

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

□

Case No.
Division 39

Plaintiff(s)

vs.

□

Defendant(s).

_____ /

**ORDER SETTING
NON-JURY TRIAL (FORECLOSURE)**

YOU ARE HEREBY NOTIFIED that a _____ hour non-jury trial in the above entitled foreclosure case will be held before Judge Chad K. Alvaro on _____ at _____ a.m./p.m. in Hearing Room 1700.01 at 425 N. Orange Avenue, Orlando, Florida 32801 or as soon thereafter as it can be reached. Plaintiff's failure to appear shall result in dismissal of the case. It is further

ORDERED and ADJUDGED:

1. REFERRAL TO MEDIATION. If this matter has not been previously mediated, the matter must be mediated no later than two weeks prior to the trial date. Plaintiff shall have the responsibility for setting the mediation. If costs are incurred they shall be shared equally between Plaintiff and Defendant. Any party may move to defer or dispense with mediation upon good cause shown. However, mediation shall proceed unless a Court order specifically dispenses with mediation. All parties and their counsel or authorized representative, with authority to resolve this matter must appear in person. Telephone or video appearances are not permitted.

2. DISCOVERY PROVISIONS. All discovery must be completed no later than one (1) week prior to the trial in this matter. Sanctions will be imposed for failure to comply with the Florida Rules of Civil Procedure and the Administrative Rules of the Ninth Judicial Circuit.

3. EXCHANGE OF WITNESS LISTS AND EVIDENCE SCHEDULES. No later than twenty (20) days before the trial, attorneys and pro se parties shall serve upon each other the following:

- a. a list of all witnesses (including known impeachment and rebuttal witnesses) which party might call at trial. The list shall contain the name, address and telephone number of the witness and whether the witness is a liability or damage witness. Additionally, expert witnesses shall be designated as such; and,
- b. a schedule of all exhibits which a party may offer at trial numbered sequentially. The schedules will include all depositions to be offered in evidence at trial.

4. MEETING OF ATTORNEYS, AND PRO SE PARTIES. No later than ten (10) business days prior to the trial, counsel who will try the case, and pro se parties, if any, shall meet. Attendance at this meeting is mandatory. Plaintiff's attorney shall arrange a mutually agreeable time, date, and place for this meeting. At the meeting the attorneys, and pro se parties shall:

- a. Discuss and attempt to settle the case.
- b. Produces, examine and initial every evidentiary exhibit intended to be offered at the trial; agree upon those which can be admitted as joint exhibits, those which can be admitted without objection, and identify those to which objection will be made and the grounds of each objection, and note this on a separate copy of each party's exhibit schedule. Objections not reserved or grounds not noted on such separate schedule will be deemed waived at trial. Agreements and objections will be filed with the Court no later than one week before trial.
- c. Review the witness lists and in good faith note on a separate copy which witnesses and depositions will actually be used at trial.
- d. Discuss and stipulate as to those facts which will require no proof at trial.
- e. Discuss, clarify and frame all factual issues of fact to be tried.
- f. Identify all issues of law, procedure or evidence to be decided by the Court prior to or during trial.
- g. Discuss and attempt to agree upon any other matters which will lead to a more orderly and expeditious trial, e.g., copies in lieu of originals, witnesses out of turn, which portions and how depositions will be presented, etc.

5. EXPECTATIONS. All counsel and pro se litigants are expected to be prepared and ready for trial when the matter is called for trial. Witnesses must be present and under

subpoena. Failure of a party to appear at trial and to be prepared for trial may result in either dismissal of the action or a default being entered by the Court.

6. **FORECLOSURE WORKSHEET.** Prior to the start of trial, each party shall complete the Attorney Worksheet for Foreclosure Trial and serve same on every other party and file it with the Clerk of Court, with courtesy copies emailed to the Judicial Assistant at 39orange@ninthcircuit.org.

DONE and ORDERED.

Chad K. Alvaro
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court 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

Shenise Baker, Judicial Assistant to the Honorable Chad K. Alvaro

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.