

**IN THE CIRCUIT COURT OF THE  
FOURTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BAY COUNTY, FLORIDA**

**CASE NUMBER:**

**Plaintiff(s)**

v.

**Defendant(s)**

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**UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRE-TRIAL CONFERENCE**

This Court, finding that the parties have had adequate time to litigate this matter and being otherwise fully advised in the premises, hereby

**ORDERS** as follows:

**TRIAL DATE**

1. The above-titled cause is hereby set for TRIAL during the week of **TRIAL DATE**, commencing at **EVENT TIME, CT**, or as soon thereafter as counsel may be heard. Trials are normally set for weekly periods. All counsel with trials set for a trial period shall be prepared to go to trial on the first day of the week of the period and shall remain available for the entire week.

**TRIAL DEADLINES**

2. Expert Witness Disclosure- Plaintiff: No later than **130 days** prior to the trial date, Plaintiff shall serve on all other counsel and file with the Court, a notice containing the following information regarding each expert who Plaintiff believes will testify at trial:

- a. the name, address and telephone number of the expert witness;
- b. the area of expertise of the witness (*i.e.*, “accident reconstruction,” “economist,” “orthopedic physician,” *etc.*) and the subject matter of the expected testimony;
- c. a complete and updated curriculum vitae;

- d. a summary of the opinions and grounds on which the opinions of the expert witness will be based;
- e. all other information as required by Florida Rule of Civil Procedure 1.280(b)(5); and
- f. two (2) alternate dates of availability of each expert witness for the purpose of taking the expert's deposition, which dates shall be no later than **80 days** prior to the trial date.

Expert Witness Disclosure- Defendant: No later than **110 days** prior to the trial date, each Defendant shall serve on all other counsel, and file with the Court, a notice containing the same information as set forth in sections (a)-(f) above regarding each expert witness who will testify at trial on behalf of Defendant. This notice shall also include two (2) alternate dates of availability of each expert witness for the purpose of taking their deposition, which dates shall be no later than **70 days** prior to the trial date.

Expert Witness Reports: All reports or other data compiled by or relied upon from each disclosed expert and intended to be used by the expert at trial or deposition shall be provided electronically to the opposing party at least **5 days** prior to the date of the deposition.

Failure to Abide by Expert Requirements: If any expert or party fails to meet the requirements as set forth herein, the Court will consider excluding the testimony of the expert at trial or, in the alternative, may limit the testimony of the expert to those matters revealed at any such deposition or in answers to any such interrogatories.

Daubert Motions and Hearings: Any challenge to the admissibility of evidence at trial asserted to be "novel scientific evidence" or based on a contention that anticipated expert testimony does not meet the requirements of section 90.702, Florida Statutes, and seeking a ruling in accordance with the decision in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993), must be raised by a specific motion which shall be filed no later than **70 days** prior to the trial date. Any *Daubert*-related motion or objection shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall specifically identify any evidence or supporting material on which the movant relies. Any *Daubert*-related motion shall be *set for an evidentiary hearing and heard* no later than **40 days** prior to the trial date. The failure to meet the deadlines set forth herein shall be deemed a waiver of such objection, absent good cause. Further, the Court may summarily rule on any *Daubert*-related motion not complying with the requirements set forth herein.

3. Fact Witness Disclosure: No later than **120 days** prior to the trial date, the parties must file and serve a list of names and addresses of all fact witnesses who may testify at trial, including witnesses expected to be called for impeachment or rebuttal. Each party's fact witnesses must include a brief description of the substance and scope of the testimony to be elicited from such witness.

4. Discovery Deadlines: All depositions, paper discovery and all examinations of persons and any report related thereto must be completed at least **70 days** prior to the trial date. Any discovery requiring a response from an adverse party must be served in time for the response to be due prior to the deadline date established herein.

5. Mediation: Mediation must commence no later than **65 days** prior to the trial date. Plaintiff's counsel (or Defendant's counsel if Plaintiff is unrepresented) is appointed lead counsel to facilitate and work diligently towards ensuring that the parties comply with the mediation requirement set forth herein. If the parties are unable to agree on a mediator and/or a place for the mediation, counsel shall notify the Court no later than **90 days** prior to the trial date and each party shall provide the Court with two (2) preferred mediators and a proposed order appointing a mediator.

6. Non-Dispositive Motions: All motions related to discovery, motions to add a party, motions to amend pleadings and other non-dispositive motions shall be *filed* no later than **70 days** prior to the trial date and must be *heard* no later than **40 days** prior to the trial date. It is the responsibility of the attorney who files any motion to ensure that it is timely scheduled on the Court's calendar.

