition for dissolution of marriage.

B. THE CHILDREN

1. Names and ages of the children involved, if any.
2. The party who presently has primary residential care of the children.
3. The amount of child support proposed for the children.
4. Whether or not the children are covered under any medical insurance policy.
5. What, if any, special medical problems any of the children have.
6. Completed proposed parenting plan.
7. Whether a social investigation or guardian ad litem was ordered and report completed.
8. Whether an approved parent education class been completed and a certificate filed.

C. ALIMONY

1. Nature of the alimony; permanent, rehabilitative, lump sum, bridge-the-gap, or a combination of the same.
2. Amount of alimony, if any, proposed by each party.
3. A proposed needs analysis summary from each party.
4. Whether rehabilitative alimony is requested and whether a written plan has been submitted.

D. PERSONAL PROPERTY

1. A detailed list of all personal property in controversy including a statement of values; date of valuation; source of valuation; whether any values are agreed; whether any lien or obligation exists against the property; and the identity of the lien obligor.
2. Suggested disposition of said property.
3. Life insurance policies, if any, and whether said policies are term or whole life, the beneficiary of said policies, and their present cash surrender value.

E. **REAL PROPERTY**

1. A detailed list of all real property in controversy including a statement of values; date of valuation; source of valuation; whether any values are agreed; whether any lien or obligation exists against the property; and the identity of the lien obligor and the lien holder.
2. What interest, right of claim or equitable interest each party claims in each parcel of property.
3. Suggested disposition of the property.

F. **RETIREMENT PLANS**

1. A list of all retirement, pension, profit sharing, annuity, deferred compensation, and insurance plans, whether vested or non-vested.
2. The value of the retirement plans or other benefits.
3. What interest, right, claim, or equitable interest each party claims in the property.
4. Suggested disposition of the plan or benefit.
5. Date of valuation.

G. **DEBTS**

1. A list of all unsecured debts and the amounts thereof.
2. A list of all secured debts including the security for payments of the debts and the amounts thereof.
3. Suggested disposition of the debts.
4. Date of valuation.

H. **ATTORNEY'S FEES AND COURT COSTS**

1. A statement of the amount of attorney's fees and court costs sought by either party from the other (estimate to conclusion of trial) with a citation to authority as to the legal basis for recovery of attorney's fees and costs.
2. Whether testimony be offered on this issue at trial or at a subsequent hearing.

I. **MISCELLANEOUS**

1. Whether any party requests amendment of the pleadings.

2. Whether any issues should be referred to a special master or to mediation.
3. Whether further discovery is requested. The conduct of discovery after the discovery deadline shall be permitted only on order of the Court for good cause shown or agreement of the parties and which will not delay the trial of this cause.
4. A **GOOD FAITH** list of **ALL** admissions and stipulations to avoid unnecessary proof.
5. All motions not heard at least ten (10) days **prior** to trial are deemed abandoned or waived, absent good cause shown.
6. Whether a party requests judicial notice and a particular listing of all issues or matters for which judicial notice is requested.
7. A **GOOD FAITH** list of **ALL** issues to be resolved with attached memoranda of law when anticipated to be necessary.
8. Estimate the time needed for trial. (The parties are expected to complete the trial within the allotted time and the court will equitably allocate the time between the parties).
9. Whether either party requests child support and alimony payments to be made through the State Depository Unit.
10. A statement reflecting the last date the parties mediated.
11. Each party shall attach to the memorandum referenced above the following:
 - a. An up to date full, complete, accurate, and executed Financial Affidavit.
 - b. A Child Support Guidelines Worksheet.
 - c. A joint proposed chart of equitable distribution identifying each item and value agreed upon. If the parties are unable to submit a joint proposed equitable distribution chart, each party shall submit a proposed equitable distribution chart. Each chart shall include a description of the source of valuation (agreed; appraisal; expert testimony; party testimony; etc.).
 - d. A schedule of all photographs, exhibits, and documentary evidence that the party intends to use at trial

e. An updated witness list giving all names, addresses, and telephone numbers of individuals and representatives that the party reasonably expects to call trial, along with a brief summary of the witness's expected testimony. The updated witness list shall specifically designate all expert witnesses.

12. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the 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. The case will not be removed from the trial docket until the settlement terms are reduced to writing and submitted to the court for approval.

14. Failure to comply with the requirements of this Order **SHALL** subject a party or counsel to appropriate court sanctions and may subject the case to being removed from the trial docket without further notice.

ORDERED at Tampa, Hillsborough County, Florida on _____.

WESLEY D. TIBBALS
Circuit Court Judge

Copies to:

_____, Counsel for Petitioner
_____, Counsel for Respondent