

IN THE CIRCUIT COURT OF  
THE FOURTH JUDICIAL  
CIRCUIT IN AND FOR CLAY  
COUNTY, FLORIDA

[PLAINTIFF]

Plaintiff,

CASE NO.: XXXX-CA-XXXXX  
DIVISION: B

vs.

[DEFENDANT]

Defendant.  
\_\_\_\_\_ /

**ORDEER SETTING CASE FOR JURY TRIAL AND PRE-TRIAL CONFERENCE  
AND MATTERS TO BE COMPLETED PRIOR TO PRE-TRIAL CONFERENCE**

As it appears that this cause is at issue and ready for trial, it is hereby

**ORDERED:**

**1. TRIAL DATE.**

This cause is set for jury trial during the week of **MMMMMM, DD, YYYY**. The precise starting date for the trial will be determined at the Pre-Trial Conference. The time allotted for the trial is **XXXXX (X) DAYS**.

**2. PRE-TRIAL CONFERENCE.**

Pre-Trial Conference will be held in Chambers, Room 4-077, Judge William A. Wilkes Judicial Complex, 825 N. Orange Ave., Green Cove Springs, Florida on **MMMMMM, DD, YYYY at XX:XX a.m** in accordance with the provisions of Rule 1.200, Florida Rules of Civil Procedure. The time allocated for the Pre-Trial Conference is fifteen (15) minutes. The Pre-Trial Conference shall be attended by Lead Counsel for the parties, or the party if *pro se*. All admissions, disclosures, and agreements made during the Pre-Trial Conference shall be binding on the party/client.

**3. REQUIREMENT PRIOR TO THE PRE-TRIAL CONFERENCE.**

Attorney Conference. No later than **7 days** prior to the Pre-Trial Conference, attorneys for each party shall meet, in person, by agreement instigated by Plaintiff, to discuss the possibility of settlement; to stipulate to as many facts as possible; to examine

all exhibits and documents which may be used at trial; to furnish opposing counsel the names and addresses of all witnesses who may testify at trial; to review all video depositions or exhibits to be used at trial; and to complete all other matters which may expedite both the Pre-Trial Conference and the Trial of this case.

#### **4. REQUIREMENTS OF THE JOINT PRE-TRIAL STIPULATION.**

The parties shall cooperate in preparation of the Joint Pre-Trial Stipulation which shall be signed by both signed by the parties or their counsel and filed with the Court at the Pre-Trial Conference. The suggested format for the Joint Pre-Trial Stipulation can be found at the Court's webpage and shall contain at least the following:

- a) a concise factual statement of the nature of the action which shall be read to the jury by the Court to apprise the jury of the nature of the case, all claims of any party to be tried;
- b) a concise statement of those facts which are admitted and will not require proof at trial;
- c) a concise statement of those facts which remain to be litigated;
- d) any proposed amendments to the pleadings;
- e) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of each;
- f) exhibit list including the specific objections to any exhibit. The suggested Trial Exhibit table can be found at the Court's webpage;
- g) a statement reflecting objections to specific portions of video deposition, testimony, or video exhibits which may be offered at trial; and
- h) a list of any undisposed matters to be heard prior to trial.

In accordance with the law announced in *S&M Transportation, Inc. v. Northland Insurance Co.*, 208 So.3d 230, 233 (Fla. 5th DCA 2016), the Joint Pre-Trial Stipulation is binding upon the parties.

#### **5. TRIAL EXHIBITS.**

All exhibits intended to be offered at trial shall be exhibited to all opposing counsel at the Attorney Conference. The Joint Pre-Trial Stipulation shall contain a list of all exhibits which may be offered at trial, together with a statement of objections, if any, to

exhibits offered by the opposing party. With respect to each item, the Joint Pre-Trial Stipulation shall reflect whether the evidence will be stipulated into evidence, stipulated as to authenticity with objection reserved for relevancy, etc., or objected to in its entirety and the grounds therefor. All exhibits which are subject to any objection raised in the Joint Pre-Trial Stipulation shall be brought to the Pre-Trial Conference.

#### **6. RETAINED AND NON-RETAINED EXPERTS.**

No later than [120 DAYS] prior to the Pre-Trial Conference, Plaintiff shall serve on all opposing counsel and file with the Court a Notice containing the following information regarding each retained expert witness who will testify at trial on behalf of Plaintiff:

- a) the name and address of the expert witness;
- b) the area(s) of expertise of the witness;
- c) the subject matter of the expected testimony or the witness;
- d) the substance of the facts and opinions about which the witness is expected to testify; and
- e) a summary of the grounds on which each of the opinions of the witness will be based.

No later than [90DAYS] prior to the Pre-Trial Conference, each Defendant shall serve on all other counsel and file with the Court a Notice containing the same information regarding each expert witness who will testify at trial on behalf of that Defendant.

No later than thirty (30) days after service of the Defendant's expert witness disclosure, the Plaintiff may serve on all other counsel and file with the Court a Notice containing the same information regarding retained rebuttal expert witnesses, if any, who will testify at trial on behalf of Plaintiff.

