

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER, MARTIN,  
OKEECHOBEE AND ST. LUCIE COUNTIES

IN RE: UNIFORM PRETRIAL PROCEDURES

ADMINISTRATIVE ORDER NO. 88-8

Pursuant to requirement of Rule 1.200(c), Florida Rules of Civil Procedure, the attached form for orders setting pretrial conferences, which is made a part hereof by reference, shall be used throughout the territorial jurisdiction of the Nineteenth Judicial Circuit.

Pursuant to agreement of the Circuit Judges and County Judges of this Circuit, the attached form for orders setting non-jury trial in dissolution of marriage actions and form for orders setting trial and directing pre-trial procedures, which are made a part hereof by reference, shall also be used throughout the territorial jurisdiction of the Nineteenth Judicial Circuit.

DONE AND ORDERED in quadruplicate within the Nineteenth Judicial Circuit this 22<sup>d</sup> day of July 1988.

  
\_\_\_\_\_  
DWIGHT L. GEIGER  
CHIEF JUDGE

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY,  
FLORIDA.

CASE NO. \_\_\_\_\_

ORDER SETTING PRE-TRIAL CONFERENCE

DATE \_\_\_\_\_

TIME \_\_\_\_\_

PLACE \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IT IS ORDERED:

Pre-Trial Conference is scheduled as indicated above. Time shall be limited to \_\_\_\_\_.

Counsel for Plaintiff(s) shall initiate arrangements for the conference requirements in succeeding Paragraph A of this Order, however, all attorneys in this case are charged with the duty of meeting in such conference and of complying with the schedule set forth in this order. If the schedule is not kept by any counsel, it is the duty of other counsel to insist upon the necessary meeting or meetings to effect the pre-trial stipulation, and failing to succeed, to advise the Court by motion seeking sanctions against any party failing or refusing to meet as directed after request.

A. ATTORNEYS TO CONFER.

Counsel for all parties shall meet no later than seven days prior to the pre-trial hearing to:

1. Discuss the possibility of settlement;
2. Stipulate to as many facts and issues as possible;
3. Draw up pre-trial stipulation in accordance with Paragraph B;
4. Examine all exhibits and documents proposed to be used at the trial and to initial all such exhibits and documents;
5. Furnish the opposing counsel in writing a list of the names and addresses of all witnesses and a brief description of the nature of their testimony;
6. Discuss the question of damages, including matters of evidence and proof, which either party proposes to present at trial and the law in regard thereto;
7. Complete all other matters which may expedite both the pre-trial and the trial of the case.
8. Counsel shall bring with them at said conference and make available for inspection and examination by opposing counsel all exhibits and documents to be used at trial.
9. If depositions are intended to be read at the trial, counsel shall make available to opposing counsel those portions of the depositions they intend to read and opposing counsel shall thereafter note all objections to those portions of the depositions to be read which require resolution before the court.
10. Counsel shall also produce for review any video deposition testimony or video exhibits which may be offered into evidence at trial.
11. Counsel shall also furnish a separate list of all expert witnesses with a resume of the expert's qualifications and brief summary of proposed testimony. Expert witnesses other than for treatment are limited to no more than two in any related field. At pre-trial conference the court may make such other orders or limitations on expert witnesses as the

designated at the pretrial conference, in which event it will be submitted within the time so designated. The pretrial order so prepared shall incorporate and modify the pretrial stipulation in light of any additional agreements reached and any rulings made at the conference.

2. After the pretrial order is entered by the Court, the pleadings will be merged therein and the pretrial order will control the course of the trial and may not be amended except by order of the Court in the furtherance of justice.

F. DISCOVERY TO END.

All discovery proceedings, including depositions of witnesses to be used for trial purposes in this case must be completed five (5) days prior to the docket call. Further discovery and depositions of witnesses to be used for trial purposes shall be allowed only by order of the court for good cause shown or by written stipulation of counsel.

