

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 90-1

Pursuant to requirement of Rule 1.200(c), Florida Rules of Civil Procedure, the attached Pretrial Order shall be used throughout the territorial jurisdiction of the Nineteenth Judicial Circuit.

This order supersedes Administrative Order 88-8, and nullifies and cancels all other forms formerly required in Administrative Order 88-8.

DONE AND ORDERED at Vero Beach, Indian River County, Florida
this 10th day of January 1990, in quadruplicate.



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 pretrial 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 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 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 pretrial 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 pretrial 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 pretrial 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 is the responsibility of both parties to promptly notify the Court.

K ATTORNEY REPRESENTATION.

The pretrial meeting and pretrial conference shall be attended by an attorney who will participate in the trial of the case, and all admissions and disclosures of fact made at those times shall be binding on the client. Any attorney appearing for a party at a pretrial 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 ORDERD at _____, Florida, this _____ day of _____, 19 _____.

Circuit Judge

Copies furnished to: