

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

CASE NO.:  
DIVISION: 35

Plaintiff(s),  
vs.

Defendant(s).

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**UNIFORM ORDER SETTING CASE FOR JURY TRIAL;  
PRE-TRIAL CONFERENCE AND REQUIRING PRETRIAL  
MATTERS TO BE COMPLETED**

It appearing that this case is at issue and ready to be set for trial, it is **ORDERED** as follows:

**1. FAMILIARITY WITH THIS ORDER.** Counsel and pro se (unrepresented) parties shall read this order, be familiar with its contents and comply with its requirements. FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS.

**2. REFERRAL TO MEDIATION; DEADLINE.** This case is hereby referred to mediation. The parties shall immediately consult and agree on a mediator and a date for mediation. Plaintiff's counsel shall submit a proposed Mediation Order to the Court within ten (10) days of the date of this Order. Court-ordered mediation must be completed prior to the Pre-Trial Conference.

**3. TRIAL DATE.** This case is set for a Jury Trial during the two-week trial docket beginning in Courtroom **19-B at 9:00 am** at the Orange County Courthouse, 425 N. Orange Avenue, Orlando, FL.

Length of time estimated for trial is: \_\_\_\_\_ **DAYS**

**4. PRE-TRIAL CONFERENCE.** Lead Trial Counsel and pro se parties shall attend a Pre-Trial Conference on \_\_\_\_\_, at \_\_\_\_\_, in **Hearing Room 1700.01**. No telephonic appearances are permitted.

**5. EXPERT WITNESSES; DISCLOSURE; DEADLINES; TESTS, EXAMINATIONS AND EXPERIMENTS.**

(a) No less than 120 days before the Pre-Trial Conference, Plaintiff(s) shall disclose the expert witnesses (including treating experts) that in good faith, Plaintiff(s) actually intends to testify at trial.

(b) Within fifteen (15) days of the Plaintiff(s)' disclosure of experts, the Defendant(s) shall disclose the expert witnesses that in good faith, Defendant(s) actually intends to testify at trial.

(c) As used herein, "disclose" means furnishing in writing (i) the expert's name, business address and telephone number, (ii) his or her curriculum vitae or qualifications, (iii) his or her medical specialty or field of expertise, (iv) a statement of the specific subjects upon which the expert will testify and offer opinions and (v) the party or parties against whom the expert will be called to testify. Any changes in an expert's opinion or changes in the basis of the expert's opinion must be disclosed to all parties no less than sixty (60) days prior to the Pre-Trial Conference.

(d) Parties disclosing expert(s) shall provide opposing counsel three (3) proposed deposition dates for each expert disclosed. Opposing Counsel shall select one of the dates provided within five (5) business days of receipt of disclosure or request additional dates. If requested, new deposition dates shall be provided to opposing counsel within five (5) days of the request. The party receiving the alternate dates shall select one of the dates provided within five (5) days of the receipt thereof. The parties shall attend ex parte or short matters before the undersigned within ten (10) days if, at this point, the parties are unable to schedule expert depositions.

(e) All out-of-court testing, experiments or physical or mental examinations by experts must be completed prior to the expert's deposition.

**6. EXCHANGE OF WITNESS LISTS AND EVIDENCE SCHEDULES.** No less than sixty (60) days before the Pre-Trial Conference, attorneys and pro se parties shall serve the following:

(a) A list of all witnesses including potential impeachment and rebuttal witnesses who may testify at trial. The list shall provide the name, address and telephone number of the witness and shall specify whether the witness is a liability, damage, rebuttal or impeachment witness.

(b) A schedule of all exhibits, including depositions, a party may offer at trial, lettered sequentially. Exhibits shall be described with specificity. For example, "all medical records" is insufficient.

**7. ADDITIONAL REQUIREMENTS PRIOR TO PRETRIAL CONFERENCE.**

(a) Deposition designations. No less than 30 days prior to the Pre-Trial Conference, each party shall serve designations of the depositions it intends to offer at trial. No less than 20 days prior to Pre-Trial Conference, the parties shall serve counter (or "fairness") designations. Disputes over deposition designations must be heard by the Court before the first day of Trial. If the parties cannot resolve disputes over deposition designations, and no hearing time can be coordinated, the parties shall submit a properly marked copy of the transcript and a proposed order identifying the page and line of objections that must be ruled on by the Court.

(b) Jury Instructions. The parties shall exchange proposed jury instructions and Verdict forms no later than thirty (30) working days prior the Pre-Trial Conference.

(c) No later than fifteen (15) days prior to the Pre-Trial Conference, lead counsel pro se parties, if any, shall meet. Live attendance at this meeting by Lead Trial Counsel is mandatory.

