

IN THE CIRCUIT COURT OF THE NINETEETH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

Click here to enter text.,

Plaintiff(s),

vs.

Click here to enter text.,

Defendant(s).

Case No(s): 56 Click here to enter
text. CA Click here to enter text.

CLICK HERE TO
ENTER TEXT.

**ORDER DIRECTING PRE-TRIAL PROCEDURE
AND SETTING DOCKET CALL FOR NON-JURY TRIAL**

DOCKET CALL DATE: MARCH 11, 2010
DOCKET CALL TIME: 10:00 A.M.
PLACE: ST. LUCIE COUNTY COURTHOUSE
COURTROOM B
218 South 2nd Street
FORT PIERCE, FLORIDA 34950

IT IS HEREBY ORDERED THAT:

This case is set for docket call at the time, date and location listed above. This case will be scheduled for trial docket beginning in **April 2010**, and ending in **June, 2010**. Multiple cases will be set for each week of the trial period, and the order in which the cases will be called up for trial will be determined at the docket call. After the docket call, the list of cases for each trial week will be prepared and posted to the website page for the undersigned judge (www. Circuit19.org; go to the Circuit Judge's tab; then go to Judge Vaughn's tab for "Calendars, Dockets;" the go to the weekly trial schedule). As time permits, Judge Vaughn's judicial assistant will try to update the webpage as information of settlement or continuation is available. COUNSEL FOR THE PARTIES ARE RESPONSIBLE

FOR MONITORING WHETHER THE CASES SET AHEAD OF THIS CASE ARE SETTLED OR CONTINUED. DO NOT CALL THE JUDGE'S OFFICE TO DETERMINE THE STATUS OF THIS CASE OR PRIORITY OF THIS CASE FOR THE TRIAL WEEK. UNLESS THE CASE IS SETTLED OR CONTINUED PRIOR TO THE DATE SET FOR TRIAL, COUNSEL MUST APPEAR FOR TRIAL. IT IS UNACCEPTABLE TO ANNOUNCE TO THE COURT THAT COUNSEL IS NOT READY TO PROCEED TO TRIAL BECAUSE COUNSEL THOUGHT ANOTHER CASE WOULD PROCEED INSTEAD. If your case is called up for trial and you do not appear or are not ready for trial, the case will be dismissed if you represent the plaintiff or a default entered if you represent the defense. If the case is not reached on the week it is set for trial because other cases have a higher priority and there is not enough time to try the case, the case will be set for the next monthly docket call.

All counsel must comply with the requirements of this pre-trial order, however counsel for the Plaintiff must initiate the procedure for compliance. *(NOTE: In this order, plaintiff also means petitioner. Plaintiff and Defendant also mean the plural. The terms "attorney", "counsel", and the terms of this order apply equally to pro se litigants. This order applies equally to cross-claimants, cross-defendants, third-party plaintiffs, and third-party defendants, where applicable.)*

I. PRESENCE OF COUNSEL

The docket call should be attended by the trial counsel for each party or counsel who has full knowledge of the case and the authority to make decisions regarding the issues to be addressed at the docket call. If the lead counsel asks another attorney to cover the docket call, the lead counsel shall fully inform the counsel covering of the availability of lead counsel to try the case, and lead counsel is bound by whatever statements are made by covering counsel at docket call. Pro se parties must attend the docket call as well. If Plaintiff, if pro se, or Plaintiff's counsel fails to appear for docket call, the complaint may be dismissed by the court. If Defendant, if pro se, or Defendant's counsel fails to appear for docket call, the court may enter a default against Defendant.

II. MEDIATION

Counsel must confer and select a mediator and the date, time and place for mediation. Mediation must be fully conducted no later than ten (10) days prior to docket call. Plaintiff's counsel must coordinate the mediation conference and must submit an order setting mediation to the court, along with the necessary copies and stamped envelopes, including an envelope for the mediator. The following rules for mediation apply, and must be specifically listed in the mediation order:

- a. The personal appearance of counsel who will try the case and their clients (a management representative if a corporate party) with full authority to enter into a full and complete compromise and settlement is mandatory. An insured party must have a fully authorized representative, not just the attorney for the insurance company, attend the mediation conference. The insurance representative must have written authority to settle the case up to the policy limits, and must present the authority to the mediator at the beginning of the mediation session.
- b. The Court will impose sanctions for all parties that do not personally attend the conference. The participants must be prepared to spend as much time as is necessary to settle the case or until an impasse is declared by the mediator.
- c. The parties may present a brief written summary of the facts and issues to the mediator five (5) days before the conference.
- d. All discussions, representations and statements made at the mediation conference are privileged as settlement negotiations.
- e. Unless agreed otherwise by the parties, the mediator must be compensated equally by the parties.

III. DISCLOSURE OF WITNESSES

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 will or may be offered, must be disclosed by the Plaintiff to all opposing parties no less than forty-five (45) days prior to docket call, and must be disclosed by the Defendant to all opposing parties no less than thirty (30) days prior to docket call. If a report has been created by the expert, a copy (if written) or a written summary (if oral) must also be provided within the same time frames. If written or oral

reports are created at a later point in time, they must be provided to all opposing parties immediately. 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, no less than thirty (30) days prior to docket call. All 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.

