

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

□

Case No.
Division 39

Plaintiff(s)

vs.

□

Defendant(s).

_____ /

UNIFORM TRIAL ORDER (NON-JURY TRIAL)

(Rev. February 2024)

THIS MATTER came before the Court on a notice for trial and, it appearing that this case is at issue and ready to be set for trial, it is

ORDERED and ADJUDGED 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. MEDIATION. 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 Pretrial Conference.

3. TRIAL DATE. This case is set for a Nonjury Trial during the two-week trial docket beginning _____ in Courtroom 18-B at 9:00 a.m. at the Orange County Courthouse, 425 N. Orange Avenue, Orlando, Florida. The length of time estimated for trial is: _____.

4. PRETRIAL CONFERENCE. Lead Trial Counsel and pro se parties shall attend a Pretrial Conference on _____ at 10:00 a.m. The parties may attend in-person in Hearing Room 1700.01 or remotely without leave of court. Remote attendance at pretrial conferences may be had through the Court's Zoom link:

<https://us06web.zoom.us/j/9534919222>

Join by phone: 305-224-1968

Meeting ID: 953 491 9222

5. EXPERT WITNESSES. The following will govern proceedings related to expert witnesses.

- (a) No less than one hundred twenty (120) days before the Pretrial Conference, Plaintiff shall disclose the expert witnesses (including treating experts) that, in good faith, Plaintiff actually intends to present at trial.
- (b) Within fifteen (15) days of the Plaintiff's disclosure of experts, the Defendant shall disclose the expert witnesses that, in good faith, Defendant actually intends to present 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 Pretrial Conference.
- (d) Parties disclosing expert(s) shall provide opposing counsel three (3) proposed deposition dates for each expert disclosed contemporaneously with the disclosures in paragraphs 5(a) and 5(b) above. 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 Pretrial 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 PRETRIAL REQUIREMENTS. The following additional pretrial requirements shall apply.

- (a) Deposition designations. No less than 30 days prior to the Pretrial Conference, each party shall serve designations of the depositions it intends to offer at trial. No less than 20 days prior to Pretrial 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) No later than fifteen (15) days prior to the Pretrial Conference, lead counsel and 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:

- (i) Discuss and attempt to settle the case.
- (ii) Produce all documents to be offered at trial. Exhibits must be Bates stamped in any case in which more than 100 exhibits are involved.
- (iii) 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 Pretrial Statement described below. Objections not noted are waived.
- (iv) Review opposing parties’ witness lists. Witness lists for each Party shall be attached to the Joint Pretrial Statement described below.
- (v) Discuss and stipulate to any facts requiring no proof at trial.
- (vi) Discuss, clarify, and frame all factual issues of fact to be tried.

- (vii) Identify all legal, procedural, or evidentiary issues to be decided prior to or during trial.
- (viii) Discuss any evidentiary stipulations.
- (ix) Agree upon and draft a concise but complete statement of the case which will fully inform the judge in a non-jury trial.
- (x) Discuss and attempt to agree upon any other matters leading to a more orderly and expeditious trial.
- (xi) Discuss and exchange all demonstrative aids.

8. JOINT PRETRIAL STATEMENT. No less than ten (10) days before the Pretrial Conference, Plaintiff's attorney (or Defendant's attorney, if Plaintiff is pro se) shall serve a "Proposed Joint Pretrial 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 Pretrial Statement. A Joint Pretrial Statement addressing the matters described below shall then be prepared, filed and served no less than five (5) days before the Pretrial Conference. The original shall be filed with the Clerk with a courtesy copy delivered to the judge no later than five (5) business days prior to the Pretrial Conference. If the Parties are unable to agree on the contents of the Joint Pretrial Statement, the differing views should be set forth within a single Joint Pretrial Statement. The Joint Pretrial Statement shall contain the following:

- (a) A statement of the case.
- (b) A statement of admitted facts which may be read at trial as a stipulation of counsel.
- (c) A statement of the issues of fact to be tried.
- (d) A statement of the unresolved issues of law, procedure or evidence.
- (e) Each party's witness list.
- (f) Each party's schedule of exhibits with objections.
- (g) Any stipulation on evidentiary matters specifying the applicable matters to which such stipulation applies, i.e. authenticity, hearsay exceptions, etc.
- (h) A current estimate of the number of days required for trial.
- (i) The specific category of damages, including attorneys' fees, claimed by each party and, when possible, the amount of such damages sought by each party.

- (j) A 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.
- (k) A list of all outstanding motions and date/time of any hearing thereon.
- (l) An identification, with specificity, of any matters of which the parties will ask the Court to take Judicial Notice under §§ 90.201 and 90.202, Fla. Stat., and any objections or agreement thereto by opposing counsel.

9. CLOSE OF DISCOVERY. Discovery closes on the day prior to the Pretrial Conference unless extended by Court order for good cause shown. All depositions must be completed, and answers to interrogatories, responses to request to produce, and requests for admissions served by this date. Joint stipulations to extend discovery without Court order do not alter the discovery cut-off.

10. MOTIONS DEADLINE. The following will govern pretrial motion practice.

- (a) All motions (including *Daubert* motions), other than motions in limine, must be filed and heard at least thirty (30) days prior to the Pretrial 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 Pretrial Conference. Motions in Limine must be scheduled and heard no later than one week prior to the beginning of the trial period. Motions in limine will not 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 AND PROPOSED FINDINGS AND CONCLUSIONS. The following will govern submittal of trial briefs and findings of fact and conclusion of law.

- (a) No later than three (3) business days before trial, the parties must each file a trial brief and deliver copies to opposing counsel and the undersigned judge. The trial brief will set forth (i) a brief statement of facts admitted and additional facts which the party expects to prove; and (ii) a brief statement of law upon which the party relies. Copies of primary legal authorities cited must accompany the chamber copy.
- (b) No later than the conclusion of the non-jury trial, unless a different date is directed by the Court, each party will e-mail to 39orange@ninthcircuit.org a proposed final judgment. If any party desires findings of fact, such party will include them in the proposed final judgment or submit them separately along with the final judgment. All submittals must be in Word format.

12. NOTIFICATION OF SETTLEMENT. In the event of settlement, the parties shall immediately notify the judicial assistant by email to 39orange@ninthcircuit.org followed 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. Where a Notice of Settlement is filed, the parties are required to appear at trial call on the first day of their designated trial period unless expressly advised by the Judicial Assistant/Court that they are relieved from appearance. If the parties are advised that they are relieved from appearing at trial call, the Court will ordinarily enter an order setting a status conference thirty (30) to sixty (60) days out to determine the status of the settlement.

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 Pretrial 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, and/or 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 under Programs and Services, then Technology Support.

16. ADDITIONAL GUIDELINES. Counsel are charged with reading, being familiar with, and complying with the following Division 39 documents: (i) Division 39 Procedures; (ii) Ninth Circuit Guidelines Regarding Compulsory Medical Examinations; and, (iii) Ninth Circuit Courtroom Decorum Policy (*Amended, September 2014*).

17. 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 Uniform Order unless the Case Management Order provides otherwise.

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.