At the meeting the attorneys, and pro se parties, shall:

1. Discuss and attempt to settle the case.
2. Produce all documents to be offered at trial. Exhibits must be Bates stamped in any case in which more than 100 exhibits are involved.
3. Examine, and initial every exhibit to be produced by the opposing side(s) at trial. The Parties shall agree on those exhibits which will be admitted as joint exhibits and those which can be admitted without objection. The parties shall then identify all other exhibits and specify any objections thereto. "Exhibit Schedules" shall then be prepared reflecting these separate categories of exhibits for each Party. The Exhibit Schedules for each party shall be attached to the Joint Pre-Trial Statement described below. **OBJECTIONS NOT NOTED ARE WAIVED.**
4. Review opposing parties' witness lists. Witness lists for each Party shall be attached to the Joint Pre-Trial Statement described below.
5. Discuss and stipulate to any facts requiring no proof at trial.
6. Discuss, clarify and frame all factual issues of fact to be tried.
7. Identify all legal, procedural or evidentiary issues to be decided prior to or during trial.
8. Discuss any evidentiary stipulations.
9. Agree upon and draft a concise statement of the case to be read by the Court at the beginning of voir dire.
10. Discuss the proposed jury instructions (voir dire through closing) and verdict forms. Discuss whether the Court will instruct the jury on the law prior to opening statements and, if so, which jury instructions are to be read at that time. For Standard Jury Instructions – Civil Cases, see [www.floridasupremecourt.org](http://www.floridasupremecourt.org). The parties shall prepare the following:
  - (i.) All Agreed Jury Instructions, including Supreme Court instructions for, if applicable, voir dire, instructions prior to opening, instructions prior to closing argument and instruction(s) following closing arguments.

(ii.) All disputed instructions identifying the Party proposing it/them and the phase of the Trial for which the instruction is proposed.

(iii.) The above versions of Jury Instructions shall be prepared to include a cover page reflecting the style of the case, an appropriate title, with instructions following in paragraph form without Jury Instruction numbers, headers or brackets. Instructions shall be 14-point, Times New Roman and double spaced. Pages shall be numbered.

(iv.) The proposed jury instructions and verdict form(s) shall be provided to the Court at the Pre-Trial Conference in hard copy AND digital copy to the Judicial Assistant at [35orange@ninthcircuit.org](mailto:35orange@ninthcircuit.org) **in WORD FORMAT.**

11. Discuss and attempt to agree upon any other matters leading to a more orderly and expeditious trial.

12. Discuss and exchange all demonstrative aids.

**8. JOINT PRE-TRIAL STATEMENT.** No less than ten (10) days before the Pre-Trial Conference, Plaintiff's attorney (or Defendant's attorney, if Plaintiff is pro se) shall serve a "Proposed Joint Pre-Trial Statement" reflecting any and all agreements and disputes as to the matters listed below. The Parties shall immediately thereafter attempt to resolve any disputes in the Proposed Joint Pre-Trial Statement. A Joint Pre-Trial Statement addressing the matters described below shall then be prepared, filed and served **no less than five (5) days before the Pre-Trial Conference.** The original shall be filed with the Clerk **and one hard copy** shall be delivered to the judge no later than 5 business days prior to the Pre-trial Conference. If the Parties are unable to agree on the contents of the Joint Pre-Trial Statement, the differing views should be set forth therein.

The Joint Pre-Trial Statement shall contain the following:

1. A statement of the case to be read to the jury at the beginning of voir dire.
2. A statement of admitted facts which may be read at trial as a stipulation of counsel.
3. Issues of fact to be tried.
4. Unresolved issues of law, procedure or evidence.
5. Each party's witness list.
6. Each party's schedule of exhibits with objections.
7. Any stipulation on evidentiary matters specifying the applicable matters to which such stipulation applies, i.e. authenticity, hearsay exceptions, etc.

8. The number of peremptory challenges.
9. Estimate of the number of jurors requested for the venire panel.
10. A current estimate of the number of days required for trial.
11. The specific category of damages, including attorneys' fees, claimed by each party and, when possible, the amount of such damages sought by each party.
12. Designation of Lead Trial Counsel. No change of Lead Trial Counsel may be made without leave of the Court, if such change disrupts the trial schedule.
13. A list of all outstanding motions and date/time of any hearing thereon.
14. Identify with specificity, any matters of which the parties will ask the Court to take Judicial Notice under *Fla. Stat.* 90.201 and 90.202, and notate any objections or agreement thereto by opposing counsel.

