

The stipulations are accepted by the Court and shall not be subject to further litigation without an order of Court on good cause shown. The parties are bound by these stipulations.

MEDIATION

____ 3. () Mediation has been completed, and resulted in an impasse.

() The parties shall attend and complete mediation within _____ days of this order through Private Mediation Circuit 19 Mediation Program.

The cost of mediation shall be split by the parties.

DISCLOSURE OF WITNESSES

_____4. The names and addresses of all potential **expert** witnesses, along with the nature of their expertise, and a brief statement of the opinion testimony that may be offered, must be **disclosed** by the Petitioner to all opposing parties within _____ days from the date of this Order and must be disclosed by the Respondent to all opposing parties within _____ days thereafter. () Expert witnesses, or () only mental health experts, must create **reports** no later than _____ days from the date of this order, a copy must also be provided within the same time frames to the opposing party. Exchange of like-kind expert reports shall be made at the same time. All expert witnesses must be made available for depositions prior to the discovery cutoff date or they will not be permitted to testify, absent good cause shown.

The names and addresses of all potential **fact** witnesses, and a summary of the nature of their testimony, must be disclosed by each party to each other party within _____ days from the date of this Order.

DISCOVERY

____ 5. All discovery must be completed within _____ days from this Order, absent agreement for later discovery specifically stated in the joint pre-trial statement, or by order of the Court for good cause shown.

PRE-TRIAL MEETING

____ 6. Counsel for all parties and pro se parties must communicate directly within the next _____ days to:

- a. Discuss settlement.
- b. Stipulate to as many facts and issues as possible.
- c. Prepare a pre-trial statement in accordance with Paragraph 7.
- d. Examine all exhibits and documents which may be offered into evidence.
- e. Counsel must make available to opposing counsel and pro se parties, those portions of depositions they intend to introduce at trial in lieu of live testimony, and opposing counsel and pro se

parties must note in the joint pre-trial statement all objections which require resolution by the Court.

PRE-TRIAL STATEMENT

_____ 7. It is the duty of counsel for the Petitioner to see that the pre-trial statement is executed by counsel for all parties, and filed with the Clerk _____ days from the date of this order. Counsel for all parties must cooperate in good faith to accomplish this requirement. The pre-trial statement must contain the following in separate paragraphs:

- a. A concise statement describing the facts of the case in an impartial, easily understandable manner, including:
 - the name, address, age and level of education of each party;
 - the date and place of marriage, and date of separation;
 - the names, dates of birth, ages, and of each minor child.
- b. A statement of agreements and stipulated facts which require no proof at trial.
- c. A statement of all issues of law and fact for determination at trial.
- d. A specification of the relief claimed by each party, including:
 1. alimony, specifying types and amounts;
 2. child support (child support guidelines score sheets should be attached);
 3. fees and costs;
 4. equitable distribution and approximate **date of valuation**, including:
 - i. an itemization of all marital and non-marital assets, its **value**, any liens on the item, and which party is claiming entitlement to the asset;
 - ii. an itemization of all marital and non-marital liabilities, the remaining **amount due** for each, and which party should be responsible for each;
 - iii. how an asset is titled and in whose name(s) a debt is held.
- e. A statement of estimated trial time.
- f. Any other agreements.
- g. An identification of unusual issues, either evidentiary or procedural.
- h. A list of the witnesses, **including impeachment and rebuttal witnesses**, who may be called at trial with their addresses, and a brief statement outlining the nature of each witness' testimony. Expert witnesses must be designated as such with a brief statement outlining the nature of the expertise and the opinion testimony to be offered. **Witnesses not listed cannot be called at trial.** Expert witnesses are limited to no more than two in any one expert field. The Court may make other rulings or limitations on witnesses, including experts, as the nature of the case and justice requires.
 - i. A list of all exhibits which may be introduced at trial, itemized as indicated below. All exhibits must be marked and filed with the Clerk prior to trial as follows:

1. a list of all exhibits of the Petitioner
2. a list of all exhibits of the Respondent

Exhibits not listed will not be admitted at trial. Each party must prepare in advance of trial and furnish to the courtroom clerk at the time of commencement of trial, a typed list of all of his or her exhibits.

