IN THE CIRCUIT COURT, FOURTH

JUDICIAL CIRCUIT, IN AND FOR

DUVAL COUNTY, FLORIDA

 CASE NO.: 16-

 DIVISION: CV-E

Plaintiff(s),

vs.

Defendant(s).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**CASE MANAGEMENT ORDER SCHEDULING (enter name of motion and (D.E. \_\_\_\_) FOR EVIDENTIARY HEARING AND PRE-EVIDENTIARY HEARING CASE MANAGEMENT CONFERENCE AND REQUIRING MATTERS TO BE COMPLETED**

**PRIOR TO PRE-EVIDENTIARY HEARING CASE MANAGEMENT CONFERENCE**

 **Findings, Preliminary Considerations and Judicial Discretion**

The Court finds that the (enter name of Motion and D.E. \_\_\_ (“the Motion”)) should be scheduled for an evidentiary hearing. The Court has preliminarily considered such factors as the complexity of the case, the issues to be heard, the availability of witnesses and potential scheduling conflicts that exist between the Court’s calendar and those of counsel. The Court does have broad discretion as to the actual date on which the hearing is set. Against this backdrop of considerations, the Court also recognizes its general obligation to actively case manage the cases assigned to its docket.

 The Court having reviewed the filings, the parties’ *Trial Set Memorandum* setting forth the estimated time for the hearing and otherwise being fully advised in the premises, it is hereby,

 **ORDERED** as follows:

1. **PROCEDURES.**

Counsel for the parties shall familiarize themselves with all Division CV-E Policies and Procedures[[1]](#footnote-1) and be governed accordingly.

1. **STANDARDS OF CONDUCT.**

Counsel shall strictly abide by Florida Bar Code of Professional Responsibility. All attorneys appearing at the motion hearing shall be familiar with and shall conduct themselves in accordance with, the Guidelines for Professional Conduct of the Trial Lawyers Section of The Florida Bar as well as the most current edition of the Handbook on Discovery Practice published by the Joint Committee of the Trial Lawyer Section of The Florida Bar and Conferences of Circuit and County Court Judges. Counsel for the parties shall familiarize themselves with the “Division CV-E Trial Conduct and Courtroom Decorum Policy”[[2]](#footnote-2) and be governed accordingly.

1. **EVIDENTIARY HEARING DATE.**

 This cause is hereby set for an evidentiary hearing on \_\_\_\_\_(enter date)\_\_\_\_\_\_\_\_\_, at \_\_\_(enter time)\_\_\_. Time allocated for the evidentiary hearing is \_\_\_enter number of hours or days)\_\_\_.

1. **PRE-EVIDENTIARY HEARING CASE MANAGEMENT CONFERENCE.**

The Pre-Evidentiary Hearing Case Management Conference (“PEHCMC”) will be held in Chambers 739, Duval County Courthouse, 501 West Adams Street, Jacksonville, Florida, on\_\_\_(enter date)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_at\_\_(enter time)\_\_\_\_\_\_ , in accordance with the provisions of Rule 1.200, Florida Rules of Civil Procedure. Time allocated for conference is **twenty (20) minutes**. The purpose of this case management conference is to consider and determine

1. the simplification of the issues;
2. a statement of the issues to be heard during the evidentiary hearing;
3. the possibility of obtaining evidentiary and other stipulations that will avoid unnecessary proof;
4. the witnesses who are expected to testify, evidence expected to be proffered, and any associated logistical or scheduling issues;
5. the use of technology and other means to facilitate the presentation of evidence and demonstrative aids at trial;
6. the order of proof at the evidentiary hearing, time to complete the evidentiary hearing; and
7. any other matters the court considers appropriate.
8. **REQUIREMENTS PRIOR TO PRE-EVIDENTIARY HEARING CASE MANAGEMENT CONFERENCE; PRE-EVIDENTIARY HEARING MEETING.**

**No later than seven (7) days prior to the Pre-Evidentiary Hearing Case Management Conference**, attorneys for each party shall meet together by agreement instigated by counsel for the Movant(s), to discuss the possibility of resolving the Motion or cause by Agreed Order; stipulate to as many facts and issues as possible; discuss and cooperate with each other to prepare a **Pre-Evidentiary Hearing Stipulation**; complete the Division CV-E **“Pre-Evidentiary Hearing Case Management Conference Checklist”[[3]](#footnote-3)** to be submitted to the Court at the Pre-Evidentiary Hearing Case Management Conference; draft a proposed **“Pre-Evidentiary Hearing Case Management Conference Order”[[4]](#footnote-4)** to be submitted to the Court at the Pre-Evidentiary Hearing Case Management Conference or immediately thereafter; examine all exhibits and documents that may be used at the evidentiary hearing; confirm for opposing counsel the names and addresses of all witnesses who may testify at the evidentiary hearing; review all video depositions or exhibits to be used at the evidentiary hearing; and complete all other matters which may expedite both the Pre-Evidentiary Hearing Case Management Conference and the evidentiary hearing. The templates for the “Pre-Evidentiary Hearing Case Management Conference Checklist” and the “Pre-Evidentiary Hearing Case Management Conference Order” can be found on the Court’s website.[[5]](#footnote-5) It is the responsibility of counsel for Movant(s) or Movant(s), if *pro se*, to schedule this meeting.

1. **REQUIREMENTS OF PRE-EVIDENTIARY HEARING STIPULATION.**

Counsel for the parties shall prepare a Pre-Evidentiary Hearing Stipulation which shall be **filed with the Court at the Pre-Evidentiary Hearing Conference** and shall contain the following: (a) a concise statement of the factual issues to be resolved in the Motion, which shall include the date and place of accrual, identity of the parties as they relate to the action, and a brief general statement of each party’s case or contention. The statement shall be in such form and contain such necessary information for the Court to apprise itself of the issues to be heard; (b) a concise statement of those facts which are admitted and will require no proof at the hearing; (c) a concise statement of those issues or facts which remain to be litigated; (d) any proposed amendments to the relevant pleadings; (e) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of each from whom testimony may be presented at trial – the list shall identify whether each witness is expected to testify live, in-person or by Zoom, or by deposition; (f) a complete list of exhibits, including, but not limited to, exhibits to be used for demonstrative purposes only, as set forth in paragraph 7 below; (g) a statement reflecting any remaining issues or objections to specific portions of video depositions, testimony, or video exhibits which may be offered in evidence at the hearing shall be filed with the stipulation (the depositions with objections noted on each page of designations, shall be timely filed and provided to the Court as set forth in paragraph 21 below to the parties and the Court for timely review and ruling); and (h) a list of any undisposed matters to be heard at the Pre-Evidentiary Hearing Case Management Conference.

1. **EVIDENTIARY HEARING EXHIBITS.**

 All exhibits intended to be offered at the Motion hearing, including rebuttal, shall be exhibited to all opposing counsel **THIRTY (30) DAYS** prior to the Pre-Evidentiary Hearing Case Management Conference. The Pre-Evidentiary Hearing Stipulation shall contain a list of all exhibits that may be offered in evidence at the evidentiary hearing, together with a statement of objections, if any, to exhibits offered by the opposing party. With respect to each item, the Pre-Evidentiary Hearing Stipulation shall reflect whether or not the evidence will be stipulated into evidence, stipulated as to authenticity, with objection reserved for relevancy and materiality, or objected to in its entirety and the ground therefor. All exhibits which are the subject of any objection raised in the Pre-Evidentiary Hearing Stipulation shall be brought to the Pre-Evidentiary Hearing Case Management Conference.

Prior to commencement of the evidentiary hearing, counsel for each party shall deliver to the Court an Exhibit List that contains an itemized list of all exhibits to be introduced during the hearing. All exhibits shall be pre-marked for identification, with letters being utilized for the marking of exhibits for identification. The letters utilized for marking the exhibits for identification shall correspond to the Exhibit List given to the Court. Those exhibits that will be admitted into evidence by stipulation of the parties or without objection shall be further pre-marked accordingly as exhibits in evidence. Those exhibits to be admitted by stipulation or without objection shall be sequentially numbered. Further, prior to Opening Statements, the parties shall communicate with the Court so as to coordinate the marking, organization, and handling of exhibits.

1. **FACT WITNESSES.**

**No later than** \_\_\_(enter date)\_\_\_\_\_\_\_\_\_\_\_\_, Movant(s) shall provide Non-movant(s) with a **preliminary** list of fact witnesses related to the evidentiary hearing reasonably known to the Movant(s) for purposes of the parties meeting the applicable discovery deadlines set forth in paragraph 11 below. **No later than** \_\_\_\_\_(enter date)\_\_\_\_\_\_\_\_, Non-movant(s) shall provide Movant(s) with a **preliminary** list of fact witnesses reasonably known to Non-movant(s) for purposes of the parties meeting the applicable discovery deadline set forth in paragraph 11 below. Each list shall contain the name and address of each witness and it shall identify whether each witness is expected to testify live or by deposition. Such written disclosure of preliminary fact witnesses shall be in a format that can be filed with the Court and served on all respective opposing counsel. **Any witness not disclosed herein shall not be permitted to testify at the evidentiary hearing without an order of the Court.**

1. **DISCLOSURE OF RETAINED EXPERT WITNESSES.**

Pursuant to Florida Rule of Civil Procedure 1.280(b)(5), each party shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each expert witness who will testify at trial and present evidence under §§90.702, 90.704 and 90.705, Florida Statutes: (a) the name and address of the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of 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 witnesses will be based. Each party shall furnish opposing counsel with at least two (2) alternative dates of availability of all retained expert witnesses for the purpose of taking their deposition at the time of disclosure of such witnesses.

**No later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference, movant(s) shall disclose each retained expert witness who will testify at the evidentiary hearing on behalf of movant(s).

**No later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference, non-movant(s) shall disclose each retained expert witness who will testify at the evidentiary hearing on behalf of nonmovant(s).

**No later than (enter number) days** after the movant(s) is served with nonmovant(s) retained expert witness disclosure, movant(s) shall disclose each retained rebuttal expert witness, if any, who may testify at the evidentiary hearing on behalf of movant(s).

**No later than (enter number) days** after nonmovant(s) is served with movant(s) retained rebuttal expert witness disclosure, if any, nonmovant(s) shall disclose each retained sur-rebuttal expert witness, if any, who may testify at the evidentiary hearing on behalf of nonmovant(s).

Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of 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 and until the time such disclosure is required by this order.

The Court expects the parties to conduct pre-evidentiary hearing discovery in good faith. Nothing in the foregoing should be interpreted to cause discovery regarding experts to commence on the deadlines referenced above. Should it be determined that a party failed to conduct discovery in good faith by refusing to identify expert witnesses or their opinions in a timely manner pursuant to interrogatories or other discovery, the Court may strike such experts’ testimony. Regardless of whether or not the non-movant(s) has served interrogatories upon the movant(s) requesting discovery of those things outlined in subparagraphs (a) – (e) above, the movant(s) is required to timely disclose and provide the information regarding experts described above. Regardless of whether or not the movant(s) has served interrogatories upon the non-movant(s) requesting discovery of those things outlined in subparagraphs (a) – (e) above, the non-movant(s) is required to timely disclose and provide the information regarding experts described above. Should it be determined that a party failed to timely disclose expert(s) and provide the information regarding each such expert outlined in subparagraphs (a) – (e) above, the Court may strike such expert(s) entirely and/or strike such experts’ testimony.

1. **TREATING PHYSICIANS AND NON-RETAINED EXPERT WITNESSES.**

**No later than** **(enter number)** **days** prior to the Pre-Evidentiary Hearing Conference, all parties shall serve on all opposing counsel and file with the Court a notice containing the following information regarding each treating physician and non-retained expert witness who will testify at the evidentiary hearing as an expert witness on behalf of a party: (a) the name and address of the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of 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 witnesses will be based.

Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of 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 and until the time such disclosure is required by this order.

 The court expects the parties to conduct discovery in good faith. Nothing in the foregoing should be interpreted to cause discovery regarding treaters and non-retained experts to commence on the deadlines referenced above. Should it be determined that a party failed to conduct discovery in good faith by refusing to identify such expert witnesses or their opinions in a timely manner pursuant to interrogatories or other discovery, the court may strike such experts' testimony. Regardless of whether or not the non-movant(s) has served interrogatories upon the movant(s) requesting discovery of those things outlined in subparagraphs (a) - (e) above, the movant is required to timely disclose and provide the information regarding experts described above. Regardless of whether or not the movant(s) has served interrogatories upon the non-movant requesting discovery of those things outlined in subparagraphs (a) - (e) above, the non-movant is required to timely disclose and provide the information regarding experts described above. Should it be determined that a party failed to timely disclose such treaters and non-retained expert(s) and provide the information regarding each such expert outlined in subparagraphs (a) – (e) above, the Court may strike each expert(s) entirely and/or strike such experts’ testimony.

1. **EVIDENTIARY HEARING DISCOVERY.**

 All fact discovery shall be completed **no later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference unless otherwise extended by written agreement of counsel or by order of the Court. All expert discovery shall be completed **no later than (enter number) days** prior to the Pre-Evidentiary Hearing Case Management Conference unless otherwise extended by written agreement of counsel or by order of the Court.

1. **EVIDENTIARY HEARING WITNESSES.**

 Movant(s) shall disclose to non-movant(s) a **final** written list or notice of all witnesses expected to testify at the evidentiary hearing, including any rebuttal witnesses, **no later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference. Non-movant(s) shall disclose to Movant(s) a **final** written list or notice of all witnesses expected to testify at the evidentiary hearing, including any rebuttal witnesses, **no later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference. Each list shall contain the name and address of each witness, and shall identify whether each witness is expected to testify live, in-person or by Zoom, or by deposition. Such written disclosure of a final list of all witnesses expected to testify at the evidentiary hearing shall be in a format that can be filed with the Court and served on all respective opposing counsel. **Any witness not disclosed as described herein shall not be permitted to testify at the evidentiary hearing without an order of the Court.**

1. ***DAUBERT* OR OTHER EXPERT WITNESS ISSUES.**

 Counsel for the parties shall familiarize themselves with the “Procedures for Setting F.S. 90.702 (“*Daubert*”) Type Hearings in Division CV-E”[[6]](#footnote-6) and be governed accordingly. All *Daubert* or other expert witness related motions or objections shall be filed and served at least **(enter number) days** prior to the Pre-Evidentiary Hearing Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing expert witness related motions or objections shall be responsible to do that which is necessary so that hearings regarding expert witness related evidence shall be noticed and heard or agreed to by the parties no later than **(enter number) days** prior to the Pre-Evidentiary Hearing Conference. Any expert witness 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 on which the movant relies. Any expert related motions or objections not filed or noticed for hearing within the time referenced in this paragraph are deemed denied and such objections are overruled. The Court may summarily rule on any expert witness related motion not written with particularity as described above.

1. **DISCLOSURE OF POST-ACCIDENT EVIDENTIARY HEARING SURVEILLANCE VIDEOS.**

**No later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference all parties conducting surveillance shall disclose and produce all surveillance video intended to be presented at the evidentiary hearing to all opposing counsel in an unedited form together with a list of all persons involved in conducting the surveillance and obtaining the surveillance video. Said list shall contain the name and address of each person together with a brief description of the nature of their involvement. Such disclosure of surveillance witnesses shall be in writing in a format that can be filed with the Court and served on all respective opposing counsel. Counsel for the parties shall familiarize themselves with the specific provisions of the “Division CV-E Policies and Procedures”[[7]](#footnote-7)related to “Post-Accident Surveillance Videos” (Section XII.) and be governed accordingly.

1. **DISCLOSURE OF EVIDENTIARY HEARING *NORTHUP* IMPEACHMENT MATERIALS.**

 **NO LATER THAN (enter number) days** prior to the Pre-Evidentiary Hearing Conference, pursuant to the holding in *Northup v. Acken*, 865 So. 2d 1267 (Fla. 2004), all parties shall identify, disclose and exchange **all** materials reasonably expected or intended to be used at the evidentiary hearing for witness impeachment, including, but not limited to: deposition and trial transcripts of testimony given in unrelated actions; medical literature; articles; learned treatises; video or audio recordings; and publications. If such materials are reasonably expected to be disclosed to the Court at the evidentiary hearing, then it must be identified, disclosed, and copies provided to the adverse party in accordance with this order. Such impeachment materials shall be included on the parties’ respective Evidentiary Hearing Exhibit Lists. The disclosure of such *Northup* impeachment materials shall include, as it concerns deposition and trial transcripts of testimony given in unrelated actions, page and line designations of such transcripts reasonably expected or intended to be used at trial for witness impeachment.

1. **MOTIONS TO AMEND PLEADINGS RELEVANT TO EVIDENTIARY HEARING.**

 All motions to amend the pleadings relevant to the evidentiary hearing shall be filed **no later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference.

1. **MOTIONS IN LIMINE RELEVANT TO EVIDENTIARY HEARING.**

 All case specific Motions in *Limine* relevant to the evidentiary hearing shall be filed, served, noticed, and heard or agreed to by the parties **no later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The motion 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 Motions in Limine not written with particularity as described above. The parties shall comply with the specific provisions of the “Division CV-E Policies and Procedures”[[8]](#footnote-8) related to “Motions in Limine (MIL)” (Section XX.) and the “Meet and Confer” Requirement (Sections III. L. and M.).

1. **RULE 1.360 EXAMINATIONS RELEVANT TO EVIDENTIARY HEARING.**

 **No later than (enter number) days** prior to the Pre-Evidentiary Hearing Case Management Conference, all medical and/or mental evaluations and other examinations pursuant to Fla. R. Civ. P. 1.360 shall be completed. Also, the report of the examiner shall be prepared and provided to Plaintiff’s counsel **no later than (enter number) days** after the examination. In the event the Defendant intends to call the medical or mental evaluator as an expert witness at the evidentiary hearing, then and in that event, the Defendant shall immediately furnish opposing counsel with three (3) alternative dates of witness availability for purpose of taking his/her deposition. The witness shall be available to be deposed within **(enter number) days** of rendering the report. Counsel for the parties shall familiarize themselves with all “Division CV-E Guidelines Regarding Compulsory Medical Examinations”[[9]](#footnote-9) and be governed accordingly. For each such Rule 1.360 examiner, the Defendant shall comply with all retained expert witness disclosure requirements set forth in paragraph 9 above.

1. **DEPOSITION DESIGNATIONS RELEVANT TO EVIDENTIARY HEARING.**

 **No later than (enter number) days** prior to the Pre-Evidentiary Hearing Conference, all parties shall exchange and file written notice(s) of deposition designations of witnesses whose testimony the party expects to be presented by deposition, whether by transcript or video. **No later than (enter number) days** after receiving such designations, all parties shall exchange and file written notice of objections and counter-designations to the same. **No later than (enter number) days** after receiving counter-designations, all parties shall exchange and file written notice(s) of objections to counter-designations and counter-counter-designations, if necessary. The parties shall comply with the Division CV-E “Meet and Confer” Requirement (Sections III. L. and M.) set forth in this Court’s Policies and Procedures,[[10]](#footnote-10) to resolve any issues, objections and/or completeness concerns related to such deposition designations before scheduling a hearing.

1. **ATTORNEY REPRESENTATION AND AUTHORITY.**

 In order for the full purpose of the Pre-Evidentiary Hearing Meeting and Pre-Evidentiary Hearing Conference to be accomplished, the parties shall be represented at all such meetings and hearings required herein to prepare the **“Pre-Evidentiary Hearing Stipulation”**, **“Pre-Evidentiary Hearing Conference Checklist”[[11]](#footnote-11)**, and a proposed **“Pre-Evidentiary Hearing Conference Order”[[12]](#footnote-12)** by attorneys who will participate in the evidentiary hearing of the case and who are vested with full authority to make admissions and disclosure of facts to bind their respective client(s) by agreement regarding all matters pertaining to the evidentiary hearing and the **“Pre-Evidentiary Hearing Stipulation”**, **“Pre-Evidentiary Hearing Conference Checklist”**, and a proposed **“Pre-Evidentiary Hearing Conference Order.”**

1. **COURT REPORTING/INTERPRETERS/TRANSLATORS.**

Counsel for the parties shall meet and confer to discuss retention of a court reporter in advance of the evidentiary hearing and make appropriate scheduling arrangements so as to ensure the court reporter’s timely appearance. Furthermore, it is the responsibility of counsel to coordinate, retain, and pay for the services of an interpreter or translator as necessary to present their case. **The evidentiary hearing** **will not be delayed due to the failure to make timely arrangements for a court reporter, interpreter, or translator to appear at the duly noticed time.**

1. **RESOLUTION OF THE MOTION.**

All counsel shall immediately notify this Court in the event of resolution of the motion, and the parties shall immediately file a Notice of Cancellation of the Evidentiary Hearing and email a courtesy copy of the same to the Court’s Judicial Assistant. The parties shall immediately meet and confer to prepare an *Agreed Order* resolving the Motion to be submitted to the Court. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the resolution of the motion by filing Notice(s) of Cancellation of such shearing(s), emailing courtesy copies of the same to the Court’s Judicial Assistant, and preparing *Agreed Order(s)* resolving such motion(s) to be submitted to the Court.

