

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

_____ ,

Plaintiff(s),

vs.

CASE NO: __-CA-__

_____ ,

Defendant(s).

_____ /

UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRETRIAL CONFERENCE

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

ORDERED AND ADJUDGED as follows:

TRIAL

1. The above entitled cause is hereby set for TRIAL during the week of _____, 20__, commencing at _____ A.M., 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 the first day of the week of the period and shall remain available for the entire week.

PRETRIAL CONFERENCE

2. 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 Rule 1.200, Florida Rules of Civil Procedure, 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. In order for the full purpose of the Pretrial Conference procedures to be accomplished, it is directed that each party (or corporate representative where appropriate) shall

attend the Pretrial Conference. Furthermore, all attorneys that will be participating in the trial *shall* attend the Pretrial Conference. Unless this Court is in *Phase I* or *Phase II* of its COVID protocols, telephonic appearance at the Pretrial Conference will not be allowed without good cause shown. The attorneys *shall* be prepared to present the following matters for consideration and discussion:

- a. Compliance with the deadlines set forth 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, inclusive of picking a jury, noting the approximate amount of time counsel anticipates will be needed for the examination of each witness;
- c. Any special arrangements for the presentation of witnesses and other evidence;
- d. A confirmation that proposed jury instructions and verdict forms are prepared;
- e. Any anticipated evidentiary issues at trial;
- f. Any stipulations that may obviate the need for foundation witnesses;
- g. Any stipulations that may obviate the need to prove facts that are uncontested;
- h. Any stipulations that may obviate the need for certain exhibits;
- i. Any last minute or emergency matters in preparation for jury selection; and
- j. Any other matters that are important to the progress and resolution of the case.

DEADLINES

3. Parties' responsibility to calendar and comply with deadlines: The Court intends that all cases that are due to be resolved via a jury trial will be brought to a final disposition within approximately 540 days after the complaint is filed. The Court intends that all cases that are to be resolved via a non-jury trial will be brought to a final disposition within approximately 365 days after the complaint is filed. Based on the foregoing, the parties are hereby bound by the following discovery and trial related deadlines.

EVENT

REQUIRED DEADLINE

Disclosure of Expert Witnesses:

Plaintiff: 150 days prior to trial date

Defendant: 130 days prior to trial date

Disclosure of Fact Witnesses:

All Parties: 125 days prior to trial date

Final Discovery Requests:

All Parties: 125 days prior to trial date

Depositions:

All Parties: 90 days prior to trial date

Mediation:	<u>All Parties:</u> 90 days prior to trial date
Hearing on All Discovery Matters:	<u>All Parties:</u> 90 days prior to trial date
Exhibit List:	<u>All Parties:</u> 45 days prior to trial date
Hearing on all Daubert/Expert Motions:	<u>All Parties:</u> 45 days prior to trial date
Hearing on Summary Judgment:	<u>All Parties:</u> 45 days prior to trial date
Hearing on Motions in Limine:	<u>All Parties:</u> 45 days prior to trial date
Hearing on Motions to Strike:	<u>All Parties:</u> 45 days prior to trial date
Pretrial Conference Order:	<u>All Parties:</u> 3 days prior to Pretrial Conference
Proposed Jury Instructions:	<u>All Parties:</u> 3 days prior to Pretrial Conference
Proposed Verdict Form:	<u>All Parties:</u> 3 days prior to Pretrial Conference
Pretrial Conference:	<u>All Parties:</u> Set forth above in paragraph 2

4. Pretrial Motions: It is the responsibility of the attorney who files any motion to ensure that it is timely scheduled on the Court's calendar and there is sufficient and adequate notice provided to opposing counsel and any other witnesses required for the hearing in the matter. Counsel should expect to anticipate a delay of at least 45 days between the request for a hearing lasting longer than 25 minutes and the actual hearing. Thus, counsel should request appropriate hearing time in advance of the aforementioned deadlines.

- a) Expert Witnesses. No later than 150 days prior to the trial date, Plaintiff(s) 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 on behalf of Plaintiff(s): (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. Plaintiff(s) shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of taking their deposition within one (1) day after disclosure of such witnesses. No later than 130 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 regarding each expert witness who will testify at trial on behalf of that defendant. Each Defendant shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of taking their deposition within one (1) day after disclosure of such witnesses. No later than thirty (30) days after the Plaintiff(s) is served with the defendant's expert witness disclosure, the Plaintiff(s) may serve on all other counsel and file with the Court a notice containing the same information regarding rebuttal expert witnesses, if any, who will testify at trial on behalf of the Plaintiff(s). At the

time of disclosure of each such rebuttal witness, Plaintiff(s) shall furnish opposing counsel with two (2) alternative dates of availability for the purpose of taking the witnesses' deposition. 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 until the time such disclosure is required by this order.

- b) Daubert/Issues. All Daubert related motions or objections, except those motions that may be directed at rebuttal testimony from Plaintiff's rebuttal experts, shall be filed and served at least 100 days prior to the trial date. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing Daubert related motions or objections shall be responsible to do that which is necessary so that hearings regarding Daubert related evidence shall be noticed and heard or agreed to by the parties no later than 45 days prior to the trial date. Any Daubert related motions or objections related to testimony from Plaintiff's rebuttal experts shall be filed and served no later than 80 days prior to the trial date. The Defendant challenging the testimony of any rebuttal expert witness for the Plaintiff is responsible to do that which is necessary so that a hearing on such motion must be noticed and heard or agreed to by the parties no later than 45 days prior to the trial date. Any Daubert 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 Daubert related motions or objections not filed or noticed for hearing within the time referenced in this paragraph are denied and such objections are overruled. The Court may summarily rule on any Daubert related motion not written with particularity as described above.
- c) Motions in Limine. All case specific Motions in Limine shall be filed, served, noticed, and heard or agreed to by the parties no later than 45 days prior to the trial date. 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 or not filed and/or scheduled in a timely manner.
- d) Rule 1.360 Examinations. Unless granted by specific order of the Court, all medical evaluations and other examinations pursuant to Rule 1.360 shall have been completed by the deadline for the requesting party to disclose their expert witness.

5. Preparation for Pretrial Conference: The attorneys for all parties are directed to meet by agreement, initiated by counsel for the Plaintiff, no later than five (5) days before the Pretrial Conference, to:

- a) Mark all exhibits for identification and prepare a chronological exhibit list for the use of Clerk and Court at trial (actual exhibits and documentation evidence shall be available for inspection at this time);
- b) Admit or not admit as evidence and list specific objections, if any;
- c) Stipulate as to any matter of fact and/or law about which there is no issue to avoid unnecessary proof;
- d) 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;
- e) Discuss the possibility of settlement;
- f) Submit an itemized statement of special damages plaintiff expects to prove if any;
- g) Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, the Pretrial Conference and trial; and
- h) Draft one Pretrial Conference Order, signed by all participating counsel, which shall be submitted directly to the Court at least three (3) days prior to the pre-trial conference. In the event the parties are unable to agree on any matter in the Pretrial Conference Order, they shall leave the matter blank, and it will be resolved at the Pretrial Conference. An outline of a DRAFT pretrial order is attached hereto for the parties' convenience; and
- i) Attempt to agree on jury instructions and verdict forms, should the matter be scheduled for a jury trial. No later than ten (10) days prior to the Pretrial Conference, each party shall submit to opposing counsel proposed written jury instructions and proposed verdict forms. At the meeting five (5) days before the Pretrial Conference the parties shall prepare a joint set of proposed jury instructions and verdict forms and submit the same to the Court at least three (3) days prior to the Pretrial Conference. Each proposed jury instruction shall be on a separate sheet of paper; shall be plainly marked with the name and number of the case; and shall be numbered in sequence. Each proposed jury instruction and verdict form shall reflect either that (a) the parties have agreed on the proposed jury instruction or verdict form, or (b) that the parties have not agreed on the proposed jury instruction or verdict form, and contain citations of supporting authorities, if any; and designate the party submitting the proposed instruction or verdict form. This paragraph shall not foreclose the right of each party to modify instructions up to and including the instruction conference at the close of evidence. Any party who intends to request that the Court provide a set of written jury instructions for the jury's consideration during deliberations shall be responsible for providing a clean copy of the full jury instructions to the Court.

EXHIBITS

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

7. **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 of all exhibits which that party will introduce at trial.

8. **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.

9. **Preparing Exhibits for Jury Deliberation:** Counsel shall confer and review all exhibits prior to closing arguments. 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.

10. **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.

11. **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

12. **Jury Respect:** All persons in the courtroom shall rise upon entry/exit of the jury panel or jurors.

13. **Objections:** All attorneys shall rise when objecting, state "objection," and the legal grounds for an objection. There will be no speaking objections allowed unless clarification to the objection is requested by the Court. If you agree with an opposing objection, state that you will rephrase 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.

14. **Demonstrative Aids:** In this ever-changing technological world, the Court recognizes that counsel may wish to use demonstrative aids during opening statement and/or closing argument. These demonstrative aids may include photographs, diagrams, visual aids,

electronic media, and 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 and/or played before a jury until 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.

15. Deposition Designations: No later than twenty (20) days prior to the trial date in this matter, each party shall serve his, her or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than ten (10) days prior to the trial date in this matter, each opposing party shall serve his, her or 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 his, her or its objections to counter designations served by an opposing party.

16. 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 of Rule 4-3.3 and 4-3.6.

17. Conduct of Parties: Attorneys shall caution their clients and witnesses against doing anything which might convey to the jury any feelings about the merit or truthfulness of 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.

18. Witnesses: It is imperative that counsel plan for your witnesses to fill the entire court day. It is counsel’s responsibility to advise your witness of any applicable orders in *limine*. Witness examination is limited to direct, cross, redirect and re-cross. Ask the Court before proceeding beyond re-cross. Counsel should not show, or ask your 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 to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure.

19. Equipment: Counsel should expect that they will have to bring their own materials to fill their equipment needs. Please arrange with the Bailiff when and how to set up equipment

in the Courtroom. While the Court's Bailiff and Courtroom Clerk are exceedingly accommodating, please do not rely on, or direct, Court staff to set up or to work your trial equipment.

20. Continuances: The Court applies Florida Rule of General Practice and Judicial 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 days of trial will generally not be granted. Said policy includes requested continuances due to unavailability of witnesses and witnesses will be expected to be available when called.

21. 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) through 4:30 P.M. (CT). At least one fifteen-minute break will occur in the morning and afternoon sessions.

22. 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.

23. 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.

24. Technology Needs: No later than seven (7) days prior to the Pretrial Conference, the attorneys for all parties must notify the Court's Technology Department via email at: hagang@jud14.flcourts.org, as to any audio-visual equipment or other multi-media technology they intend to reserve for use at trial.

SANCTIONS

25. 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.

ALL PARAGRAPHS OF THIS ORDER ARE SUBJECT TO MODIFICATION WITH
PRIOR MOTION MADE TO THE COURT AND FOR GOOD CAUSE SHOWN.

DONE AND ORDERED in chambers at Panama City, Bay County, Florida, DDDD

JJJ

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 COURT ADMINISTRATION, 14th JUDICIAL CIRCUIT, POST OFFICE BOX 1089, 300 EAST FOURTH STREET, PANAMA CITY, FLORIDA 32401, (850) 747-5327, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRETRIAL (JURY TRIAL). IF YOU ARE HEARING OR VOICE IMPAIRED, CALL 1-800-955-8771.