ONLY in cases in which there is one or more pro se parties: If for any reason a joint pre-trial statement is not timely executed by all counsel and pro se parties, each counsel and each pro se party must file and serve separate pre-trial statements with a statement of why the joint statement was not executed. Each party will have ten (10) days from receipt of the other party's unilateral trial statement to make specific objections to each exhibit, including the basis of the objection. **Failure to object within that time will constitute a waiver to the admissibility of those exhibits.**

WITNESSES AND EXHIBITS

At trial, the parties will be strictly limited to those exhibits and witnesses listed, and objections specified, in the pre-trial statement, unless they obtain relief from this limitation by court order for good cause shown. Failure to specify objections in the pre-trial statement constitutes a waiver of objections not specified in it. A party desiring to use an exhibit or witness discovered after execution of the pre-trial statement must immediately provide all other parties with a description of the exhibit or with the witness' name and address and the expected subject matter of his or her testimony, together with the reason for the late discovery of the exhibit or witness. The proponent of the new exhibit must make it available for inspection by opposing counsel in a timely manner. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.

UNIQUE QUESTIONS OF LAW

_____ 10. One week before trial, counsel for the parties must provide the Court with a memorandum of law, addressing any unique legal issues which may reasonably be anticipated to arise during the trial. Copies of legal authority are appreciated, but not required. In this case, the attorneys have already advised the Court that _____

_____ is a significant issue in this case. Therefore, counsel shall submit a memorandum on this issue.

SETTING THE CASE FOR A TRIAL DATE

After completion of the joint pretrial statement, either party may write a letter to the court with a copy to the opposing party advising the court that the parties have filed their joint trial statement, and attach a copy of the filed joint pre-trial statement to the letter. The letter should advise the court that both sides are requesting a trial date and

that settlement attempts have truly been exhausted. The Court will then review the pre-trial statement of the parties, to be sure that it complies with the requirements outlined above (especially the list of assets requirement for divorce cases). If the Court is satisfied that the pre-trial statement is complete, and it otherwise appears that the parties are in compliance with this Order, the Court will then set a pre-trial conference for the purpose of setting the case for trial on a date certain.

COMPLIANCE REQUIRED

Relief from a provision in the order, or need a modification of it, may be requested at a Uniform Motion Calendar hearing.

Any failure on the part of any party to act in good faith or failure to comply with this pre-trial order should be reported to the Court by the filing of a "Suggestion of Non-compliance with Case Management Order", and must be set in a timely manner for a hearing by the reporting party. Uniform Motion Calendar hearings may be used. A copy of the Suggestion of Non-compliance must be served on all counsel/pro se parties and a copy must be sent to the Court.

SANCTIONS

Failure to comply with the other terms of this Order will also result in sanctions being imposed, including, but not limited to attorney's fees, costs, striking of pleadings, default or dismissal. This Order will be strictly enforced as a means to maintain judicial efficiency in the face of an ever-rising number of family law cases filed in this circuit.

CASE DISPOSITIONS

If at any time after the entry of this order, this case is dismissed, or results in a completed settlement, **counsel must immediately notify this Court's Judicial Assistant to remove the case from the trial docket.** Due to the volume of cases pending, counsel should not assume that the submission of a copy of the dismissal or the settlement paperwork would satisfy this requirement. Counsel must make the notification by telephone or brief letter. Counsel must expeditiously file all paperwork necessary to close the case.

DONE AND ORDERED at Stuart, Martin County, Florida, on the _____,
day of _____, 2010 .

ROBERT MAKEMSON
JUDGE OF THE CIRCUIT COURT

Copies mailed to:

SEE ATTACHED SERVICE LIST

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, STATE OF FLORIDA

CASE NO.

Petitioner

and

Respondent

_____ /

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 Corrie Johnson, 250 NW Country Club Drive, Suite 217, Port St Lucie, FL 34986 (772) 807-4370 within 2 working days of your receipt of this Order; if you are hearing or voice impaired, call 711

Si una de las partes necesita un interprete para poder participar de la mediación o audiencia, es responsabilidad de tal parte, de traer a la mediación un adulto neutral que hable fluidamente ambos idiomas, Inglés y Español y que tambien tenga la habilidad de traducir en ambos idiomas.

Si gen yon moun ki beswen yon intepret, pou li kapab patisipe nan mediyasyon(negosyasyon). se responsabilite pa li, pou li vini avek yon gran-moun ki kapab pale angle ak kreyol, e ki kon ecri tou le de lang yo.