Any expert witness not disclosed as provided herein will not be allowed to testify without an order from the Court. All parties shall cooperate in the scheduling of expert depositions. Notwithstanding the foregoing, the Court expects the parties to truthfully and thoroughly answer interrogatories and other discovery. If interrogatories seeking information regarding expert witnesses have been served, the party answering such discovery shall do so in good faith and shall not delay furnishing the information regarding expert witnesses until the time such disclosure is required by this order.

The parties shall include each treating physician and non-retained expert witness who will testify at trial as an expert witness in their disclosure and disclose the same information as retained experts. The parties are directed to communicate openly about all opinions that a treating physician is expected to render.

**7. DISCOVERY.**

All discovery shall be completed fifteen (15) days prior to the Pre-Trial Conference unless otherwise extended by written agreement of the parties or by order of the Court. All discovery motions should be filed in sufficient time to resolve the discovery issue within this deadline.

**8. EXPERT ISSUES.**

All *expert* related motions or objections shall be filed and served at least sixty (60) days prior to the first day the case is set for trial. A copy of all such motions or objections shall be delivered to the Court at the same time as filing and service. The party filing *expert* related motions or objections shall be responsible for taking the necessary steps to see that the issue is resolved by agreement or by the Court no later than fifteen (15) days prior to the first day that the case is set for trial. Any *expert* related motions or objections shall state with particularity the grounds upon which they are based and the substantial matters of law to be argued, and shall identify any evidence or supporting material upon which the movant relies. Any *expert* related motions or objections not filed or noticed for hearing within the time referenced in this paragraph are denied and such objections are overruled. The Court may summarily rule on any *expert* related motion or objection that does not comply with the requirements described herein.

**9. MOTIONS IN LIMINE.**

Motions in Limine must be case specific. All case specific Motions in Limine shall be filed, served, noticed and heard or agreed to by the parties no later than fifteen (15) days prior to the first day that the case is set for trial. A copy of all such motions shall be delivered to the Court at the same time that they are filed and served. The Motion in Limine shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. The Court may summarily rule on any Motion in Limine that does not comply with the requirements described herein.

**10. RULE 1.360 EXAMINATIONS.**

No later than [60 days] prior to trial, all medical evaluations and other examinations pursuant to Rule 1.360, Fla. R. Civ. Pro. shall be completed. The examination is not a deposition so the examiner shall be limited to that information

reasonably necessary to conduct the specialty appropriate examination, including a brief medical history as well as present complaints. No invasive testing shall be performed without consent or a court order. The examinee will not be required to complete any lengthy information forms but may furnish the doctor with name, address, and date of birth. Questions are permitted regarding the cause of the injury (e.g. car accident, slip and fall, etc.) and the location on the Plaintiff's body where the Plaintiff claims injury. Questions pertaining to fault, Plaintiff's attorney, referrals to Plaintiff's doctor and what Plaintiff told others are NOT permitted. The report of the examiner shall be provided to Plaintiff's counsel no later than thirty (30) days after the examination. In the event the Defendant intends to call the medical or mental evaluator as an expert witness at trial, then and in that event, the Defendant shall furnish opposing counsel two (2) alternative dates of witness availability for the purpose of taking the examiner's deposition. The witness shall be available to be deposed within ten (10) days of rendering the report.

**11. JURY INSTRUCTIONS AND VERDICT FORMS.**

Plaintiff shall provide a complete set of proposed jury instructions. Defendant shall provide only special instructions not included in Plaintiff's submission. The parties shall seek to agree on a verdict form and submit one agreed form. If the parties cannot agree, each party shall submit its own proposed form. **The proposed instructions and verdict form will be submitted to the Court at the Pre-Trial Conference.** All instructions will be in a form suitable for submission to the jury with a face sheet which identifies the proposing party and a numbered list of the proposed instructions. A party may attach citations of authority for individual instructions, but such citations shall not be contained on the instructions to be submitted to the jury.

**12. MEDIATION.**

This matter is hereby referred to mediation. The mediator shall be  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX.

**MEDIATION SHALL BE COMPLETED PRIOR TO THE PRE-TRIAL CONFERENCE AND MAY BE CANCELLED ONLY BY LEAVE OF THE COURT FOR GOOD CAUSE SHOWN.**

If the case is settled, the mediator and all counsel for Plaintiff and Defendant shall immediately contact the Judge's office and remove the case from the Court's calendar. A copy of the mediation report is not sufficient to remove the case from the docket.

**13. ADMONITIONS.**

Failure to comply with the requirements of this Order will subject the party or the attorney to appropriate sanctions.

14. SETTLEMENT.

All counsel shall immediately notify the Court in the event of settlement or dismissal. Additionally, the parties shall submit a stipulation for an order of dismissal or shall file a dismissal with prejudice of the case. Counsel shall also notify the Court of any pending hearings that will be cancelled as a result of the settlement.

**DONE AND ORDERED** IN Chambers at Green Cove Springs, Clay County, Florida this \_\_\_ day of \_\_\_\_\_, 20\_\_.

---

JAMES E. KALLAHER  
CIRCUIT COURT JUDGE

Copies to:

**If you are a person with a disability who needs any accommodation 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 at (904)255-1695 or [crtinrp@coj.net](mailto:crtinrp@coj.net) at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days. If you are hearing or voice impaired, call 711.**