IV. ATTORNEYS TO CONFER AT PRE-TRIAL MEETING

Counsel for all parties must meet no later than seven (7) days prior to the docket call to:

- a. Discuss settlement.
- b. Stipulate to as many facts and issues as possible.
- c. Prepare a pre-trial statement in accordance with Paragraph (V).
- d. Examine the final versions of all exhibits and documents which may be offered into evidence. It is not acceptable to view photocopies, descriptions or summaries of what the exhibit will be. Objections at trial that an exhibit is not what the proponent said it would be will not be sustained if opposing counsel did not observe the actual exhibit at the pre-trial meeting required by this paragraph.
- e. Counsel must make available at the pre-trial meeting to opposing counsel those portions of depositions they intend to introduce at trial in lieu of live testimony, and opposing counsel must note in the pre-trial statement all objections which require resolution by the court.

V. PRE-TRIAL STATEMENT

It is the duty of counsel for the Plaintiff to see that the pre-trial statement is executed by counsel for all parties, and filed with the Clerk no later than docket call. **COUNSEL FOR THE PLAINTIFF SHALL BRING A COPY OF THE PRE-TRIAL STIPULATION TO DOCKET CALL FOR THE COURT TO REVIEW.** 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.
- 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 damages and/or relief claimed.
- e. A statement of estimated trial time.
- f. Any other agreements.
- g. An identification of unusual issues, either evidentiary or procedural, that are expected to arise during trial.
- h. A list of the 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 may not be called at trial. Before and after witnesses are limited to no more than two for each party. 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. Counsel must note a waiver of objection for those exhibits where there is no good faith basis to object to the exhibit. All exhibits must be **marked and filed with the Clerk no later than 2 days prior to trial** as follows:
 - 1. A list of all exhibits to be admitted in evidence by the Plaintiff without objection by the Defendant;
 - 2. A list of all exhibits to be admitted in evidence by the Defendant without objection by the Plaintiff;
 - 3. A list of all other exhibits of the Plaintiff, that are objected to by the Defendant, noting the specific evidentiary objections and the reasons therefore on the pre-trial statement;
 - 4. A list of all other exhibits of the Defendant, that are objected to by the Plaintiff, noting the specific evidentiary objections and the reasons therefore on the pre-trial statement.

Parties may not "reserve" objections in the pre-trial statement. 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 containing a brief description of each.

VI. UNIQUE QUESTIONS OF LAW

No later than the first day of trial, counsel for the parties must provide the Court with a memorandum of law and copies of legal authority, addressing any unique legal issues which may reasonably be anticipated to arise during the trial.

VII. 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.

VIII. DISCOVERY

All discovery must be completed five (5) days prior to the docket call, absent agreement for later discovery specifically stated in the pre-trial statement, or by order of the Court for good cause shown. **ANY PREVIOUSLY ISSUED ORDERS BY THIS COURT REGARDING DISCOVERY THAT CONFLICTS WITH THIS PRE-TRIAL ORDER SHALL SUPERCEDE THIS ORDER.**

IX. COURT REPORTER

All trials must be reported. Counsel for the Plaintiff is responsible for having a court reporter present. Failure to do so may be grounds for cancellation of the trial, and may be considered as grounds for sanctions.

X. COMPLIANCE REQUIRED

All counsel are required to comply with this pre-trial order. Any failure on the part of any counsel to act in good faith, or failure to comply with this pre-trial order must immediately be reported to the Court by the filing of a "Suggestion of Non-compliance With Pre-trial Order," and must be set in a timely manner for a

hearing by the reporting party. A copy of the Suggestion of Non-compliance must be served on all counsel and a copy must be sent to the Court. The Suggestion of Non-compliance must specify the attorney alleged to be in non-compliance and state how the attorney has not complied with the pre-trial order.

XI. SANCTIONS

Failure to appear at docket call may result in the dismissal of the plaintiff's case if the plaintiff fails to appear, or the entry of a default against the defendant if the defendant fails to appear. Failure to comply with this Order may also result in other sanctions being imposed, including, but not limited to attorney's fees, costs and striking of pleadings. Should a default be entered, trial will be held on any remaining issue of damages.

XII. 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 docket call docket or 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.

XII. FACSIMILE TRANSMISSIONS

Pleadings or motions submitted to the Court may NOT be transmitted by facsimile, without prior consent of the Court's Judicial Assistant.

XIII. TRIALS NOT REACHED ON THE FIRST TRIAL DOCKET

Any case not reached during the docket specified in this order will be placed at the top of a trial docket for another week until the case is resolved. There will not be any further docket calls. The procedures, requirements and time limits imposed by this Order are not to be deemed modified, affected, extended or changed in any manner unless by court order for good cause shown. The fact that a case is not reached on a particular trial docket does not act to extend, or reopen, the time for discovery.

If an attorney or party requires an order extending the life of their trial subpoenas, they may submit one as needed.

ANY MOTION TO CONTINUE MUST COMPLY WITH FLORIDA RULE OF CIVIL PROCEDURE 1.460, INCLUDING REQUIREMENT OF SIGNATURE BY THE PARTY REQUESTING CONTINUANCE.

DONE AND ORDERED at Fort Pierce, Florida, on December _____, 2010.

DAN L. VAUGHN, Circuit Judge

SERVICE LIST

[Click here to enter text.](#)

PLEASE NOTIFY THIS OFFICE IMMEDIATELY IF THE SERVICE LIST IS INACCURATE OR INCOMPLETE.

NOTICE TO PERSONS WITH DISABILITIES

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 [describe notice]; if you are hearing or voice impaired, call 711.