G. WITNESSES AND EXHIBITS.

No witnesses except those submitted to the pretrial statement pursuant to Paragraph B, section 6 above shall be permitted to testify. The court will limit before and after witnesses to no more than three and will limit expert witnesses to no more than two in any one field.

No exhibits except those submitted in the pretrial statement pursuant to Paragraph B, sections 7 to 10 above shall be admitted in evidence. If new evidence or witnesses are discovered after the pretrial conference, the party desiring to use the same shall immediately furnish complete details thereof, together with the reason for late discovery, to the Court and to opposing counsel. Use of such evidence or witnesses shall only be allowed by the Court for good cause shown and to prevent manifest injustice.

H. EXPERT WITNESS INTERROGATORIES.

No later than twenty days prior to the pre-trial conference all parties shall supplement answers to interrogatories propounded to and served upon them pursuant to Rule 1.280(b)(3)(a), for the exclusive purpose of providing complete and current answers to all interrogatories requesting all expert witness information. Any expert witness not disclosed as provided herein will not be allowed to testify without order of court.

I. ADDITIONAL PRE-TRIAL CONFERENCE.

If necessary or advisable, the Court may adjourn the conference from time to time or may order additional pretrial conferences.

J. SPECIAL MATTERS.

1. No motion for summary judgment or other motion filed after the date of this order will be grounds for cancellation or postponement of the pre-trial conference. Parties will be expected to comply with the requirements of this order as fully and to the same extent as though no such motions had been filed.
2. Summary judgment or partial summary judgment may also be granted at the pre-trial conference by the court on its own motion to simplify the issues where no genuine issue of material fact remains and the party may be entitled to judgment on that issue as a matter of law.
3. If after order for pretrial conference is entered, the case is settled prior to pretrial conference, it the responsibility of both parties to promptly notify the Court.

K. ATTORNEY REPRESENTATION.

The pre-trial meeting and pre-trial conference shall be attended by an attorney who will participate in the trial of the case, and

nature of the case and justice requires.

B. PRE-TRIAL STIPULATION.

The pre-trial stipulation shall contain:

1. a brief statement of the case, relief sought, nature of damages and defenses;
2. a statement of facts to be admitted without proof at trial;
3. a statement of essence of law wherein the parties are in agreement;
4. a statement of facts which are in dispute;
5. a statement of essence of law in dispute;
6. a list of the names and addresses of all witnesses; expert witnesses shall be designated as such with a brief statement as to the nature of expertise and opinioned testimony to be offered;
7. a list of all exhibits to be offered by plaintiff and agreed to and initialed by defendant to be submitted in evidence without objection (to be marked plaintiff's exhibits 1, 2, etc.);
8. a list of all exhibits to be offered by defendant and agreed to and initialed by plaintiff to be submitted in evidence without objection (to be marked defendant's exhibits 1, 2, etc.);
9. a list of all exhibits of plaintiff and objected to and initialed by defendant (to be marked plaintiff's exhibits A, B, etc.); defendant will note his objection and the reason thereof on the pretrial statement;
10. a list of all exhibits of defendant and objected to and initialed by plaintiff (to be marked defendant's exhibits A, B, etc.); plaintiff will note his objection and the reason thereof on the pretrial statement.

The exhibits listed in paragraphs 7 - 10 will be submitted to the clerk prior to trial to be marked by the clerk accordingly.

11. a list of all motions or other matters which require action by the Court; and
12. the signature of counsel for all parties.

C. PAPERS TO BE SUBMITTED.

Prior to the pretrial conference:

1. The parties shall file with the Clerk of Court a pretrial stipulation prepared in accordance with Paragraph B of this Order;
2. At the option of the respective parties, they may file with such clerk and serve on the other party or parties a trial brief or memorandum with citation or authorities and arguments in support of their positions on all disputed issues of law. If a party fails to file the same, but the other party does so, then the non-filing party will not be granted any additional time for filing a responsive brief or memorandum.