7. Dispositive Motions: All dispositive motions, including motions for summary judgment, must be *heard* no later than **40 days** prior to the trial date. It is the responsibility of the attorney who files any motion to ensure that it is timely scheduled on the Court's calendar. It is also the responsibility of the attorney who files the motion to ensure that the motion (particularly any motions for summary judgment) can be heard in compliance with the rules as set forth in the Florida Rules of Civil Procedure.

8. Motions in Limine: All case-specific motions in limine shall be *filed* no later than **70 days** prior to the trial date and must be *heard* no later than **40 days** prior to the trial date. The motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and identify any evidence or supporting materials on which the movant relies. The Court may summarily rule on any motion and deny any motion not filed or set in a timely fashion. All motions in limine must relate to specific evidence to be offered at trial. The Court *will not* hear or consider "boiler-plate" motions in limine as all attorneys and unrepresented parties are responsible for knowing the applicable rules of evidence and rules of civil procedure. Some examples of "boiler-plate" motions are motions seeking the exclusion of "golden rule" arguments in closing, motions seeking to prevent counsel from expressing personal beliefs, etc.

9. Exhibit Lists: Each party must file an exhibit list no later than **40 days** prior to the trial date. Said filing must separately list all exhibits the party intends to introduce into evidence at trial. Each item/exhibit must be listed by number for Plaintiff and letter for Defendant and contain a description of the exhibit. Generic descriptions of exhibits are subject to be stricken. At trial, only those exhibits properly listed and initialed may be offered into evidence.

10. Witness Lists: Each party must file a witness list (this list is different than the above-referenced fact witness disclosure) no later than **40 days** prior to the trial date. Said list shall contain the names and addresses of all witnesses intended to be called in trial in alphabetical order. The list must also designate the type of witness (“expert,” “rebuttal,” “impeachment,” “general fact,” etc.). It must also include a brief description of the substance and scope of the testimony to be elicited from each witness. All expert witnesses designations must also include ~~designate~~ the expert’s specialties on the list and attach a copy of the expert’s curriculum vitae.

11. Hearing Time Anticipation: Each party should expect a period of at least 25 days for a hearing lasting less than thirty minutes and 45 days for a hearing lasting longer than thirty minutes between a request for a hearing and the actual hearing occurring. Thus, each party should request any needed hearing well in *advance* of the deadlines set forth herein. It is up to each party to ensure that there is sufficient and adequate planning and preparation to fulfill the deadlines set forth herein. The Court may summarily deny any motion upon a finding that a party unreasonably delayed setting the motion for hearing, that the motion was not timely filed to obtain a hearing within the deadlines provided, or that it is prejudicial to the other side. The inability of a party to obtain a hearing time in accordance with the expectations set forth herein will generally not constitute grounds for an extension of the deadlines, nor will it constitute grounds for a continuance of the trial.

### **PRETRIAL CONFERENCE**

12. The Pretrial Conference: A Pretrial Conference shall be held in Chambers before the Honorable James J. Goodman, Jr., Circuit Judge, at the **Bay County Courthouse**, on \_\_\_\_\_, **20\_\_**, for thirty (30) minutes, commencing at \_\_\_\_\_ **A.M./P.M. CT**, pursuant to Florida Rule of Civil Procedure 1.200, to consider all matters suggested therein and to simplify the issues to expedite the trial of this cause. At the Pretrial Conference, parties and counsel *shall* confirm that they are prepared for trial. For the full purpose of the Pretrial Conference procedures to be accomplished, it is directed that each party (or corporate representative where appropriate) shall be *physically present* at the Pretrial Conference. Furthermore, all attorneys who will be participating in the trial shall be *physically present* at the Pretrial Conference. The attorneys should be prepared to present the following matters for consideration and discussion at the Pretrial Conference:

- a. Compliance with the deadlines and requirements in this Order;
- b. Witnesses expected to be called for trial and the availability and location of those witnesses along with the proposed schedule for the trial;
- c. Any special arrangements for the presentation of witnesses and other evidence;
- d. Any anticipated evidentiary issues at trial;
- e. Any stipulations that may obviate the need for foundation witnesses;
- f. Any stipulations that may obviate the need to prove facts that are uncontested;

- g. Any stipulations that may obviate the need for certain exhibits; and
- h. Any other matters that are important to the progress and resolution of the case.

13. Preparation for Pretrial Conference: The attorneys for all parties are directed to meet by agreement, initiated by counsel for the Plaintiff, no later than seven (7) days before the Pretrial Conference to:

- a. Produce, examine, *and initial* every evidentiary exhibit intended to be offered at trial; agree on those exhibits that can be admitted as joint exhibits, those exhibits that can be admitted without objection, and identify those exhibits to which objections will be made and the grounds for each objection. Any disputed exhibits shall be marked as such on an *attachment* to the proposed Pretrial Conference Order and the grounds for any objection shall be set forth by the objecting party. Objections not reserved, or grounds not noted, on the attachment containing the objections may be deemed waived at trial. Further, the Court may admit into evidence any exhibit not objected to on said list.
- b. Review the witness lists provided by each party and identify any witnesses that are being objected to. Any disputed witnesses shall be marked as such on an *attachment* to the proposed Pretrial Conference Order and the grounds for any objection shall be set forth by the objecting party. Objections not reserved or grounds not noted on the attachment containing the objections may be deemed waived at trial. Further, the Court may allow any witness not objected to on said list to testify.
- c. The parties shall prepare a proposed “schedule” for trial, which shall be *attached as an exhibit* to the proposed Pretrial Order. The proposed “schedule” shall allocate which witnesses and depositions the parties in good faith anticipate will be called at trial, the order in which the witnesses will be called, and the time allowed for direct examination and cross examination of the witnesses. This proposed “schedule” shall be used by the Court as a guide as to how much time to allocate for the trial of this matter.
- d. Stipulate as to any matter of fact and/or law about which there is no issue to avoid unnecessary proof.
- e. Agree upon and draft a concise but complete statement of the case to be read by the Court to the jury at the beginning of the case.
- f. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
- g. Discuss the possibility of settlement.
- h. Submit an itemized statement of special damages Plaintiff expects to prove, if any.

- i. Discuss and complete any other matters that may simplify the issues or aid in the speedy disposition of this action, the Pretrial Conference and at trial.

14. Joint Pretrial Conference Order: Following the meeting by the parties prior to the Pretrial Conference, Plaintiff's attorney (or Defendant's attorney if Plaintiff is unrepresented) shall prepare and present to the opposing party a *proposed* Joint Pretrial Conference Order. The proposed order shall be filed, and a copy shall be emailed directly to the Judge's judicial assistant (in Microsoft Word format) no later than **3 days** prior to the Pretrial Conference. In the event the parties are unable to agree on any matter in the *proposed* Joint Pretrial Conference Order, the differing views should be specifically set forth in the *proposed* order. The Court will resolve any disputed matters as it relates to the *proposed* order at the Pretrial Conference. An outline of a DRAFT *proposed* Joint Pretrial Conference Order is attached hereto for the parties' convenience.

15. Jury Instructions and Verdict Form: No later than **10 days** prior to the Pretrial Conference, each party shall submit to opposing counsel proposed jury instructions and verdict forms. The parties shall discuss the proposed instructions and verdict forms at the meeting of the parties prior to the Pretrial Conference and the parties shall attempt to agree to *one set* of proposed jury instructions and verdict forms for use at trial. After discussing the matter, the proposed jury instructions and verdict forms shall be filed and a copy shall be emailed to the Judge's judicial assistant (in Microsoft Word format) no later than **3 days** prior to the Pretrial conference. Each instruction shall be on a separate page; shall be in the order the parties desire it to be presented to the jury; shall contain citations of supporting authorities where applicable; and shall designate whether the instruction is being opposed and, if so, the opposing party shall provide a concise objection to the instruction. Any submitted verdict form must also be designated as "agreed to" or "disputed," and when "disputed," each party shall cite supporting authorities where applicable.

### **EXHIBITS**

16. Marking of Exhibits: All exhibits must be marked in advance of trial using consecutive numbers (for the Plaintiff) and letters (for the Defendant).

17. List of Exhibits: A list of proposed exhibits shall be submitted directly to chambers by each of the parties by the deadline established in the Court's Trial Order. Each party shall make available to the other party for inspection all exhibits which that party intends to introduce at trial.

18. Objections to Exhibits: This Order shall not affect the right of a party to object at the trial to the introduction of an exhibit other than on the basis of authentication and foundation.

19. Preparing Exhibits for Jury Deliberation: Counsel shall confer and review all exhibits prior to closing arguments. The originals of all exhibits admitted at trial should be ready to be turned over to the jury foreperson prior to closing jury instructions so that jury deliberations are not delayed.

20. Filing Exhibits: It is the responsibility of the parties to ensure that the record is complete. All trial exhibits, briefs, proposed jury instructions and proposed verdict forms are to be filed in the record within five (5) business days of the verdict.

21. Penalty: A party who does not abide by the provisions contained in this Order may be subject to sanctions, including, without limitation, the preclusion of the introduction of exhibits at trial by the offending party.

### **MISCELLANEOUS INSTRUCTIONS**

22. Jury Respect: All persons in the Courtroom shall rise upon entry/exit of the jury panel or jurors.

23. Objections: All attorneys shall rise when objecting, state “objection,” and the grounds for an objection. There will be no speaking objections allowed unless clarification of the objection is requested by the Court. If opposing counsel agrees with the objection, he should state that he will rephrase the question before doing so. If further argument regarding an objection is desired, an attorney shall request a bench conference. The Court will provide an opportunity for counsel to supplement the record as needed. All objections and related arguments shall be addressed to the Court and not to opposing counsel.