1. **MODIFICATION OF THIS ORDER; EXTENSION OF TIME LIMITS AND DEADLINES.**

The parties shall not unilaterally, individually or by agreement, modify this Order or waive any of the provisions of this Order. The provisions and deadlines of this Order, to the extent they can be modified or extended, shall only be modified, or extended upon motion/stipulation **and** written Court order. The parties are permitted to grant extensions to the deadlines set forth in this order, without Court approval, **except for paragraphs 5-7, 9-13, 17, 18, and 19 above,** provided that any such deadline extension agreement does not cause a continuance of the evidentiary hearing or the trial. Any such extension or modification agreed to shall be by joint motion/written stipulation by the parties directly affected by the extension or modification, filed with the Court and written Court order. **Extensions to the specific deadlines set forth in paragraphs 5-7, 9-13, 17, 18, and 19 above, and any other permissible extension of the deadlines or compliance dates established herein or modifications of this order, that the parties are unable to resolve, requires Court approval for good cause shown and a written Court order.**

1. **MOTIONS AND OBJECTIONS NOT TIMELY FILED, NOTICED OR HEARD THAT ARE RELEVANT TO THE EVIDENTIARY HEARING.**

All *Daubert*/expert-related motions, non-dispositive motions, and objections required to be heard prior to the evidentiary hearing, not filed, noticed, or heard in accordance with the deadlines and provisions set forth in this Order will be deemed moot and denied, and any objections overruled for purposes of the evidentiary hearing, by entry of this Order.

1. **CONTINUANCE OF THE EVIDENTIARY HEARING.**

This Court recognizes within the context of its case management responsibilities that the delayed resolution of a motion or matter which cannot be resolved without an evidentiary hearing could become grounds for a motion to continue the actual trial period. This Court adheres strictly to Florida Rule of General Practice and Judicial Administration 2.545(e) and Florida Rule of Civil Procedure 1.460. Accordingly, motions for continuance of the evidentiary hearing or stipulations/agreements and motions to amend or extend deadlines set forth in this order that change the trial period must be in writing and set forth the following:

1. The signature of the party and the attorney representing the party requesting the continuance of the evidentiary hearing.
2. A concise statement of the facts and reasons for the continuance. If a continuance is sought on the ground of nonavailability of a witness, the motion must show when it is believed the witness will be available and whether preserving their testimony by pre-evidentiary hearing deposition or allowing the witness(es) to appear via Zoom videoconferencing technology would allow the Court to avoid a continuance.
3. Length of time requested for the continuance and when the case will be subsequently prepared for the evidentiary hearing with all witnesses available to testify.

Any such motion(s), stipulation(s), or agreement(s) must be approved upon hearing by the Court no later than the Pre-Evidentiary Hearing Conference. No such motion will be heard that is not in compliance with this Order except upon good cause shown.

1. **ADMONITIONS AND SANCTIONS.**

 Failure to comply with the requirements of this Order will subject the party and/or attorney to appropriate monetary and non-monetary sanctions, which may include the sanctions referenced in Rules 1.200 and 1.420 of the Florida Rules of Civil Procedure, including, but not limited to striking of pleadings, witnesses, and/or defenses, dismissal of the case, and/or award of attorney’s fees and costs, and/or imposition of fines.

 **DONE AND ORDERED** in Chambers at Jacksonville, Duval County, Florida this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**BRUCE R. ANDERSON, JR.**

**CIRCUIT COURT JUDGE**

Copies furnished to:

, Esq.

Attorney for Plaintiff

E-mail:

, Esq.

Attorney for Defendant

E-mail:

, Esq.

Mediator

E-mail:

**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** **crtintrp@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.**

1. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-1)
2. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-2)
3. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-3)
4. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-4)
5. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-5)
6. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-6)
7. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-7)
8. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-8)
9. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-9)
10. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-10)
11. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-11)
12. See website: <https://www.jud4.org/Ex-Parte-Procedures-and-Dates> [↑](#footnote-ref-12)