D. CONDUCT OF THE PRE-TRIAL CONFERENCE.

The court may dispose of all motions and other matters then pending. The Court will review all matters contained in the pretrial stipulation and consider any other matters which may be presented with a view of simplifying the issues and bringing about a just, speedy and inexpensive determination of this case.

E. PRETRIAL ORDER

1. Upon the conclusion of the pretrial conference, the attorneys for all parties shall confer forthwith and prepare a pretrial order for the Court's approval. Counsel for Plaintiff will take the initiative in preparing such order. Such order will be submitted to the Court for approval within seven (7) days after the pretrial conference unless the time period is

all admissions and disclosures of fact made at those times shall be binding on the client. Any attorney appearing for a party at a pre-trial conference shall have full authority to make any stipulations, admissions, or agreements necessary to expedite the trial of this cause and failure of the attorney attending to have such authority may be a ground for sanctions.

L. JURY INSTRUCTIONS AND VERDICT FORMS.

Typed proposed jury instructions and verdict forms shall be filed with the court and served on opposing counsel at the commencement of trial and may be supplemented prior to the jury instruction conference. Proposed jury instructions shall be submitted on separate numbered sheets with authority cited.

M. ADMONITION.

Should a party or party's attorney fail to appear at the pretrial conference or to comply with the directions set out above, an ex parte hearing may be held and judgment of dismissal or default or other appropriate judgment entered or sanctions imposed.

DONE and ORDERED at \_\_\_\_\_, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Circuit Judge

Copies furnished to:

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY,  
FLORIDA.

CASE NO. \_\_\_\_\_

IN RE: The Marriage of

Petitioner,

and

Respondent.

\_\_\_\_\_ /

ORDER SETTING NON-JURY TRIAL  
IN DISSOLUTION OF MARRIAGE ACTION

IT IS ORDERED:

TRIAL DATE

This case is set for non-jury trial commencing

\_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ in \_\_\_\_\_,

\_\_\_\_\_ County Courthouse, \_\_\_\_\_, Florida.

Docket call is on \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ A.M./P.M.

ALL CONTESTED MATTERS MUST BE REPORTED. THE PETITIONER IS INITIALLY  
RESPONSIBLE FOR THE COURT REPORTER'S ATTENDANCE AT TRIAL.

ATTORNEYS CONFERENCE:

All attorneys of record and any parties without attorneys are  
ordered and directed to meet for an attorney's conference at least ten (10)  
days prior to the Trial Date. It is the duty of counsel for Petitioner to  
make arrangements for the attorney's conference at a time and place  
mutually convenient to everyone.

All attorneys and parties without attorneys in this cause are  
charged with the duty of meeting at said attorney's conference and of  
complying with the directive herein. If such schedule is not kept by any  
counsel, it is the duty of the other counsel to immediately advise the  
Court by motion seeking sanctions against said party.

Counsel or the parties are directed to bring with them at said  
conference and make available for inspection and examination by counsel the  
following:

1. All exhibits and documents to be used at trial.

2. A separate list of all exhibits to be used at trial and to be marked numerically. On said list counsel shall review each exhibit and on the separate lists state any objections to the admission of the document. Each attorney is to sign and date each exhibit list. That exhibit list is to be marked and made part of the pre-trial stipulation as herein set forth. NO EXHIBIT (EXCEPT FOR IMPEACHMENT) NOT ON SAID LIST MAY BE INTRODUCED AT TRIAL EXCEPT BY COURT ORDER AND UPON GOOD CAUSE SHOWN.

3. A written list of all witnesses to be called with a brief summary of the witnesses proposed testimony. The list shall contain a correct name and address of each respective witness.

4. A list of expert witnesses with a resume of the expert's qualifications and brief summary of proposed testimony. Copies of expert witness written reports shall be made available and given to opposing counsel at attorney's conference.

