

**ORDER IMPLEMENTING UNIFIED PRETRIAL ORDER IN THE
DOMESTIC DIVISIONS OF THE NINTH JUDICIAL CIRCUIT COURT**

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the chief judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, Florida Family Law Rule of Procedure 12.200(c) requires that "[o]rders setting pretrial conferences must be uniform throughout the territorial jurisdiction of the court;" and

WHEREAS, the implementation of uniform policies and procedures is necessary to provide for efficient and effective processing of all actions in the Domestic Divisions of the Ninth Judicial Circuit Court;

NOW, THEREFORE, I, Donald A. Myers, Jr., in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective November 1, 2019**, and to continue until further order:

1. The Uniform Pretrial Order attached hereto will be utilized exclusively in all family law cases in the Ninth Judicial Circuit.

2. Parties and their attorneys are advised to read it carefully and follow it strictly and completely.

3. Judges will enforce the violation of the requirements of the Uniform Pretrial Order by cancelling the scheduled pretrial if neither party complies strictly with the Uniform Pretrial Order or, if one party is in compliance with the Uniform Pretrial Order while the other party is not, then the court will impose sanctions on the non-complying party and the attorney which may include payment of the costs and fees of the party and attorney who complied with the Uniform Pretrial Order.

DONE AND ORDERED at Orlando, Florida, this 18th day of October, 2019.

_____/s/_____
Donald A. Myers, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE/OSCEOLA COUNTY, FLORIDA**

**CASE NO.: 20__-DR-_____-O
DIV: ____**

IN RE: THE MARRIAGE OF

,
Petitioner,

and

,
Respondent.

UNIFORM ORDER SETTING PRETRIAL CONFERENCE AND FOR NON-JURY TRIAL

THIS CAUSE has been noticed that it is at issue and ready for trial. Therefore, pursuant to Rule 12.200 of the Florida Family Law Rules of Procedure,

It is therefore **ORDERED** as follows:

1. **UNIFORM ORDER:** Counsel and unrepresented parties shall read this Order, be familiar with its contents, and comply with its requirements. This Order is a uniform order for all domestic cases in the Ninth Judicial Circuit. Attached to this Order may be additional requirements required in the individual divisions.
2. **TRIAL DATE:** This case will be:
 - a. [] set for a trial date within a trial period determined at the Pretrial Conference or
 - b. [] set for trial during the trial period beginning _____.
 - c. The trial will be before the Honorable _____, Division _____, in Courtroom _____ at the Osceola County Courthouse, 2 Courthouse Square, Kissimmee, FL or
 - d. The trial will be before the Honorable _____, Division _____, in Courtroom _____ at the Orange County Courthouse, 425 N. Orange Avenue, Orlando, FL.
 - e. The case has been noticed for a trial length of [] days or [] hours.
 - f. **ANY CONTESTED MOTIONS TO CONTINUE THE TRIAL SHALL BE FILED PRIOR TO THE PRE-TRIAL CONFERENCE.**
3. **PRETRIAL CONFERENCE:** A Pretrial Conference will be held on _____ at _____ in Courtroom _____ of the [] Osceola County Courthouse, 2 Courthouse Square, Kissimmee, Florida; or [] Orange County Courthouse, 425 N. Orange Avenue, Orlando, FL 32801 in the same Courtroom listed above in paragraph 2a. The attorney(s) who will try the case and/or any unrepresented litigant shall attend the Pretrial Conference in person unless previously excused by the Court. Failure to attend the Pretrial Conference may result in the Court dismissing the action; striking pleadings; limiting proof or witnesses; or any other action the Court deems appropriate. **NO ATTORNEY OR UNREPRESENTED LITIGANT SHALL APPEAR BY TELEPHONIC APPEARANCE WITHOUT PRIOR COURT ORDER.**

4. **INTERPRETERS**: Parties requiring an interpreter must have a certified interpreter available to help translate all court proceedings. **THE COURT DOES NOT PROVIDE AN INTERPRETER.**
5. **MEDIATION**: Parties must have completed mediation as to all matters before the Pretrial Conference.
6. **CHILDREN: CHILDREN ARE NOT PERMITTED IN THE COURTROOM WITHOUT PRIOR COURT ORDER.**
7. **RELOCATION CASES**: All requests for relocation **shall** comply with F.S. § 61.13001.
8. **MEETING OF ATTORNEYS AND UNREPRESENTED PARTIES**. No later than twenty (20) days before the Pretrial Conference, counsel who will try the case, and/or self-represented litigants, if any, shall meet in person. Attendance at this meeting is mandatory. Petitioner's attorney (or if Petitioner is self-represented, Respondent's attorney) shall arrange a mutually agreeable time, date and place for this meeting. If both parties are self-represented, and so long as there is no pending domestic violence injunctions between them, then the Petitioner shall set up the meeting at a neutral location (preferably at a public location but one that affords for a private conversation).

At the meeting, the attorneys and/or the self-represented litigants shall:

- a. Discuss and attempt to settle unresolved issues. Partial settlements are encouraged.
- b. Determine a date at which to produce, examine, and initial on back of the evidence tags for every evidentiary exhibit intended to be offered at trial; which exhibits can be admitted as joint exhibits, which exhibits can be admitted without objection, and for exhibits to which objection will be made specify the grounds of each objection. All objections are to be included on each party's exhibit schedule.
- c. Review the witness lists.
- d. Identify, discuss, clarify, and narrow the remaining issues to be tried.
- e. Exchange proposed parenting plans, if any.
- f. Exchange all proposed child support guidelines, including guidelines and calculations for retroactive support and arrearages.
- g. Discuss and stipulate to facts that will require no proof.
- h. Identify all issues of law, procedure, or evidence to be decided by the Court before or during trial.
- i. Reduce to writing and sign a list of all matters requested to be judicially noticed.

- j. If there is property to be distributed, prepare a joint equitable distribution spreadsheet, including each party's suggested value of marital and non-marital real and personal property and debts, and any stipulated values shall be attached. Parties may use any equitable distribution program or an excel spreadsheet. If a program is not available, one can be forwarded by the Court upon request. If a party does not have computer availability, spreadsheets for printing can also be supplied. The joint equitable distribution spreadsheet shall be emailed to the Judge's office no later than five (5) days before the pretrial conference and a printed copy shall be attached to the Joint Pretrial Statement. See Paragraph (H)(d) below for further instructions.
 - k. Discuss and attempt to agree on other matters that will lead to a more orderly and expeditious trial. Including the preparation of the required Joint Pretrial Statement.
9. **JOINT PRETRIAL STATEMENT:** Following the meeting of attorneys and/or self-represented parties, counsel for the Petitioner or the Petitioner, if self-represented, shall prepare and present a proposed joint pretrial statement to counsel for the Respondent, or the Respondent if self-represented. The statement shall be signed by all attorneys and self-represented parties, filed, **with a copy delivered to the judge** no later than five (5) days before the pre-trial conference. **TO THE EXTENT THE PARTIES DIFFER AS TO HOW PORTIONS OF THE STATEMENT SHOULD READ, THE DIFFERING VIEWS SHOULD BE SET FORTH IN THE STATEMENT.**

The Court expects parties to reach reasonable stipulations regarding the facts and issues in this case. The Memorandum shall contain the following for each area below when that relief is at issue:

**SECTIONS A&B ARE FOR DISSOLUTION OF MARRIAGE CASES
AND PATERNITY CASES**

- A. **Whether this is an original action or whether this is a supplemental proceeding.**
- B. **The Child(ren)**
 - a. Full names, ages, and dates of birth of the child(ren).
 - b. Current time-sharing practiced and whether the time sharing is in place by Court order or by agreement of the parties.
 - c. The gross and net incomes of each party for the purpose of setting child support, and the basis for the amount of income (pay stub, W-2, Federal Income Tax Return, etc).
 - d. For child support:
 - i. Amount of child support requested, pursuant to Florida Statutes.
 - ii. Any retroactive, arrearage, or credit for support payments at issue and a proposed calculation and/or amount of each

- e. Any retroactive, arrearage, or credit for support payments at issue and a proposed calculation and/or amount of each.
- f. Any medical/dental/vision insurance policy for the child(ren) and the out-of-pocket premium amounts for the children only.
- g. Any special needs issues, including but not limited to medical, emotional, or education, regarding the child(ren) that may affect time sharing or child support and what that effect may be.
- h. Proposed contact schedule or reference to a filed Parenting Plan, as long as that Parenting Plan is complete. Include transportation and other specifics of the proposal, such as place and time for exchanges of the child(ren).
- i. GAL report and any agreement about whether the Court may consider the GAL report and any stipulations to hearsay in the report.
- j. For Paternity Cases only, whether the Mother is seeking reimbursement of any expenses of childbirth, and if so, in what amount along with a list of the documentation being provided to show the expenses.
- k. Reference any stipulations not included above.

SECTIONS C-F ARE FOR DISSOLUTION OF MARRIAGE CASES ONLY

C. Alimony

- a. The Marriage:
 - i. Date and place of marriage
 - ii. Date of separation
- b. Amount of alimony proposed by each party.
- c. Nature of the alimony, *i.e.* specific type, term, and amount of alimony proposed by each party.
- d. Any retroactive, arrearage, or credit for payments that are an issue.

D. Real Property

- a. A list of all real property to be divided, including the address of each parcel of property, the legal description(s) of each and the identification number from the property appraiser (available on the website). This does not negate the obligation to include same in a joint equitable distribution spreadsheet.
- b. The value of each parcel of property, each mortgage debt, lien and/or obligation on/for the property, and who is obligated for payment of each mortgage, debt, lien and/or obligation. List separately the property taxes and insurance and state whether they are included in the mortgage payment.

- c. For each mortgage, debt, lien and/or obligation, who is paying it and how much is being paid.
- d. The interest, right of claim, or equitable interest each party claims in each parcel of property.
- e. The name of the party in possession of the property. List when the possession began. State who pays for what part of monthly expenses related to the property.
- f. Proposed distribution of real estate.
- g. Any particular or special claim to property greater than a “50% equity”, including claims for repayment of expenses or adjustments made for rental value to a party in possession.

E. Personal Property: If over four items, these should instead be included in a joint equitable distribution spreadsheet.

- a. List of all personal property to be divided
- b. State the suggested disposition of such property.
- c. List the value of each item of personal property as well as any lien or obligation against it, including the amount of the lien and who is paying the lien

F. Debts: If over four items, these should instead be included in a joint equitable distribution spreadsheet.

- a. A list of all personal property to be divided.
- b. A list of the value of each debt, in whose name each debt is, who is paying the debt currently, and how much is being paid.
- c. Suggested disposition of such debts.

SECTIONS G-I ARE FOR DISSOLUTION OF MARRIAGE CASES AND
PATERNITY CASES

G. Attorney’s Fees and Costs

- a. Attorney’s fees and court costs sought by either party from the other (estimate to conclusion of trial).
- b. Legal basis for fees requested.
- c. List stipulations either as to entitlement or amount of fees being sought by either party.

- d. Include any outstanding entitlement awards where amounts were not specified during litigation and any outstanding fee awards not paid.
- e. State if testimony will be offered on this issue at trial or at a subsequent hearing.
- f. If fees are to be litigated at trial, attach an affidavit of fees. A supplemental affidavit will be permitted.
- g. The date on which redacted invoices were provided to the other party and whether additional invoices will need to be provided prior to trial and the date on which it is anticipated same will be provided.

H. Trial Exhibits/Witnesses

- a. A witness list giving names and addresses of all individuals who may be called by each party to provide testimony, including impeachment witnesses and expert witnesses.
- b. A detailed schedule of all photographs, exhibits, and documentary evidence that a party proposes to use, including impeachment and expert witnesses. The schedule should include enough information to identify each specific document, general categories of documents are not permitted. Composite exhibits are permitted if they are specifically identified.
- c. All exhibits being presented should be pre-marked before the trial date. Instructions on how to properly pre-mark evidence and tags can be obtained through the Clerk of Court.
- d. A joint equitable distribution spreadsheet: Petitioner or Petitioner's counsel shall insert their numbers, then send to Respondent or Respondent's counsel for their numbers. The joint equitable distribution spreadsheet shall be emailed to the Court and to both parties at the same time at least five (5) business days prior to the Pretrial Conference and a printed copy shall be attached to the Joint Pretrial Statement.

