

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA
GENERAL CIVIL DIVISION**

Plaintiff(s),

CASE NO.: _____

v.

DIVISION: _____

Defendant(s).
_____ /

UNIFORM ORDER SETTING CAUSE FOR TRIAL AND PRETRIAL

(JURY TRIAL)

(Revised – May 29, 2013)

This cause being at issue, it is hereby **ORDERED AND ADJUDGED:**

1. The above-entitled cause is hereby set for **JURY TRIAL** during the week(s) of _____, commencing at _____, or as soon thereafter as the cause may be heard.
2. A **PRETRIAL CONFERENCE** shall be held in Chambers before the Honorable _____, Circuit Judge, George Edgecomb Courthouse, 800 E. Twiggs Street, Room _____, Tampa, Florida 33602, on _____, at _____ AM / PM, in accordance with Florida Rule of Civil Procedure 1.200.
3. At least 120 days before the Pretrial Conference, counsel for the Plaintiff shall furnish to counsel for the Defendant and file directly with the Clerk, a list of the names and addresses of all witnesses, including expert witnesses and rebuttal witnesses, who are expected to testify at the trial of this cause. At least 90 days before the Pretrial Conference, counsel for the Defendant shall furnish to counsel for Plaintiff, and file directly with the Clerk, a list of names and addresses of all witnesses, including expert

witnesses and rebuttal witnesses, who are expected to testify at the trial of this cause. Each party's witness list shall specifically designate all expert witnesses and with respect to each expert witness, each party shall disclose the expert's area of expertise, and serve a copy of each expert's reports or answers to expert interrogatories. With respect to each disclosed expert witness, the disclosing party shall provide to all other parties, not less than five (5) proposed deposition dates. In the absence of answers to expert interrogatories or an expert report, a party shall provide a summary of the testimony the expert is expected to provide.

4. Counsel shall complete all discovery, including expert discovery in accordance with Florida Rule of Civil Procedure 1.280(b)(4), at least 30 days prior to the Pretrial Conference. Discovery conducted after this time period is strongly disfavored and shall be permitted by order of the Court only under exceptional circumstances.
5. All compulsory medical examinations (CME) shall be completed no later than 60 days prior to the Pretrial conference, with a report in accordance with Florida Rule of Civil Procedure 1.360(b) served on Plaintiff's counsel no later than 15 days after the CME is conducted.
6. All dispositive motions and motions filed pursuant to section 90.702, Florida Statutes (*Daubert* challenges), shall be filed not later than 45 days before the Pretrial Conference and must be scheduled for hearing prior to the Pretrial Conference. All other motions shall be filed and heard prior to the Pretrial Conference. All motions other than motions in limine not heard before the Pretrial Conference shall be deemed abandoned. Motions in limine shall be filed not less than 30 days prior to the trial and shall be scheduled for hearing on or before the Friday before trial. Objections raised in depositions expected to be introduced at trial shall be filed with the Court prior to the Pretrial Conference. Those objections shall be scheduled for hearing on or before the Friday before trial.
7. The attorneys for all parties are directed to meet together by agreement initiated by counsel for the Plaintiff, no later than 10 days before the Pretrial conference, to:
 - a) Mark all exhibits for identification;
 - b) Prepare an exhibit list for the Clerk and Court (actual exhibits and documentation evidence shall be available for inspection at this time);

- c) Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit;
 - d) Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;
 - e) Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence;
 - f) Discuss the possibility of settlement;
 - g) Submit an itemized statement of special damages Plaintiff expects to prove;
 - h) Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its Pretrial Conference and Trial; and
 - i) Draft one Pretrial Conference Order (using the form order located at the Court website www.fljud13.org), signed by all participating counsel, that shall be submitted directly to the Court at least 3 days prior to the Pretrial Conference. If the parties are unable to agree on a matter in the Pretrial Conference Order, the matter will be resolved at the Pretrial Conference.
8. The parties shall submit the cause to mediation or arbitration which shall be completed prior to the Pretrial Conference unless waived by the Court.
9. Instructions and verdict forms shall be submitted to the Court no later than the Pretrial Conference. Each instruction shall be on a separate sheet of paper. Counsel shall confer prior to the Pretrial Conference as to any agreement they can reach on the instructions and verdict forms and advise the court at the Pretrial Conference. So the Court may provide the jury with a set of written jury instructions for consideration during deliberations, the parties shall provide the Court at trial a clean copy of the requested instructions for each juror and alternate and a proposed verdict form (not numbered and with no designation as to the requesting party or citations to supporting authority).
10. Counsel shall be prepared to negotiate settlement at the Pretrial Conference and have full authority to settle the case or have available at the conference a party or representative who does have full authority to settle.

11. Failure to comply with the requirements of this Order shall subject counsel and the parties to such sanctions as the Court shall determine just and proper under the circumstances.
12. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial in accordance with the Florida Rules of Civil Procedure.
13. Counsel shall immediately notify this Court in the event of settlement, and submit a stipulation for an Order of Dismissal and a Final Disposition form. Counsel shall likewise notify this Court if the parties wish to avail themselves of the “Voluntary Trial Resolution” provisions of Chapter 44 of the Florida Statutes.
14. No later than 7 days prior to the Pretrial Conference, the attorneys for all parties shall notify the Court’s Business Center (CBC) (813-272-5520) as to any audio-visual equipment or other multi-media technology they intend to reserve for use at trial, as indicated in paragraph 26 of the UNIFORM PRETRIAL CONFERENCE ORDER.
15. No later than 7 days prior to the Pretrial Conference the parties shall, if desired, secure the services of a court reporter for trial.
16. All provisions of this order that require compliance by counsel are likewise applicable to any party appearing pro se.
17. _____

DONE AND ORDERED in chambers at Tampa, Hillsborough County, Florida this _____ day of _____, 20_____.

CIRCUIT JUDGE

Copies Furnished To:

(OPTIONAL PROVISIONS)
TO USE OR NOT – AS DECIDED BY EACH INDIVIDUAL JUDGE

APPENDIX “A”

EXPERT WITNESSES

- A. In general, assuming the Defendant promptly requests and pursues such discovery, Defendants will be entitled to the deposition discovery of opinions from the retained expert witnesses of the Plaintiff prior to the equivalent discovery by the Plaintiff of the Defendant’s retained experts. However, once the Defendants have appropriately discovered the opinions of at least one expert on each of the subject matters in controversy, reasonable flexibility in scheduling as dictated by travel and the schedules of the counsel and expert witnesses is expected of the parties to expedite timely trial preparation.
- B. No subpoenas shall be required to compel the attendance of retained expert witnesses at properly noticed and scheduled depositions, and no subpoena, even if served shall require the retained expert to bring any items beyond those set forth below.
- C. Each retained expert shall have available at his/her deposition the following:
 - i. A copy of their most recent Curriculum Vitae;
 - ii. All information received or generated by the expert in this case;
 - iii. Copies of any literature the expert relies upon or has consulted to form the basis of any opinions the expert has formed;
 - iv. A copy of all bills the expert has generated for services performed on this case, and a copy of any time records that the expert has to support same.
 - v. A copy of any existing standard fee schedule for the expert’s consultation or testimony;
 - vi. A list of all cases in which the expert has testified in the preceding 36 months by deposition or at trial.
- D. As required by Rule 1.280(b)(4), each expert who is to be called as a witness at trial must be identified, and counsel for the party planning to call each such expert witness must state the subject matter on which the expert is expected to testify, the substance of the

facts and opinions to which each expert is expected to testify, and a summary of the grounds for each opinion.

- E. To achieve an initial uniformity of procedure for expert deposition payment, the following general rules shall apply without prejudice to the final taxation of costs:
- i. The maximum hourly deposition rate which shall be charged to the deposing party by any retained expert witness is \$_____ per hour, unless mutually agreed, in advance, in writing, by all of the parties. This charge shall be promptly paid by the attorney requesting the deposition of the expert witness, following the deposition.
 - ii. Any hourly charge above \$_____ or other maximum hourly charge agreed upon for deposition shall be initially borne by the party retaining the expert for use at trial.
 - iii. Experts shall not charge the attorney setting their deposition for time spent in preparation for the deposition, travel, or deposition review, but shall charge the deposing party only for time actually spent in deposition.
 - iv. The actual hourly rate charged for expert deposition testimony over \$_____ or other maximum hourly charge or fee agreed upon, and all other expert charges, shall also be borne initially by the retaining party without prejudice to any ultimately prevailing party to seek the reasonable payment of all legally permissible expert fees and charges as determined by the Court in the appropriate post trial motion to tax costs.
- F. Each retained expert witness may expect and schedule for two (2) hours minimum deposition time and four (4) hours maximum deposition time. If any party feels that additional time is necessary to depose an expert witness, and the deposition cannot be completed on the day it is initially scheduled, then that party may by stipulation continue the deposition on another mutually agreeable date, and by telephone, if the witness is not local.
- G. Experts shall be paid by the attorney, law firm, or responsible insurance company of the party who requested and deposed the expert within forty-five (45) days from the date a bill for the deposition reaches the office of the attorney taking the deposition. Best efforts shall be used by all counsel to meet this schedule. If it appears that despite best efforts

this payment schedule cannot be accommodated, the parties will use their best efforts to work out an alternative schedule, or may present the matter to the Court for further Orders.

- H. No prepayment by the party requesting the deposition of any retained expert may be required. All such prepayments are the initial responsibility of the party retaining the expert. The attorney for the party requesting the deposition of a retained expert witness shall make arrangements for the court reporter.
- I. Any attorney wishing to attend the deposition of a retained expert witness by telephone shall be responsible for assuring that a speakerphone is present for the deposition, and shall assume the risk of any failure of telephone communications during the deposition.