

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER, MARTIN, OKEECHOBEE, AND ST. LUCIE COUNTIES
STATE OF FLORIDA

ADMINISTRATIVE ORDER 2021-05

RE: CIVIL CASE MANAGEMENT AND RESOLUTION

WHEREAS the Florida Supreme Court, in AOSC20-23, Amendment 12, has directed chief judges to maximize the resolution of cases; and

WHEREAS the chief judge must issue an administrative order applicable to each county within the Nineteenth Judicial Circuit that takes effect on April 30, 2021; and

WHEREAS the administrative order must require the presiding judge for each civil case to actively manage civil cases as specified by the Florida Supreme Court in AOSC20-23, Amendment 12;

THEREFORE, pursuant to the direction of the Florida Supreme Court and the authority of the chief judge under section 43.26, Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215, it is hereby

ORDERED as follows:

I. Direction to Maximize the Resolution of Cases

- A. In accord with Section III.G. of AOSC20-23, Amendment 12, all judges of the Nineteenth Judicial Circuit are hereby directed to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.
- B. Additionally, all attorneys practicing within the Nineteenth Judicial Circuit are directed to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that

the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

II. Applicability

For purposes of the Administrative Order and in accord with AOSC20-23, Amendment 12, "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies.

III. Review and Determination of Case: Complex, Streamlined, or General

The presiding judge shall actively manage all civil cases and cause the cases to be identified and designated as complex, streamlined or general.

- A. Complex cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.
- B. Unless otherwise determined by the presiding judge, streamlined civil cases are uncontested cases, cases not entitled to jury trial, or cases where a jury trial is not demanded. However, all civil cases within the County Court jurisdiction shall be designated as streamlined cases unless otherwise determined by the presiding judge.
- C. General cases are all other civil cases.

IV. The Case Management Order in Streamlined and General Cases

- A. For each streamlined or general civil case, the Circuit and County Courts shall utilize a case management plan and order which shall include, at a minimum:
 - 1. Deadlines for service of complaints, service under extensions, and adding new parties;
 - 2. Deadlines to complete fact and expert discovery;
 - 3. Deadlines for all objections to pleadings and pretrial motions to be resolved;

4. Deadline for mediation to have occurred;
5. Projected date of trial;
6. Indicate that deadlines will be strictly enforced by the court; and
7. Indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440, Setting Action for Trial.

For cases filed before April 30, 2021, the case management order must include the projected trial date and the deadlines listed above if the event has not already occurred or has not already been specified by a separate court order.

B. Issuance of Case Management Order

1. The party initiating the civil action shall serve a case management plan and order¹ with the summons and complaint. Template case management plans and orders for service on defendants and other forms shall be made available on the Clerks of Court websites and the webpages of individual judges. The case management plan and order must be submitted to the judge by the plaintiff for final approval no later than thirty days after the last defendant is served with the complaint.
2. If the case is subject to dismissal for 1) lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e) or 2) failure to appear at a case management conference pursuant to Florida Rule of Civil Procedure 1.200(a)&(c), then a case management order must be issued within 30 days after the Court determining that the case should remain pending.
3. If the case is subject to a statutory stay or a moratorium that prevents prosecution of the case, then a case management order shall be issued:
 - a. Cases filed on or after April 30, 2021: Within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants (whichever date is later); or

¹ A sample case management plan is attached to this Administrative Order as Attachment A. Each judge may adopt it or use it to create their own individualized order.

- b. Cases filed before April 30, 2021: By December 3, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants (whichever date is later).
4. If the case is not subject to a statutory stay or a moratorium, then a case management order shall be issued:
- a. Cases filed on or after April 30, 2021: Within 30 days after service of complaint on the last of all named defendants; or
 - b. Cases filed before April 30, 2021: By December 3, 2021.

C. Maximum Deadline Periods for Streamlined Cases

Unless otherwise ordered upon good cause having been shown, the following deadline periods apply to streamlined cases:

1. Deadlines for service of complaints, service under extensions, and adding new parties: Service within 120 days of filing of the complaint unless an extension is granted, which extension shall not exceed 240 days from the date of filing of the complaint;
2. Deadlines to complete fact and expert discovery: Within 270 days after the complaint is filed;
3. Deadlines for all objections to pleadings and pretrial motions to be resolved: Within 45 days after filing and prior to the pretrial conference;
4. Deadline for mediation to have occurred: Within 270 days after the complaint is filed; and
5. Projected date of trial: Within 12 months of filing of complaint.

D. Maximum Deadline Periods for General Cases

Unless otherwise ordered upon good cause having been shown, the following deadline periods apply to general cases:

1. Deadlines for service of complaints, service under extensions, and adding new parties: Service within 120 days of filing of the complaint unless an


extension is granted, which extension shall not exceed 240 days from the date of filing of the complaint;

2. Deadlines to complete fact and expert discovery: Within 450 days after the complaint is filed;
3. Deadlines for all objections to pleadings and pretrial motions to be resolved: Within 45 days after filing and prior to the pretrial conference;
4. Deadline for mediation to have occurred: Within 450 days after the complaint is filed; and
6. Projected date of trial: Within 18 months of filing of the complaint.

V. Effective Date

This Administrative Order shall be effective April 30, 2021.

DONE AND ORDERED this 23th day of April 2021 at Stuart in Martin County, Florida.



LAWRENCE MIRMAN
CHIEF JUDGE

IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

Plaintiff,

vs.

CASE NO:

Defendant.

CIVIL CASE MANAGEMENT PLAN AND ORDER

Pursuant to Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) and Florida Rules of Civil Procedure 1.440, the Court submits the following Case Management Plan and Order.

<u>EVENT</u>	<u>DEADLINE</u>	<u>DATE</u>
Service of Complaint	120 days of filing the Complaint	
CMC	6 months after filing of Complaint	
Trial Date	Scheduled no later than (10) months after filing Complaint (A firm trial date shall be ordered at the Case Management Conference)	
Exchange of Witnesses and Exhibits	30 days prior to trial date	
Motions	10 days prior to trial date	
Pretrial Statements	5 days prior to trial date	

The schedule of deadlines herein will be strictly adhered to unless change is otherwise approved by the Court. The Court will consider a request to approve changes to these deadlines upon a showing of good cause. Procrastination in completing discovery or the unavailability of counsel will not constitute good cause. **The failure to abide by these deadlines may result in sanctions by the Court, including the award of attorney's fees, the striking of pleadings and/or a dismissal of the action.**

DONE AND ORDERED in Indian River County, Florida this ___ day of _____, ____.

, County Judge

cc: Plaintiff
Defendant *via Summons*