5. If there is any issue as to child support or alimony, each side shall exchange a complete up-to-date financial affidavit, any up-to-date financial statements given to any financial institutions, or other persons for the purpose of obtaining any loan of money; the last three year's tax returns; returns of all sources of income included but not limited to overtime, bonuses, profit-sharing, interest payments, income from mortgages and notes, etc.; and all medical and life insurance information on any children.

6. If there is any dispute as to personal property including intangible personal property, the attorneys must exchange lists of all personal property. This must include household items of furniture, automobiles, jewelry, art objects, etc. Personal items not included or exchanged will not be considered at trial. As to personal property, each party must exchange a complete list of any liens or encumbrances on said personal property together with any balance due and any delinquency as to any payments and any other information necessary pertaining to said personal property.

7. If there is any real property in dispute, each party is to exchange a complete description and address of the real property, exchange copies of deeds and mortgages and include payment schedules on mortgages and delinquencies if any, and copies of insurance pertaining to the real property. If appraisals have been done on the parcels of real estate, such

appraisals shall also be exchanged at this time.

PURSUING SETTLEMENT

Counsel shall go over each item in dispute, and good faith is required of all attorneys in settlement negotiations. Counsel shall appear at the attorney's conference with settlement authority.

USE OF DEPOSITIONS AT TRIAL

In the event depositions are to be used at trial, the Court will permit a summary of said testimony to be read in lieu of entire deposition. Summaries shall, where possible, be prepared and agreed to by both parties.

STIPULATION AS TO FACTS

Counsel shall, at attorney's conference, stipulate to obvious facts; where possible, stipulate to use of copies in lieu of originals, use of records without benefit of records custodian, stipulation of expert's reports, and all other matters to avoid the use of unnecessary witnesses.

DISCOVERY AT END

All discovery must be completed at least five (5) days prior to the Trial Date and no further discovery after that time will be permitted except by court order and for good cause shown.

PAPERS TO BE SUBMITTED

The parties shall, seven (7) days prior to the Trial Date, file a written pre-trial stipulation with the Clerk of Circuit Court, with a copy mailed to Judge \_\_\_\_\_.

The pre-trial stipulation shall contain:

- (1) A brief statement of the case;
- (2) A statement of matters not in dispute;
- (3) A statement of disputed issues;
- (4) Any novel issue of law or legal issues in dispute;
- (5) A list of exhibits to be offered by each party;
- (6) A list of witnesses to be used by each party;
- (7) A list of all undisposed of motions, and matters to be

resolved as a result of attorney's conference, and all other matters for simplification of issues.

POSITION STATEMENT

Each party shall set forth in a concise statement their specific position in regard to the issues to be litigated, including but not limited to the following:



1. DISSOLUTION. Whether the marriage is irretrievably broken and if not, whether marriage counseling is requested.

2. SHARED PARENTAL RESPONSIBILITY. The names, dates of birth and ages of any minor children; whether sole or joint parental responsibility is requested and who should have the primary physical residence of the children.

3. REASONABLE VISITATION. The specific periods of time the non-custodian parent shall have for visitation, including during the summer, major holidays, birthdays and weekends.

4. CHILD SUPPORT. The specific amount requested or offered for each child, including who, if anybody, is to provide health insurance.

5. PERIODIC ALIMONY. A specific dollar amount requested or offered, if any, for permanent periodic alimony.

6. LUMP SUM ALIMONY. The specific amount requested or offered, if any, for lump sum alimony, including specific descriptions of any assets.

7. SPECIAL EQUITY. Whether either party is requesting special equity and if so, description of the property and basis for the award.

8. EQUITABLE DISTRIBUTION OF ASSETS. Whether either party is requesting or offering the equitable distribution of assets and tax consequences and if so, specifically what assets are requested or offered. The attorneys shall also provide the court with a summary of the tax consequences of their plan of distribution.

9. FURNITURE AND PERSONAL EFFECTS. The division of such property should be specifically listed.

10. ATTORNEYS FEES. The specific amount, if any, requested and whether the amount can be stipulated to as reasonable or should be determined at a later hearing, if awarded.

11. MARITAL HOME. Whether either party is requesting possession and if so, for how long or sale and partition.

12. DEBTS. A specific list with names and amounts of any debts a party is requesting or offering the other party to be responsible for.

13. INCOME TAX. Whether there is any request or stipulation as to who receives the deduction for the children or in regard to periodic alimony.

FAILURE OF ANY ATTORNEY TO APPEAR AT ATTORNEY'S CONFERENCE, OR TO

COMPLY WITH ANY ORDER HEREWITH WILL RESULT IN SANCTIONS BEING IMPOSED.  
SANCTIONS INCLUDE ATTORNEY'S FEES, COSTS, STRIKING OF PLEADINGS AND SUCH  
OTHER SANCTIONS AS MAY BE APPROPRIATE.

DONE AND ORDERED in \_\_\_\_\_, \_\_\_\_\_ County, Florida,  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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Circuit Judge

Copies furnished to:

IN THE CIRCUIT COURT OF THE  
NINETEENTH JUDICIAL CIRCUIT,  
IN AND FOR \_\_\_\_\_ COUNTY,  
FLORIDA.

CASE NO. \_\_\_\_\_

ORDER SETTING TRIAL AND  
DIRECTING PRE-TRIAL PROCEDURE

Date \_\_\_\_\_

Place \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ /

A. SETTING TRIAL:

This case is set for \_\_\_\_\_ trial as indicated above. Attorneys designated to try this case are directed to appear for docket call on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, in the \_\_\_\_\_ County Courthouse, Room \_\_\_\_\_. The court will attempt to assign a time certain to each case at that time. Please notify the court immediately if the case is settled. Failure to appear at docket call will result in the dismissal of plaintiff's case if plaintiff fails to appear, or the entry of a default against defendant if defendant fails to appear. Should a default be entered, trial will be held on any remaining issues of damages.

B. PRE-TRIAL PROCEDURE IN CIVIL ACTIONS:

1. Counsel must meet. No later than twenty (20) days prior to docket call, counsel, or parties if not represented by counsel, shall meet at a mutually convenient time and place and:
  - a. Discuss settlement;
  - b. Simplify the issues and stipulate to as many facts and issues as possible;
  - c. Prepare a Pretrial Stipulation in accordance with Paragraph 2;
  - d. Examine all exhibits and exchange lists of exhibits, and, in writing, list all objections to trial exhibits, including any video exhibits.
  - e. Exchange lists of the names and addresses of all trial witnesses.
2. Pre-Trial Stipulations Must Be Filed. It shall be the duty of counsel for Plaintiff to see that the Pretrial Stipulation is drawn, executed by counsel for all parties, and filed with the Clerk no later than ten (10) days prior to the date set for docket call. Counsel for all parties are charged with good faith cooperation in this regard. The Pretrial Stipulation shall contain the following in separate numbered paragraphs:

- a. A concise statement describing the facts of the case in an impartial, easily understandable manner;
  - b. A list of all pending motions requiring action by the Court;
  - c. A statement of agreements and stipulated facts which require no proof at trial;
  - d. A statement of all issues of law and fact for determination at trial;
  - e. A list of the witnesses to be called at trial with their addresses. A brief Statement as to the nature of the witness' testimony is required. Expert witnesses shall be designated as such with a brief statement as to the nature of the expertise and opinioned testimony to be offered. Witness lists shall be exchanged and witnesses not listed may not be called at trial. As to each party, the Court will limit before and after witnesses to no more than three. The Court will limit expert witnesses to no more than two in any one expert field. The Court may make such other rulings or limitations on witnesses, including experts, as the nature of the case and justice requires.
  - f. Exhibit lists shall be exchanged and examined and approved where reasonable for admission without objection. Exhibits not listed may not be introduced at trial. All exhibits as set forth shall be marked and filed with the Clerk prior to trial. Please mark as follows:
    1. a list of all exhibits to be offered by plaintiff and agreed to and initialed by defendant to be submitted in evidence without objection (to be marked plaintiff's exhibits 1, 2, 3, etc.);
    2. a list of all exhibits to be offered by defendant and agreed to and initialed by plaintiff to be submitted in evidence without objection (to be marked defendant's exhibits 1, 2, 3, etc.);
    3. a list of all exhibits of Plaintiff and objected to and initialed by defendant (to be marked plaintiff's exhibits A, B, C, etc.); defendant will note his objection and the reason thereof on the pretrial statement;
    4. a list of all exhibits of defendant and objected to and initialed by Plaintiff (to be marked defendant's exhibits A, B, C, etc.); plaintiff will note his objection and the reason thereof on the pretrial statement;
    5. Each party shall prepare in advance of trial and furnish to the courtroom clerk at the time of commencement of trial a written list of all his exhibits containing a brief description of each.
  - g. A specification of the damages and/or relief claimed;
  - h. A statement of estimated trial time;
  - i. A number of peremptory challenges for each party or each side in a jury trial;
  - j. Other agreements, if any.
  - k. All contested matters must be reported. Counsel for Plaintiff (Petitioner) shall be responsible for having a court reporter present and/or available. Failure to do so may be grounds for cancellation of the trial or hearing, at the option of the judge and may be considered a grounds for sanctions if it contributes to a disruption of the court's schedule.
3. Unilateral Filing of Pretrial Stipulation. If for any reason a Pretrial Stipulation is not executed by all counsel, each counsel shall file and serve separate proposed Pretrial Stipulations not later than ten (10) days prior to the date set for docket call, with a statement of why no stipulation was executed. Each party shall have ten days from receipt of the other parties' trial exhibits to make specific objections to each exhibit, including basis of objection. Failure to object within this time shall constitute a waiver to the

admissibility of those exhibits.

4. Additional Exhibits, Witnesses or Objections. At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved, absent agreement specifically stated in the Pretrial Stipulation or order of the Court upon good cause shown. Failure to reserve objections constitutes a waiver. A party desiring to use an exhibit or witness discovered after counsel have met pursuant to Paragraph A shall immediately furnish the Court and other counsel with a description of the exhibit or with the witnesses name and address and the expected subject matter of his testimony, together with the reason for the late discovery of the exhibit or witness. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.
5. Discovery. All discovery must be completed five (5) days prior to the docket call, absent agreement for later discovery specifically stated in the Pretrial Stipulation or Order of the Court for good cause shown.
6. Pre-Trial Conference. No pre-trial conference pursuant to Florida Rule of Civil Procedure 1.200 is set by the Court on its own motion. Any party requesting pre-trial conference shall demand it upon receipt of order setting trial. Should pre-trial conference be ordered, the order setting pre-trial conference shall supercede the pre-trial procedures set forth herein.
7. Jury Instruction and Verdict Forms in Jury Trials. Counsel shall present all requested jury instructions in full written form at the commencement of any jury trial.
8. Unique Questions of Law. No later than the day of commencement of the trial, counsel for the parties are directed to submit to the Court appropriate memoranda with citations to legal authority, in support of any unique legal questions which may reasonably be anticipated to arise during the trial.

NOTICE TO ATTORNEYS: A Conference will be held at Docket Call to go over full compliance with this order. Noncompliance with these procedures may result in sanctions, striking the case from the docket, or other action as justice requires. Unless otherwise ordered by court, no motions will be heard at docket call except motions for continuance. No motion for continuance will be heard unless presented in writing pursuant to Rule 1.450, Florida Rules of Civil Procedure and Rule 2.085(c), Rules of Judicial Administration.

DONE AND ORDERED in \_\_\_\_\_, \_\_\_\_\_ County,  
Florida this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Circuit Judge

Copies furnished to: