

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

CIVIL DIVISION

CASE NO.: CA

Plaintiff(s),

v.

Defendant(s).

**ORDER DIRECTING PROCEDURES ON MOTION TO TAX COSTS AND
AWARD ATTORNEY'S FEES**

WHEREAS, a Motion to Tax Costs and/or a Motion for Attorney Fees is pending before this Court and said Motion is due to be timely and efficiently resolved. Thus, counsel for the parties are hereby ordered to comply with the following procedures:

PHASE I: ENTITLEMENT

1. The parties, through counsel, shall initially either agree, or resolve to disagree, on any and all entitlement issues arising out of the pending Motion. Should the parties not be able to agree on entitlement to such fees or costs, the Court will hear argument and decide whether the movant's entitlement to fees or costs is due to be granted *before* scheduling a hearing to resolve any disputes as to the proper amount of any fees or costs.

2. Following the parties internally discussing entitlement to fees and costs, the parties shall either (1) submit a proposed stipulated order in such regard or (2) set the matter of entitlement for hearing.

PHASE II: APPROPRIATE AMOUNT OF COSTS AND FEES

Should the Court determine the movant is entitled to fees and costs, the Court shall issue an *Order of Entitlement*. Thereafter, the parties are directed to comply with the following procedures:

1. Within **fifteen (15) days** of issuing such Order of Entitlement, the moving party shall provide opposing counsel with a copy of all invoices, time records, cancelled checks, records evidencing services rendered, the name, address and C.V. of their expert witness, and any other supporting documentation (which may be the entire file other than the records kept in the Court file and any transcripts) for the fees and costs requested.

2. Within **fifteen (15) days** of receiving the movant's disclosures, the non-moving party shall respond in writing to each line item of cost and fees. The Response shall agree to each item in whole or in part or state the legal and factual basis for any objection to the whole or part in question, provide the name, address and C.V. of their expert, and cite any supporting legal authority. If there is an agreement as to the entitlement in part to a particular fee/cost item, but disagreement with the total amount requested, the non-moving party shall state the amount believed to be reasonable.

3. Within **fifteen (15) days** of receipt of the agreements, objections and disclosures, the moving party shall reply in writing to each objection, either agreeing with the objection or if not, citing any contrary legal authority.

4. The attorneys for all interested parties shall meet and review the disputed items, reduce any stipulations to writing, and provide the Court with an Agreed Order. Thereafter, the experts may be deposed. Each party shall disclose their experts' opinions in affidavit form **ten (10) days** prior to the expert's deposition.

5. Following the depositions of the experts the parties will be **required to attend mediation** with respect to the award of attorney's fees and costs. The parties will agree upon a mediator and a date for the mediation conference. In the event the parties cannot agree, the Court will select a mediator after each party presents the Court with two proposed mediators for consideration. Counsel for the moving party shall take the lead in coordinating the mediation and submit a proposed mediation order. The costs of the mediation shall be shared equally by the parties involved in the pending motion.

6. The Statewide Uniform Guidelines for Taxation of Costs in Civil Actions shall be used in an attempt to resolve disputes over taxation of costs.

PHASE III: SETTING OF HEARING

7. Upon **completion of the mediation and discovery requirements** set forth above, counsel for the moving party, after consulting with counsel for the non-moving party, shall provide to the Court, and file with the Clerk, in writing, a joint pre-hearing stipulation containing the following:

(a) A list of the items of costs or attorney's fees that remain in dispute.

(b) A list of all non-expert witnesses who will testify and the subject matter about which they will testify at the hearing.

(c) A list of each expert who will testify at the hearing and the specific opinions he/she will render if not already contained within the affidavit previously filed.

(d) Whether experts will testify by affidavit or live.

(e) The timeframe within which discovery on this matter will be completed and when each side will be ready for hearing on the issue of fees and costs.

(f) A good faith estimate of the total amount of time needed (in hours) for both sides to complete the hearing.

8. Upon the filing of the joint pre-hearing stipulation, the moving party shall contact the Court's judicial assistant in an effort to secure appropriate dates for any necessary hearing.

GOOD FAITH REQUIREMENT

Counsel and the parties are directed to exercise good faith in complying with these procedures. The Court may consider appropriate sanctions with regard to unreasonable requests for taxation of costs, and requests for attorney's fees, objections thereto, or failure to comply with these procedures.

DONE AND ORDERED in Bay County, Florida on this DDDD.

JJJ

Copies to:

All parties of record via electronic service