

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

Plaintiff(s),

v.

Case No.
Division:

Defendants.

**Uniform Order Setting Trial & Pretrial
(Jury Trial)**

(Revised April 30, 2021)

THIS CAUSE comes before the Court on review of the file. Having determined that this case is now at issue, in accordance with amendment 2 to Florida Supreme Court Administrative Order AOSC21-17 (the “**Supreme Court Order**”) and the Thirteenth Judicial Circuit’s Administrative Order S-2021-60 (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. In addition to the deadlines previously set in the Differentiated Case Management Order (the “**DCM Order**”), the deadlines set forth below in this Uniform Order Setting Trial & Pretrial (the “**Uniform Trial Order**”) are ESTABLISHED and will GOVERN this case. Counsel and any self-represented parties are DIRECTED to review, calendar, and abide by them:

| Action or Event | |
|--|--|
| <p>Deadline for Plaintiff(s) to file witness list. [Default is 120 days before the pretrial conference.]</p> | |
| <p>Deadline for Defendant(s) to file witness list. [Default is 90 days before the pretrial conference.]</p> | |
| <p>Deadline for filing any dispositive motions. [Default is 120 days after the close of fact discovery.]</p> | |
| <p>Deadline for filing any <i>Daubert</i> motions. [Default is 30 days after the close of expert discovery.]</p> | |
| <p>Deadline to have any dispositive and <i>Daubert</i> motions heard. NOTE: If not heard by this date, dispositive and <i>Daubert</i> motions will be deemed abandoned. [Default is 45 days before the pretrial.]</p> | |
| <p>Deadline to file Exhibit List. [Default is 21 days before the pretrial conference.]</p> | |
| <p>Date of Meeting Prior to Pretrial Conference for the purposes outlined in paragraph 3, below. [Default is 14 days before the pretrial conference.]</p> | |
| <p>Deadline for filing:</p> | |

| | |
|---|--|
| <ul style="list-style-type: none"> ■ The joint final pretrial statement, ■ Any motion in limine, ■ Objections to depositions, ■ Proposed jury instructions, and ■ Verdict form. <p>NOTE: If not filed by this date, motions in limine will be deemed abandoned.</p> <p>[Default is 10 days before the pretrial conference.]</p> | |
| <p>Date of the pretrial conference.</p> <p>Pretrial conference time: _____</p> | |
| <p>Deadline to contact Court Business Center, if use of trial technology is contemplated.</p> <p>NOTE: The Court Business Center can be reached at (813) 272-5520.</p> <p>[Default is 7 days before trial.]</p> | |
| <p>Deadline to arrange for use of court reporter at trial, if court reporter is needed.</p> <p>[Default is 7 days before trial.]</p> | |
| <p>Deadline to have motions in limine heard.</p> <p>[Default is the Friday before trial.]</p> | |
| <p>Jury Trial Week(s)</p> <p>NOTE: The courtroom location and trial start time will be addressed at the pretrial conference.</p> | |

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. 17 (directing chief judges to direct presiding judges to “apply a firm continuance policy allowing continuances only for good cause shown.”).

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.

B. **Motion 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 Florida Rule of General Practice and Judicial Administration 2.545(e). (“All judges shall apply a firm continuance policy. Continuances should be few, good cause should be required, and all requests should be heard and resolved by a judge. All motions for continuance shall be in writing unless made at trial and, except for good cause shown, shall be signed by the party requesting the continuance. All motions for continuance in priority cases shall clearly identify such priority status and explain what effect the motion will have on the progress of the case.”).

3. **Meeting Prior to 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, no later than 10 days before the pretrial conference, to:

A. Mark all exhibits for identification;

B. Prepare an exhibit list for the Clerk and Court (actual exhibits and documentation evidence must be available for inspection at this time);

C. Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit;

- D. Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;
 - E. 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;
 - F. Discuss the possibility of settlement;
 - G. Submit an itemized statement of special damages Plaintiff expects to prove;
 - H. 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; and
 - I. Draft one Pretrial Conference Order (using the form order located under the “Forms” tab of the undersigned’s web page at <http://www.fljud13.org>), signed by all participating counsel, that must be submitted directly to the Court at least 3 days prior to the pretrial conference. In the event the parties are unable to agree on a matter in the Pretrial Conference Order, the matter will be resolved at the pretrial conference;
4. **Jury Instructions & 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 prior to the pretrial conference as to any agreement they can reach on the instructions and verdict forms and advise the court at the pretrial conference; and
 - C. Counsel are responsible for providing to the Court hard copies of the jury instructions and verdict form. Please

ensure that there are enough copies for all jurors and alternate jurors, lawyers and any self-represented parties, the courtroom 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 who does have full authority to settle.
6. **Availability of Witnesses.** It is counsel's responsibility to do all things reasonable and necessary to ensure the availability of their witnesses 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 in the event of settlement, and submit a stipulation for an Order of Dismissal and a Final Disposition Form. Counsel must likewise notify this 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 communication 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 communications 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. **Presence of Trial Counsel Required at Pretrial Conference.** At least one trial counsel per party must be physically present at the pretrial conference.

DONE and ORDERED in Chambers in Tampa, Florida on the date imprinted below.

CIRCUIT JUDGE