9. **DISCOVERY CUT-OFF.** Discovery closes on the day prior to the Pre-Trial Conference unless extended by Court order for good cause shown. All depositions and CME reports must be completed; answers to interrogatories, responses to request to produce and responses to requests for admissions must be served by this date. Joint Stipulations to extend discovery without Court order do not alter the discovery cut-off.

10. **MOTIONS CUT-OFF DEADLINE.**

- (a) All motions, including Daubert motions, other than motions in limine, must be **FILED AND HEARD** at least thirty (30) days prior to the Pre-Trial Conference. Late-filed motions are subject to summary denial.
- (b) Motions in Limine or motions to exclude witnesses or evidence or motions directed to the conduct of the trial must be filed and served prior to the Pre-Trial Conference. Motions in Limine must be scheduled and heard no later than one week prior to the beginning of the trial period. No Motions in Limine will be heard during the trial period, absent good cause.
- (c) No Motions may be scheduled for hearing unless they contain a certification of good faith attempt to resolve the matter at issue.

11. **TRIAL BRIEFS.** Trial briefs are optional but if one is filed, a copy for the Court shall be delivered to Chambers no less than five (5) working days before trial. Highlighted copies of relevant legal authorities must accompany the copy delivered to the Court.

12. **NOTIFICATION OF SETTLEMENT.** The parties shall immediately notify the judicial assistant of a settlement by email at [35orange@ninthcircuit.org](mailto:35orange@ninthcircuit.org) followed within five (5) business days by a filed Notice of Settlement signed by all parties. Noncompliance with this

paragraph will result in the case remaining on the docket as well as the possible imposition of other sanctions. **The case will not be removed from the Pre-Trial docket until all documents necessary for closure of the case are filed with the Clerk.**

**13. MODIFICATION OF ORDER FOR GOOD CAUSE.** The provisions of this Order may be modified only by Court order in accordance with applicable law.

**14. SANCTIONS.** Failure to attend the meeting of attorneys required in paragraph 7(c), the Pre-Trial Conference, or trial or to otherwise strictly comply with the requirements of this Order may result in the imposition of appropriate sanctions, including but not limited to, contempt, dismissal, default, striking of pleadings, exclusion of evidence, assessment of fees or costs.

**15. AUDIO/VISUAL.** Requests for audio and/or visual equipment must be made at least 48 hours in advance of trial. For assistance, see the Court's web site, [www.ninthcircuit.org](http://www.ninthcircuit.org) under Services, then Technology Services, then Audio/Visual.

**16. ADDITIONAL GUIDELINES:** Counsel are charged with reading and being familiar with the contents of the following Division documents: (i) Guidelines, Procedures and Expectations of this division; (ii) Guidelines for Counsel Regarding Compulsory Medical Examinations; and (iii) Ninth Circuit Courtroom Decorum Policy.

**17. DIVISION SPECIFIC GUIDELINES.** A copy of the additional guidelines applicable to the division in which this matter will be tried is available on the Court's web site.

**18. SUMMARY OF DEADLINES.** For scheduling purpose only, see Attached Summary of Deadlines.

**19. CASE MANAGEMENT ORDERS.** If a Case Management Order has been, or is subsequently, entered in this matter, any conflicts between this "Uniform Order" and the "Case Management Order" will be resolved in favor of the Case Management Order in this particular case.

**DONE AND ORDERED** in Orlando, Florida on this 12th day of January, 2023.

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MARGARET H. SCHREIBER  
CIRCUIT JUDGE

Revised April 2020

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this 12th day of January, 2023 by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

Wendy Blair, Judicial Assistant to Judge Margaret H. Schreiber

**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.**

## **EXHIBIT A – for JURY TRIAL CASES**

### ***Additional Pretrial Guidelines for Division 35***

#### **1. ADD SECTION 5 (f):**

(f) Experts will be made available for deposition by the party retaining them without necessity of subpoena. The Court may limit the number of experts at trial.

#### **2. MOTIONS IN LIMINE AND MOTIONS TO EXCLUDE:**

*(Modifying Section 10(b))*

Motions in limine and Motions to Exclude Witnesses or Evidence must be filed and served prior to the Pre-Trial Conference. These Motions may not be scheduled for a hearing unless they contain a certification of a good faith attempt to resolve the matter without Court action.

The Notice of Hearing on motions in limine must specifically identify those issues which remain in controversy after counsel has conferred, in accordance with Division 35's Standing Order on Motions in Limine. Motions must be scheduled and heard no later than one week prior to the beginning of the trial period. No motions in limine will be heard during the trial period, absent good cause. Counsel shall provide an Agreed Order for the Court on all undisputed motions in limine no later than one week prior to the trial period.

#### **3. DEPOSITION DESIGNATIONS:**

*(Modifying Section 7(a)):*

Disputes over deposition designations must be heard by the Court no less than ten (10) business days before the first day of Trial. If the parties cannot resolve disputes over deposition designations, and no hearing time can be coordinated, the parties shall submit a properly marked copy of the transcript and a proposed order identifying (in three columns): the designation (by page and line); the objection; and a blank column for the court to rule, no later than ten (10) business days prior to Trial.

#### **4. JOINT MEETING OF COUNSEL:**

*(Modifying Section 7(c))*

(c) No later than fifteen (15) days prior to the Pretrial Conference, lead counsel, and pro se parties (if any), shall meet either live or by video. Live or video attendance at this



meeting by lead trial counsel is mandatory. Plaintiff's attorney (or if Plaintiff is pro se, Defendant's attorney) shall arrange a mutually agreeable time, date and place for this meeting and, if the meeting is to occur by video, shall also arrange the video conference and provide the information to all counsel/parties.

## 5. JURY INSTRUCTIONS

*(Modifying section 7(c)(10)):*

10. Discuss the proposed jury instructions (*voir dire* through closing) and verdict forms. The Court will instruct the jury on the law prior to opening statements: counsel shall discuss which jury instructions are to be read at that time. For Standard Jury Instructions – Civil Cases, see [www.floridasupremecourt.org](http://www.floridasupremecourt.org). The parties shall prepare the following:

(i.) All Agreed Jury Instructions, including Supreme Court instructions for *voir dire*, instructions prior to opening, instructions prior to closing argument and instruction following closing arguments.

(ii.) All disputed instructions identifying the Party proposing it/them and the phase of the Trial for which the instruction is proposed.

(iii.) The above versions of Jury Instructions shall be prepared to include a cover page reflecting the style of the case, an appropriate title, with instructions following in paragraph form without Jury Instruction numbers, headers or brackets. Instructions shall be 14-point, Times New Roman and double spaced. Pages shall be numbered.

(iv.) The proposed jury instructions and verdict form(s) shall be provided to the Court at the Pre-Trial Conference in hard copy AND a digital copy shall be sent to the Judicial Assistant at [35orange@ninthcircuit.org](mailto:35orange@ninthcircuit.org) in **WORD FORMAT**.

## 6. PRETRIAL CONFERENCE:

*(Modifying Section 4)*

The Pretrial Conference will be held remotely via video link on Webex. You will be sent a link for the video hearing. **YOU MUST PROVIDE THE COMPLETED SIGNED PRETRIAL CHECKLIST AND ORDER CONTROLLING TRIAL** to the Division 35 Judge no later than 48 hours prior to the Pretrial Conference. You may hand deliver it to Chambers (1710) or email it to [35orange@ninthcircuit.org](mailto:35orange@ninthcircuit.org). The Pretrial Checklist is found on the Division 35 website.

## **SUMMARY OF DEADLINES**

Mediation shall be completed **prior to Pre-Trial Conference.** (§2)

Plaintiff's Expert Witness list with deposition dates, due **120 days prior to Pre-Trial Conference.**  
(§5a; 5d)

Defendant's Expert Witness list with deposition dates, due **within 15 days of Plaintiff's disclosure.**  
(§5b; 5d)

Exchange of Witness Lists and Exhibit Schedules – **60 days before date of Pre-Trial Conference.** (§6)

Deposition Designations completed no later than **30 days prior to the Pre-Trial Conference.**  
Counter Designations no later than **20 days prior to the Pre-Trial Conference.** (§7a)

Meeting of Attorneys **15 days prior to Pre-Trial Conference.** (§7c)

All Motions, including Daubert motions, other than motions in limine, must be filed **and heard at least 30 days prior to Pre-Trial Conference.** (§10a)

Motions in Limine and Motions to Exclude Witnesses and Evidence must be filed **prior to Pre-Trial Conference.** (§10b; Exhibit A, §B) These motions must be heard no later than **one week prior to first day of trial period.** (§10b; Exhibit A, §B)

Jury Instructions/Verdict forms exchanged no later than **30 days prior to the Pre-Trial Conference.** Jury Instructions/Verdict forms shall be presented to the Judge **at the Pre-Trial Conference.** (§7,c,10,iv.)

Joint Pre-Trial Statement signed by attorneys/pro se parties due **no less than 5 days before Pre-Trial Conference.** (§8)

Discovery Cut-Off is **1 day prior to Pre-Trial Conference.** (§9)

Trial briefs (optional) due **5 working days prior to Trial.** (§12)

*Note: In the event of any conflict between this Summary of Deadlines and the Uniform Order, the Uniform Order shall Control. In the event of any conflict between the Uniform Order and Exhibit A, then Exhibit A shall control.*