24. Demonstrative Aids: In this ever-changing technological world, the Court recognizes that counsel may wish to use demonstrative aids during their opening statement and closing argument. These demonstrative aids may include photographs, diagrams, visual aids, electronic media, PowerPoint presentations, etc. At least five (5) days prior to trial, counsel shall confer with opposing counsel and show opposing counsel the demonstrative aid. If opposing counsel has an objection, the aid shall not be displayed or played before a jury before the Court has ruled on the objection. In order to have a clear record, counsel using a demonstrative aid shall be prepared to have the aid marked as an exhibit and entered into the record, regardless of whether or not the aid will be introduced into evidence.

25. Deposition Designations: No later than twenty (20) days prior to the trial date in this matter, each party shall serve its designation of depositions, or portions of depositions, which it intends to offer as testimony in its case in chief. No later than ten (10) days prior to the trial date in this matter, the opposing party shall serve its counter (or “fairness”) designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally

designated. No later than the trial date, each party shall serve its objections to counter designations served by an opposing party.

26. Conduct of Attorneys: Attorneys shall, at all times, strictly adhere to the requirements imposed upon them by the Florida Rules of Professional Conduct. Although all Rules are important and should be followed conscientiously, the Court particularly wishes to remind attorneys of the provisions in Rules 4-3.3 and 4-3.6.

27. Conduct of Parties: Attorneys shall caution their clients and witnesses against doing anything that might convey to the jury any feelings about the merit or truthfulness of the testimony, other evidence, or arguments being offered before the jury. Said conduct includes, but is not limited to: making facial expressions; nodding the head; or making audible sounds. Naturally, attorneys shall be governed by the same restrictions.

28. Witnesses: It is imperative that counsel plan for their witnesses to fill the entire court day. It is counsel's responsibility to advise the witness of any applicable orders in limine. Witness examination is limited to direct, cross, redirect and re-cross. Counsel should ask the Court prior to proceeding beyond re-cross. Counsel should not show or ask the witness to show anything to the jury unless it has been marked and admitted as an exhibit. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the entire trial period or otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure.

29. Equipment: Counsel should expect that they will have to bring their own materials to fill their equipment needs. The parties should arrange with the Bailiff when and how to set up their equipment in the Courtroom. While the Court's Bailiff and Courtroom Clerk are exceedingly accommodating, the parties should not rely on or direct Court staff to set up or to work on trial equipment.

30. Continuances: The Court applies Florida Rule of General Practice and Administration 2.545(e) and Florida Rule of Civil Procedure 1.460 concerning continuances. Unless good cause is shown, all motions for continuance must be in writing, signed by the requesting party, contain a Certificate of Good Faith, and specify all efforts made to move the case and resolve discovery issues. Stipulations for continuance shall contain the same information as a motion for continuance and will be reviewed by the court on a case-by-case basis. Subject to the aforementioned, continuances requested within seven (7) days of trial will generally not be granted. Said policy includes requested continuances due to the unavailability of witnesses. Witnesses will be expected to be available when called.



31. Trial Schedule: Unless specifically noted otherwise by the Court, trial will be in session Monday-Friday, 8:30 A.M. (CT) through 12:00 P.M. (CT) and 1:30 P.M. (CT) 4:30 P.M. (CT). At least one fifteen-minute break will occur in the morning and afternoon sessions.

32. Pretrial hearings: All hearings prior to the Pretrial Conference are subject to being heard by a Senior Judge or general magistrate appointed by this Court to hear such matters.

33. Settlement: All counsel shall immediately notify this Court in the event of settlement or dismissal and shall submit a stipulation for an order of dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement by contacting the Court's Judicial Assistant by email. A copy of the mediation report is not sufficient to remove the case from the docket.

34. Technology Needs: No later than seven (7) days prior to the Pretrial Conference, attorneys for all parties must notify the Court Technology Officer via email or telephone at [hagang@jud14.flcourts.org](mailto:hagang@jud14.flcourts.org) or (850) 747-5410 as to any audio-visual equipment or other multi-media technology they intend to reserve for use at trial.

35. Sanctions: Failure to comply with the requirements of this Order shall subject counsel and parties to such sanctions as the Court shall determine just and proper under the circumstances, which sanctions may include, but are not limited to, contempt, dismissal, default, the striking of pleadings, claims or defenses, the exclusion of evidence or witnesses, the assessment of fees or costs, or such other sanctions as may be appropriate.

**DONE AND ORDERED** in Panama City, Bay County, Florida, on DDDD.

JJJJ

Copies to:  
CCCC

**"AMERICANS WITH DISABILITIES ACT"**

**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 by mail at Post Office Box 1089, Panama City, FL 32402 or by phone at (850) 767-3550 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, please call 711.**