I. Miscellaneous

- a. Request for amendments to the pleadings.
- b. If this is a modification, filing dates and description of the prior pleadings relevant to the current proceeding. (e.g., Final Judgment, Supplemental Petition, etc.)
- c. Any issue the party wants to take up at trial that is not addressed above.
- d. Any outstanding motions (*All motions should have been heard or abandoned during the Pretrial Conference. The hearing of any motions other than for Attorney's Fees during trial requires permission from the Court.*)

- e. Request for judicial notice.
- f. Citations or copies of any case law to be argued at time of trial.
- g. Whether there will be a court reporter and/or interpreter(s) and any agreement between the parties concerning the sharing of the cost of same.

J. Good Faith Estimate

- a. A good faith estimate of the time needed for both parties to try this case before the Court.

K. Financial Affidavits

- a.. A new executed updated Financial Affidavit for each party shall be filed no later than seven (7) days before the Pretrial Conference.
- b. No new financial affidavits will be accepted at or after the Pretrial Conference absent good cause.

- 10. **REFUSAL TO COOPERATE:** If a party refuses to cooperate with the filing of a Joint Pretrial Statement or a joint equitable distribution spreadsheet, each party **MUST** file its own Pretrial Statement and/or spreadsheet at least five (5) days prior to the Pretrial Conference and bring a copy of the Pretrial Statement to the Pretrial Conference accompanied by the communications between the parties and/or their attorneys, at which time the Court may direct a party to be responsible for the creation of a Joint Pretrial Statement, issue sanctions, and order attorney's fees.
- 11. **DISCOVERY CUT-OFF DEADLINE:** ALL DISCOVERY SHALL CLOSE ON THE DAY PRIOR TO THE PRE-TRIAL CONFERENCE UNLESS EXTENDED BY COURT ORDER FOR GOOD CAUSE SHOWN. Joint Stipulations without Court order are not sufficient to modify the discovery cut-off deadlines.
- 12. **MOTIONS CUT-OFF DEADLINE:** All motions in limine or to exclude witnesses, evidence, or other motions directed to the conduct of the trial for which grounds then exist must be filed and copies delivered to opposing counsel or self-represented litigant at least five (5) days before the Pretrial Conference.
- 13. **TRIAL BRIEFS:** Trial briefs are optional; but if one is to be filed, the original should be filed and chamber's copy delivered and received by the judge not later than five (5) days before the beginning of trial. If mailed, allow at least an additional five (5) working days for mailing and delivery prior to the deadline. Highlighted copies of primary legal authorities cited must accompany the copies to chambers and opposing party.
- 14. **NOTIFICATION OF SETTLEMENT:** The parties will notify the Judge's judicial assistant **immediately by email** upon the case being settled and fax/email a Notice of Settlement with the actual settlement agreement attached and a statement that such settlement addresses all outstanding issues of the parties signed by both parties and their attorneys before the trial will be removed from the docket. Unrepresented parties may also

deliver a Notice of Settlement to chambers as per paragraph 13. A settlement may also be entered into the record at trial; however, both parties should arrive at trial ready to have a trial in the case the settlement is not complete or a party fails to agree to the settlement terms.

15. **MODIFICATION OF ORDER FOR GOOD CAUSE**: This Order, including any time limits, and the joint pretrial statement, witness lists and evidence schedules attached to it may be modified by Court order based upon motion showing good cause.

SANCTIONS. Unexcused failure of counsel or unrepresented party to attend the meeting of attorneys required herein, the pretrial conference, or trial or to comply with the requirements of this order will subject offending counsel or party to appropriate sanctions, which may include contempt, dismissal, default, striking of pleadings, exclusion of evidence, assessment fees or costs, and/or other sanctions.

DONE and ORDERED in Chambers at [] Kissimmee, Osceola County, Florida [] Orlando, Orange County, Florida this ____ day of _____, 20__.

CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this order was delivered this ____ day of _____, 20__ to:

Petitioner (via E-Mail/U.S. Mail):
Petitioner's Attorney (via E-Mail/U.S. Mail/Drop Box):
Respondent (via E-Mail/U.S. Mail):
Respondent's Attorney (via E-Mail/U.S. Mail/Drop Box):
DOR (via E-mail/U.S. Mail/Drop Box)

Judicial Assistant

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 the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, 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.