

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND
NASSAU COUNTY, FLORIDA

CASE NO:
DIVISION: A

_____,
Plaintiff,

vs.

_____,
Defendant/Counter-Claim Plaintiff.

_____ /

**ORDER SETTING CASE FOR NON-JURY CIVIL
TRIAL AND FOR PRETRIAL CONFERENCE¹**

After due notice or consent, and it appearing that this civil action is at issue and ready for trial, it is, therefore,

ORDERED:

1. **TRIAL DATE.** This cause is hereby set for a non-jury trial on _____, **starting at** _____ before the **Honorable Steven M. Fahlgren, Circuit Judge**, at the Robert M. Foster Justice Center, 76347 Veterans Way, Yulee, Florida 32097. Time allotted for trial is _____. The Court should be notified immediately if the case settles so that the time reserved may be utilized by other attorneys.

2. **PRETRIAL CONFERENCE:** Pretrial conference will be held before the **Honorable Steven M. Fahlgren, Circuit Judge**, in Chambers, at the Robert M. Foster Justice Center, 76347 Veterans Way, Yulee, Florida 32097 on _____, **at** _____, in accordance with the provisions of Rule 1.200, Florida Rules of Civil Procedure. Time allocated for conference is _____ **MINUTES**. The Pre-Trial Conference shall be attended by an attorney who will participate in the trial of the case. **A written Joint Pretrial Statement/Pretrial Stipulation, signed by the parties or their attorneys shall be submitted to the Court at the Pretrial Conference setting forth any controlling matters of fact or law to which the parties can agree and identifying the issues remaining to be tried.** If there is a pending motion to withdraw at the time of the Pretrial Conference, then both the attorney seeking to withdraw and his or her client(s) shall attend the Pretrial Conference. Counsel seeking to withdraw shall provide a separate notice of some form to his or her client(s) of this requirement.

3. **REQUIREMENTS PRIOR TO PRETRIAL CONFERENCE; PRETRIAL MEETING²:** No later than seven (7) days prior to the Pretrial Conference, attorneys for each party shall meet to discuss the possibility of settlement; stipulate to as many facts and issues as possible; examine all exhibits and documents that may be used at trial; furnish opposing counsel the names and addresses of all witnesses who may testify at trial; review all video depositions or

¹ Updated April 23, 2019.

² The parties may stipulate in writing to disregard all or part of the following paragraphs of this order: 3, 5, 6, 7, 8, 9, and/or 10.

exhibits to be used at trial; and complete all other matters that may expedite both the Pretrial Conference and the Trial of this case. It is the responsibility of counsel for Plaintiff or Plaintiff, if pro se, to schedule this meeting.

4. **REQUIREMENTS OF PRETRIAL STIPULATION:** Counsel shall prepare a Pretrial Stipulation which shall be delivered to the judge's chambers at least one day prior to the Pretrial Conference and shall contain the following: (a) a concise factual statement of the nature of the action, which shall include the date and place of accrual, identity of the parties as they relate to the action, and a brief general statement of each party's case or contention. The statement shall be in such form and contain such necessary information for the Court to read to and apprise the jury of the claims to be tried, including any Counterclaims, Cross-Claims, or Third-Party Claims; (b) a concise statement of those facts that are admitted and will require no proof at trial; (c) a concise statement of those issues of fact that remain to be litigated; (d) any proposed amendments to the pleadings; ³(e) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of each from whom testimony may be presented at trial; ⁴(f) a statement reflecting objections to specific portions of video depositions, testimony, or video exhibits that may be offered in evidence at trial; (g) lists of exhibits as required by paragraph five; and (h) a list of any undisposed matters to be heard at the Pretrial Conference.

5. **TRIAL EXHIBITS:** Prior to the presentation of evidence, counsel for each party shall deliver to the Clerk of the Court an Exhibit List that contains an itemized list of all exhibits to be introduced. All exhibits shall be pre-marked with exhibit stickers for identification. The parties shall use letters for identification of each exhibit they intend to offer at trial and the letter identification shall correlate with the exhibit list given to the Clerk of the Court.

6. **EXPERT WITNESSES.** No later than **ONE HUNDRED TWENTY (120)** days prior to the Pre-Trial Conference, 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 **NINETY (90)** days prior to the Pre-Trial Conference, 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 witness' deposition. Any expert witness not included on the Notice

³ The parties may opt out of this provision by a signed stipulation.

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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.

7. **DISCOVERY:** All discovery shall be completed prior to the Pretrial Conference unless extended by written agreement of the parties or by Order of the Court.

8. **FRYE ISSUES.** All *Frye* 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 forty-five (45) days prior to the Pretrial Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing *Frye* related motions or objections shall be responsible to do that which is necessary so that hearings regarding *Frye* related evidence shall be noticed and heard or agreed to by the parties no later than fifteen (15) days prior to the Pretrial Conference. Any *Frye* related motions or objections related to testimony from Plaintiff's rebuttal experts shall be filed and served no later than thirty (30) days prior to the Pretrial Conference. 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 the Pretrial conference. Any *Frye* 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 *Frye* 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 *Frye* related motion not written with particularity as described above.

9. **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 fifteen (15) days prior to the Pretrial Conference. 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.

10. **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.

11. **ATTORNEY REPRESENTATION.** The Pre-Trial meeting and the Pre-Trial 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.

12. **MEDIATION:** Mediation shall be held prior to the Pretrial Conference. It is mandatory that mediation be attended in person by the parties, their counsel who will try the case, and, when applicable, an insurance company representative with full and absolute authority to settle the case without further consultation up to the amount of the Plaintiff's last demand or

policy limits, whichever is less. A party, trial attorney, or insurance company representative may be excused from attending the mediation conference by the Court only for good cause.

_____ This matter is being referred to mediation. _____
is appointed mediator in accordance with Rules 1.700 – 1.730 of the Florida Rules of Civil Procedure, Chapter 44 of the Florida Statutes, and Administrative Order No. 2013-13. It is the responsibility of the attorneys to schedule the mediation conference with the mediator.

_____ The parties have already attended mediation. **However, the Court encourages the parties to attend mediation again if there is any reasonable chance of progress.**

_____ This section is not applicable. Mediation is not required.

13. **ADMONITIONS:** Failure to comply with the requirements of this Order will subject the party or attorney to appropriate sanctions. Relief from provisions of this order may be granted for good cause shown.

14. **SETTLEMENT: IF THE CASE SHOULD SETTLE, COUNSEL FOR THE PLAINTIFF(S) SHALL CONTACT THE JUDGE’S OFFICE BY EMAIL TO ASTRICKLAND@NASSAUCLERK.COM TO REMOVE THE TRIAL AND PRETRIAL CONFERENCE FROM THE JUDGE’S CALENDAR. A COPY OF THE MEDIATION REPORT IS NOT SUFFICIENT TO REMOVE THE CASE FROM THE DOCKET.**

DONE AND ORDERED in Chambers in Yulee, Nassau County, Florida, this ____ day of _____, 20__.

STEVEN M. FAHLGREN
CIRCUIT JUDGE

Copies furnished to:

Attorney for Plaintiff
Attorney for Respondent
Mediator

“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 at (904) 548-4600 (then press 0) at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.”