IN THE CIRCUIT COURT, FOURTH

JUDICIAL CIRCUIT, IN AND FOR

DUVAL COUNTY, FLORIDA

CASE NO.: 16-

DIVISION: CV-E

Plaintiff,

vs.

Defendant.

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

**PRE-EVIDENTIARY HEARING CASE MANAGEMENT CONFERENCE ORDER**

**THIS CAUSE** came before the Court on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ for a Pre-Evidentiary Hearing Case Management Conference pursuant to Rule 1.200(j), Fl. R. Civ. Pr. at which counsel for the parties appeared and participated in the proceedings.

1. Pursuant to paragraphs 4, 5, and 6 of the *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* (“CMO”), counsel for the parties have prepared, signed and filed a written Pre-Evidentiary Hearing Stipulation, the contents of which are incorporated herein by reference.
2. Pursuant to this Court’s procedures and the CMO, counsel for the parties have prepared, signed and submitted to the Court for filing with the Clerk, a written Pre-Evidentiary Hearing Case Management Conference Checklist that will be attached to this Pre-Evidentiary Hearing Case Management Conference Order as Exhibit A.
3. Pursuant to Rule 1.200(j)(5), Fl. R. Civ. Pr., the Court makes this Order reciting action(s) taken at the Pre-Evidentiary Hearing Case Management Conference and stipulations made. This Order shall control the subsequent course of the cause of action unless modified to prevent injustice.
4. The written Pre-Evidentiary Hearing Stipulation filed on the Court’s docket has been reviewed and accepted by the Court and is hereby incorporated into this Pre-Evidentiary Hearing Case Management Conference Order herein by reference.
5. The signed written Pre-Evidentiary Hearing Case Management Conference Checklist has been reviewed with counsel and accepted by the Court and is hereby incorporated into this Pre-Evidentiary Case Management Conference Order herein by reference and attached hereto as Exhibit A.
6. Only those issues in the Pre-Evidentiary Hearing Stipulation will be presented during the evidentiary hearing. Therefore, by analogy, the Court takes this opportunity to incorporate the Fourth DCA’s reminder to the parties and their counsel for this evidentiary hearing “that any previous skirmishes or dust-ups or contentious pretrial issues become mostly irrelevant once the parties prepare and stipulate as to the final agreed-upon ‘executive summary’ as to what the impending trial is about and the specific issues that remain on the table. The Pretrial Stipulation is surely one of the most coveted and effective pretrial devices enjoyed by the Trial Court and all involved parties. *Cf. Broche v. Cohn*, 987 So. 2d 124, 127 (Fla. 4th DCA 2008) (“A stipulation that limits the issues to be tried ‘amounts to a binding waiver and elimination of all issues not included.’” (quoting *Esch v. Forester*, 123 Fla. 905, 168 So. 229, 231 (Fla. 1936))).” *Palm Beach Polo Holdings, Inc. v. Broward Marine, Inc.*, 174 So. 3d 1037, 1038 (Fla. 4th DCA 2015). The Pretrial Stipulation is “the trump card upon which all parties to any litigation can virtually always rely,” and “a powerful blueprint that fully enables a well-run and fair trial.” *Id*. at 1038, 1039. “Pretrial Stipulations prescribing the issues on which a case is to be tried are binding upon the parties and the Court, and should be strictly enforced.” *Id.* at 1039. “It is the policy of the law to encourage and uphold stipulations in order to minimize litigation and expedite the resolution of disputes.” *Spitzer v. Bartlett Bros. Roofing*, 437 So. 2d 758, 760 (Fla. 1st DCA 1983). The Court intends to uphold the Pre-Evidentiary Hearing Stipulation to minimize litigation and expedite the resolution of disputes relevant to the evidentiary hearing as framed by the Motion or matters to be heard.
7. By analogy as it applies to the evidentiary hearing, the Court joins with the Fourth DCA in *Palm Beach Polo Holdings* to “candidly acknowledge the frenzied nature of a civil (and criminal) litigation practice and the tendency of The Pretrial Stipulation process to become tedious and time-consuming. But everyone involved in the impending trial ultimately reaps huge dividends during the fast paced, adrenaline-pumping ‘final act,’ that we call the trial.” *See Palm Beach Polo Holdings,* 174 So. 3d at 1039 n. 3.
8. This (enter motion or matter) is scheduled to be heard for **(enter number) (enter days or hours)** beginning on **\_\_\_(enter date), 20\_\_.** All attorneys participating in the evidentiary hearing and any parties planning to attend the evidentiary hearing shall be present by thirty (30) minutes prior to the scheduled start of the evidentiary hearing.
9. **\_\_\_(enter party)\_\_\_\_\_\_\_\_** shall be responsible for ordering the Court Reporter.
10. All attorneys participating in the evidentiary hearing shall familiarize themselves, and comply, with the “Trial Conduct and Courtroom Decorum” guidelines found in the “Guidelines for Professional Conduct” (See <https://floridatls.org/professionalism/henry-latimer-center-for-professionalism/>) promulgated by the Florida Bar Trial Lawyers Section and the “Division CV-E Trial Conduct and Courtroom Decorum Policy” (See <https://www.jud4.org/ex-parte-procedures-and-dates>) which, in part, incorporates the above referenced “Guidelines for Professional Conduct.”
11. ***[INSERT WITH ADDITIONAL PARAGRAPHS ANY OTHER MATTERS CONSIDERED OR ACTIONS TAKEN DURING THE PRETRIAL CONFERENCE]***

**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: