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 2025–01
(Supersedes Administrative Order 2021-05)

IN RE: CIVIL CASE MANAGEMENT AND RESOLUTION

WHEREAS, the Florida Supreme Court issued *In Re: Amendments to Florida Rules of Civil Procedure* No. SC2023-0962, to "create a framework for the active case management of civil cases with a focus on adhering to deadlines established early based on the complexity of the case, while providing for room for customization by judicial circuit[s] give[n] the varying levels of volume, resources, and available automation."

WHEREAS, rule 2.250, Florida Rules of General Practice and Judicial Administration, establishes reasonable time standards for the completion of cases in the trial courts.

WHEREAS, the procedures provided herein will improve the Court's ability as required by rule 2.545, Florida Rules of General Practice and Judicial Administration, to provide effective, early, and continuous control of case processing to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case.

WHEREAS, pursuant to SC2023-0962, "[u]nder rewritten rule 1.200, [Florida Rules of Civil Procedure,] the chief judge of each circuit is required to enter an administrative order addressing certain case management requirements."

WHEREAS, in accordance with the authority vested in me as Chief Judge of the Nineteenth Judicial Circuit of Florida under Article V, Section 2(d) of the Florida Constitution, Section 43.25 of the Florida Statutes, and Florida Rule of General Practice and Judicial Administration 2.215(b), it is hereby

ORDERED as follows**:**

1. The case management procedures set forth in this Order must be followed in all civil actions unless the action falls within an exception set forth in Rule 1.200, Florida Rules of Civil Procedure.

2. No later than 120 days after an action commences as provided in Rule 1.050, Florida Rules of Civil Procedure, each civil case must be assigned to one of 3 case management tracks: streamlined, general, or complex. These categories are based on complexity and the amount of judicial attention that the case requires, not monetary value, and are defined as follows:

   a. The "streamlined" track is intended for cases with limited discovery needs, well-established legal issues, and an anticipated trial length of no more than 3 days.

   b. The "complex" track is intended for cases designated by court order as complex under Rule 1.201, Florida Rules of Civil Procedure, due to complicated legal or case management issues that may require extensive judicial management. The case management orders in complex cases must conform to the requirements under Rule 1.201, Florida Rules of Civil Procedure.

   c. The "general" track is intended for cases that do not meet the criteria for either streamlined or complex.

3. For each streamlined or general civil track case, the Circuit and County Courts shall utilize a case management plan and order which shall be filed no later than 120 days after commencement of the action as provided in Rule 1.050, Florida Rules of Civil Procedure. The case management order for a streamlined or general civil case must at minimum contain the content/categories in the form provided in Attachment A to this Administrative Order, consistent with the requirements of Rule 1.200, Florida Rules of Civil Procedure. [1]

4. Parties seeking to have a case designated as complex must initially file and serve the general track case management plan and order no later than 120 days after commencement of the action as provided in Rule 1.050, Florida Rules of Civil Procedure, and thereafter, comply with Rule 1.201, Florida Rules of Civil Procedure, by filing an appropriate motion to declare the case complex.

5. Pursuant to Rule 1.200, Florida Rules of Civil Procedure, the case management order must specify, at a minimum, deadlines for the following events: service of complaints; service under extensions; adding new parties;

[1] A sample case management plan and order are attached to this Administrative Order as Attachment A. Each judge may adopt these forms or create an individualized plan/order, provided that it must contain the categories and information contained in Attachment A.

completion of fact discovery; completion of expert discovery; filing and service of motions of summary judgment; filing and resolution of all objections to pleadings; filing and resolution of all pretrial motions; and completion of alternative dispute resolution. All Case Management Plan Orders shall be strictly enforced by the Court, and each Order must indicate that the Order "will be strictly enforced unless changed by court order."

6. Deadlines established in case management orders may only be changed by court order and not by agreement of the parties. Parties may submit agreed orders to extend deadlines if the extension does not alter later dates in the case management order. Parties must move to amend the case management order if the extension alters later dates in the case management order. If a trial is not reached during the scheduled trial period, the court must enter an order establishing a new trial date as soon as is reasonable to do so.

7. A court may order case management conferences at any time or upon proper request and notice by a party. The order or notice must identify the specific topics for the conference and any motions to be heard.

8. This Administrative Order shall be effective January 10, 2025.

9. Administrative Order 2021-05 Civil Case Management and Resolution is hereby SUPERSEDED.

DONE AND ORDERED in quadruplicate this 10th day of January, 2025 at Fort Pierce in St. Lucie County, Florida

Electronically Signed by Chief Judge Charles A. Schwab
3:44 pm, Jan 10, 2025

ATTACHMENT A

☐ IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____COUNTY, FLORIDA

☐ IN THE COUNTY COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR _____COUNTY, FLORIDA

Names,
Plaintiff(s).
v.

Names,
Defendant(s).
_____/

CASE NO.:
JUDGE:

CASE MANAGEMENT PLAN

In compliance with Florida Rules of General Practice and Judicial Administration, Rule 2.250(a)(1)(B), Florida Rules of Civil Procedure, Rule 1.200, and Florida Rules of Civil Procedure, Rule 1.440, this case management plan is being entered. **If an amendment, extension, modification, or further judicial action is needed, a motion must be filed in compliance with this Court's procedures.**

Jury Trial or Non-Jury Trial? Delineation Shall Constitute a Waiver Pursuant to Fla. R. Civ. P. 1.430:

_____ JURY TRIAL
_____ NON-JURY TRIAL

Case Track Assignment (Select one):

____ Streamlined Track (case resolved within 12 months)

____ General Track (case resolved within 18 months)

____ Complex Track (case resolved within 30 months)
(Case must be declared complex after hearing pursuant to Florida Rules of Civil Procedure, Rule 1.201)

EVENT	***MINIMUM REQUIRED DEADLINE (The parties may agree to a deadline earlier than the deadlines listed below.)***	***ORDERED DATE***
Service of complaints and service of complaint under extensions	Service within 120 days of filing of the complaint (Streamlined and General) Service under extension: 180 Days (General) 150 Days (Streamlined)	Initial Service: Service Under Extension:
Adding new parties	270 days from the filing of the complaint (General). 180 days from the filing of the complaint (Streamlined).	
Request for Compulsory Examination ("CME")	150 days prior to trial period	
Completion of CME	100 days prior to trial period	
Disclosure of Expert Witnesses with deposition dates (list e-filed)	Plaintiff: 90 Days prior to trial period Defendant: 75 Days prior to trial period	Plaintiff: Defendant:
Filing and Service of Motions for Summary Judgment	90 Days prior to trial period	
Disclosure of Fact Witnesses (list e-filed)	All Parties: 75 Days prior to trial period	
Last Discovery Requests/Discovery Completion Date	70 Days prior to trial period	
Depositions Completed	60 Days prior to trial period	
Estimated Days of Trial	60 days prior to trial period (Notice filed and emailed to the Judge's Office)	
Number of Jurors Requested (If applicable)	60 days prior to trial period (Notice filed and emailed to the Judge's office)	
All Discovery Matters HEARING Completed	45 Days prior to trial period	
Exhibit List (list e-filed)	40 Days prior to trial period	
Deposition Designations (e-filed)	40 Days prior to trial period	

Deposition Counter Designations (list e-filed)	30 Days prior to trial period	
Daubert Motions HEARING Completed	30 Days prior to trial period	
Summary Judgment HEARING Completed	30 Days prior to trial period	
Motions in Limine HEARING Completed	30 Days prior to trial period	
Mediation Completed/Alternative Dispute Resolution	30 Days prior to trial period	
Motions to Strike-Witness/Exhibits HEARING Completed	30 Days prior to trial period	
Resolution of all pre-trial motions/ objections to pleadings HEARINGS Completed	30 Days prior to trial period	
Deposition Designations HEARING Completed	20 Days prior to trial period	
Attorney Pre-Trial Meeting	45 Days prior to trial period	
JOINT Pre-Trial Stipulation	E-filed 10 days prior the trial period	E-filed:
AGREED & DISPUTED Jury Instructions (If applicable)		
Other Deadlines or Events		
Trial Period:		

Within 20 days of filing any motion for which a hearing is required, the moving party must contact the presiding judge's office to set the motion for hearing.

Motions to continue trial are disfavored and should rarely be granted and then only upon good cause shown. Any motion to continue a trial date must comply with Rule 1.460.

The schedule of deadlines herein will be strictly enforced unless changed by court order. Notices of unavailability have no effect on the deadlines set by the case management order. If a party is unable to comply with a deadline in a case management order, the party must take action consistent with Administrative Order 2025-01 and Rule 1.200. The Court will consider a request to approve changes to these deadlines upon a showing of good cause by either party based on matters arising from an emergency or unavailability. Absent just cause shown, the failure to complete discovery within the time contained in the order, or the unavailability of counsel, shall not be a basis for changing these deadlines. 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.

I. MOTIONS AND HEARINGS

These are deadlines. Do not wait until a deadline to schedule hearings. Counsel and staff are responsible for reviewing the Court's procedures to understand how far in advance a motion must be set for a hearing to be compliant with the ordered deadlines set forth herein**.** Due to docket management constraints, absent good cause shown, motions will not be heard after the deadlines set forth herein. Failure to follow this requirement constitutes abandonment of the issue and waiver of the motion. Motions to compel discovery must be set at the time of the violation, not on the eve of trial, and will not be heard past the discovery deadline. Do not set for hearing any motions for new trial/rehearing. These motions are considered in camera by written motion. If you set such motion for hearing, it may be unilaterally canceled by the Court.

II. DISCLOSURE OF WITNESSES

Subject to the provision of F.S. 57.071(2), which shall govern in the event of conflict, the parties are responsible to disclose the names and addresses of <u>all potential</u> expert witnesses, along with the nature of their expertise, and a brief statement of the opinion testimony that will or may be offered. 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 frame. All out-of-court testing, experiments, or physical or mental examinations must be completed by an expert prior to the expert's deposition.

As a party discloses expert(s), the party shall give in writing three (3) available deposition dates for each expert. Opposing counsel shall select one of the provided dates within five (5) business days from receipt of disclosure or must request new dates. Experts will be made available for deposition by the party retaining them without the necessity of subpoena.

The names and addresses of <u>all potential</u> fact witnesses, and a summary of the nature of their testimony, must be disclosed. Except for stating "all witnesses listed by other parties," witnesses must be specifically named. Incorporating "all persons deposed or named in depositions or evidence produced," or such similar provision, is not acceptable. The depositions of all witnesses must be completed no later than 50 days prior to the first day of the month of your estimated E-Docket Call month. All witnesses must be made available for depositions prior to the deposition cutoff date or they will not be permitted to testify.

III. EXTENSIONS OF TIME; MODIFICATION OF DEADLINES IN THIS CASE MANAGEMENT PLAN

The deadlines in this case management plan order will be strictly enforced unless changed by subsequent court order. Any motion to extend a deadline, amend this case management plan order, or alter an ordered trial period must comply with Fla. R. Civ. P. 1.200(e). Motions for extension of time that do not comply with Rule 1.200(e)(1) will not be considered by the court. Additionally, any motion to modify the trial period set per this case management plan order must not only strictly comply with Rule 1.200(e) but also Rule 1.460. Failure to strictly comply with these rules will result in the motion being automatically denied.

IV. MEDIATION

Plaintiff must coordinate the mediation conference and must e-file a Notice of Mediation. The following rules for mediation apply, and must be specifically listed in the Notice of Mediation:

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 must 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; and

e. Unless agreed otherwise by the parties, the mediator must be compensated equally by the parties.

V. PRE-TRIAL MEETING

Plaintiff is responsible for initiating the scheduling of the Pre-Trial Meeting. At a minimum, the following must be included as action items for the Pre-Trial meeting(s):

a. Discuss settlement.
b. Stipulate to as many facts and issues as possible.
c. Prepare a Pre-Trial Stipulation.
d. Examine all exhibits and documents which may be offered into evidence or used demonstratively. 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 section.

VI. PRE-TRIAL STIPULATION

Plaintiff is responsible for 1) confirming that the Joint Pre-Trial Stipulation is executed by counsel for all parties, 2) emailing to the Judicial Assistant and 3) filing in the court file. Counsel for all parties are charged with good faith cooperation in this regard, and if Plaintiff fails, Defendant is required to meet this requirement, noting Plaintiff's failure to do so in Defendant's submittal as set forth herein. The Pre-Trial Stipulation must contain the following in separate paragraphs:

a. A brief statement of the case to be read to the prospective jurors at the beginning of jury selection;
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. A statement that the issues to be tried are framed by the pleading in the case or something similar is insufficient;
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 the trial;
h. The number of peremptory challenges for each party;
i. A list of the witnesses by name 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. Before and after witnesses are limited to no more than three for each party so long as the testimony is not cumulative; and expert witnesses are limited to no more than one in any one expert field. The Court may make such other rulings or limitations on witnesses, including experts, as the nature of the case and justice requires.
j. A list of all exhibits (including depositions to be read) that may be introduced at trial, itemized as indicated below. Counsel must note a waiver of objection for those exhibits where appropriate. Parties may <u>not</u> "reserve" objections. <u>Failure to provide all specific objections constitutes a waiver of the objection.</u>

   All exhibits must be marked and filed with the Clerk prior to trial as follows:

   1. Plaintiff's list of all exhibits to be admitted in evidence without objection by the Defendant;
   2. Defendant's list of all exhibits to be admitted in evidence without objection by the Plaintiff;
   3. A list of all other exhibits of the Plaintiff, that are objected to by the Defendant, noting the <u>specific</u> <u>evidentiary objections</u> and the reasons therefore;
   4. A list of all other exhibits of the Defendant, that are objected to by the Plaintiff, noting the <u>specific</u> <u>evidentiary objections</u> and the reasons therefore;
   5. Exhibits must be reasonably specific in their description. "All documents produced during discovery" or such similar description is not acceptable.

VII. WITNESSES AND EXHIBITS

Unless ordered by the Court upon good cause shown, at trial the parties will be strictly limited to exhibits (demonstrative and evidentiary) and witnesses listed, and objections specified, in the Pre-Trial Stipulation. All exhibits are to be pre-marked by the Clerk's office. For any questions regarding exhibits, the parties shall contact the Clerk's office in the county where the trial will be conducted. Any demonstrative aid that is to be used at trial <u>must</u> be marked by the clerk, exhibited to opposing counsel at the pre-trial meeting,

and must be listed on the Pre-Trial Stipulation. The Court will hear argument of any counsel opposing the use of a demonstrative aid prior to the day of trial. No aids are to be shown to the jury without prior approval of the Court. Once exhibits are marked, either for identification or in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom. No exhibits are to be published or exhibited to the jury until admitted into evidence and authorized by the Court.

VIII. JURY INSTRUCTIONS

The proposed agreed jury instructions should not contain jury instruction titles for each proposed instruction, any citations, nor any information as to who requested the instruction unless the instruction is not agreed to. The jury instructions should be personalized to use the parties' names instead of "Plaintiff" or "Defendant." Counsel must identify all jury instructions to which there is an objection by any party. Jury instructions to which there are objections will be ruled on by the Court during the charge conference. The Court realizes that the final form of the jury instructions and the verdict forms will depend upon the evidence received during the trial and the issues that remain at the conclusion of the presentation of the evidence, however, the use of this procedure will reduce the amount of time needed for the charge conference. Final jury instructions and verdict forms must be submitted to the Court in printed form appropriate for submission to the jury.

IX. COURT REPORTER

Fla. R. Gen. Prac. & Jud. Admin. 2.535(b) requires that the party requesting a court reporter must arrange for and pay the reporting fees for any hearing or trial. This requirement shall not preclude taxation of costs as authorized by law.

X. CASE DISPOSITIONS

If your case settles, the Plaintiff shall immediately notify the Court's Judicial Assistant via e-mail (showing copies provided to all parties), ATTACHING AN ALREADY E-FILED NOTICE OF SETTLEMENT and DISMISSAL DOCUMENTS. Due to the volume of cases pending, counsel should not assume that filing documentation in the court file will satisfy this requirement. Counsel must also give notification by email.

XI. TRIAL SCHEDULING

For cases subject to rules 1.200 and 1.201, the case management order specifies the trial period based on the case track assignment. If a trial is not reached during the trial period, an order re-setting the trial period as soon as practicable will be entered by the Court. The order entered by the Court will reflect what further activity will or will not be permitted. For any case not subject to rule 1.200 or 1.201 trial may be set on a party's motion or by order of the Court if the Court finds the action is ready for trial.

On a party's motion or upon the Court's initiative, if the Court finds the action ready to be set for trial earlier than the trial period specified in the case management order entered under 1.200 or rule 1.201 the Court may enter an order setting an earlier trial period.

XII. MOTION TO CONTINUE

Any motion to continue must comply with Florida Rule of Civil Procedure 1.460, Florida Rule of Civil Procedure 1.200(e), and Florida Rule of General Practice and Judicial Administration 2.545(e) including the requirement of a signature by the party requesting continuance. Simply filing a motion to continue will not suffice to continue the case. Your case will not be continued because both parties agree and note the same on the E-Docket Call Form.

XIII. COMPLIANCE REQUIRED

Any failure on the part of any counsel to act in good faith to comply with this Case Management Plan must be reported to the Court by the filing of a "Suggestion of Non-Compliance with Case Management Plan," served on all counsel, and set for hearing in a timely manner by the reporting party. NONCOMPLIANCE WITH ANY PORTION OF THIS CASE MANAGEMENT PLAN AND ORDER MAY RESULT IN THE STRIKING OF THIS CASE, WITNESSES, EXHIBITS, OR IMPOSITION OF SUCH OTHER SANCTIONS AS ARE JUST.

Include: Name, Signature, Address, and Telephone Number of All Counsel and Unrepresented Parties

Plaintiff:	***Defendant:***
_____	_____
_____	_____

ORDER APPROVING CASE MANAGEMENT PLAN
AND ORDER SETTING TRIAL

THE COURT having reviewed the preceding Case Management Plan and finding it to be satisfactory, it is ORDERED AND ADJUDGED that the Case Management Plan is hereby APPROVED AND ALL PARTIES SHALL ABIDE BY THE TERMS HEREIN.

IT IS FURTHER ORDERED that this case is set for the trial period in _____. This Order shall constitute the order setting trial period.

DONE AND ORDERED at _____, _____ County, Florida on _____.

_____
,Circuit/County Judge

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL:
(Include the parties with email addresses below this paragraph)

COUNSEL FOR (Insert the moving party, e.g. PLAINTIFF, DEFENDANT, etc.) COUNSEL SHALL SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES IMMEDIATELY AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses or remove if not needed)

Plaintiff/Plaintiff's counsel shall serve any party to this action not listed on the above e-service list and will file a Certificate of Mailing/Service into the court file immediately upon service – *no later than 3 business days from the date of filing*.

If the parties/counsel determines the service list is incorrect/incomplete, they shall notify the Court immediately, in writing, via their Certificate of Mailing/Service.

Florida Rule of General Practice and Judicial Administration 2.540
Notices 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 ADA Coordinator, 250 NW Country Club Drive, Suite 217, Port St. Lucie, FL 34986, (772) 807-4370 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.

SPANISH:

Si usted es una persona discapacitada que necesita algún tipo de adecuación para poder participar de este procedimiento, usted tiene derecho a que se le ayude hasta cierto punto y sin costo alguno. Por favor comuníquese con Court Administration, 250 NW Country Club Drive, Suite 217, Port St. Lucie, Fl. 34986, (772) 807-4370, al menos 7 días antes de su fecha de comparecencia o inmediatamente después de haber recibido esta notificación si faltan menos de 7 días para su cita en el tribunal. Si tiene discapacidad auditiva o de habla, llame al 711.

KREYOL:

Si ou se yon moun ki andikape epi ou bezwen nenpòt akomodasyon pou ou ka patisipe nan pwosè sa-a, ou gen dwa, san ou pa gen pou-ou peye anyen, pou yo ba-ou yon seri de asistans. Tanpri kontakte Administrasyon Tribunal-la, 250 NW Country Club Drive, Suite 217, Port St. Lucie FL 34986, (772) 807-4370 omwen 7 jou alavans jou ou gen pou-ou parèt nan tribunal-la, ouswa imedyatman kote ou resevwa notifikasyon-an si ke li mwens ke 7 jou; si ou soud ouswa bèbè, rele 711