IN THE CIRCUIT COURT OF THE

NINTH JUDICIAL CIRCUIT, IN AND

FOR ORANGE COUNTY, FLORIDA

CASE NO:

DIVISION: 38

,

Petitioner,

-vs-

,

Respondent.

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**ORDER AFTER CASE MANAGEMENT CONFERENCE**

**ALL PARTIES ARE ADVISED TO READ THIS ENTIRE ORDER CAREFULLY**

**THIS CAUSE** having come on 2/2/2024 for consideration, the parties having appeared, and the Court having reviewed the court file and being duly advised in the premises:

**It is ORDERED:**

1. This Dissolution action was filed 1/3/2023, the Counter-Petition was filed 2/12/2023. It involves on child, Jane Doe DOB 7/2/2015. This is a 10-year marriage with issues that include: marital home (in the possession of the Wife), equitable distribution, alimony, timesharing and parental responsibility.

2. **Outstanding Motions**:

a. Motion to Compel filed 4/2/2023: This Motion was not brought to hearing timely and is DENIED. Final discovery needed was discussed with the Parties and is set out herein. Any extensions to the deadlines herein must be sought timely and with good cause shown, this includes agreed upon extensions. This case is not being prosecuted expeditiously and the Court intends to have this case concluded for this family in the next 90 days.

b. Motion to Amend filed 5/3/2023: This Motion was not brought to hearing timely, does not indicate what is different from the original, does not allege good cause, and is DENIED.

c. Motion For GAL filed 8/25/2023: This Motion was not brought to hearing timely and is DENIED. It also does not allege any good cause, as every case that proceeds to trial with a disputed Parenting Plan does not necessitate a Guardian Ad Litem. There is no showing in the pleading as to any facts to be investigated that cannot be sufficiently fleshed out with witnesses and evidence at hearing. Further there is no showing in the pleading as to ability to pay.

3. **Disputes related to Parenting Plan**: Neither party has filed a sufficiently detailed proposed Parenting Plan. Within 20 days, and prior to the Pretrial Conference, the Parties shall create a joint redline Parenting Plan in Word and provide same to the Court. The Court will go over that document with the parties at the PTC, in an effort to narrow the issues. The Mother plans on presenting competent and substantial evidence at trial to overcome the presumption under Florida Statute 61.13 that a 50%-50% timesharing schedule would be in the interests of the Parties’ child. As this is her burden, the Court will be allowing her to proceed first related to those issues, despite her being the Respondent. The Court has noted that her Counter-Petition has no facts alleged that would permit any restriction of timesharing. The Parties shall both include in their joint Pretrial Memorandum any facts that they plan to prove that would provide non-standard Parenting Plan language or that they believe should effect the schedule.

4. **Disputes related to Equitable Distribution**: The Parties have produced a Joint Equitable Distribution Spreadsheet and the Court has reviewed same with the parties. Many stipulations have been made. The Court accepts those stipulations and attaches that spreadsheet to this Order as “A”. The agreed numbers are set out in the “Court Columns” and this stipulation is considered proven and no further evidence or testimony will be needed related to those valuations or distributions. See Central Square v. Great Divide Ins 82 So.3d 911

5. **Marital home**: The home the Parties were residing in at the time of the filing was purchased prior to the marriage. The Husband’s contention that there is no marital value appears faulty, as mortgage payments have been made since the marriage using his, and possibly her, income. The Court has provided some guidance to the parties, and if there is no agreement on this issue Parties need to include in their Joint Pretrial Memorandum their calculations for the marital value per the formula under 61.075. Any appraisals or experts will need to e completed prior to the PTC.

6. **Alimony**: The Wife is asking for alimony. The Parties need to include in their Joint Pretrial Memorandum their suggested calculation for alimony per the formula under 61.08, assuming the Court found need and ability to pay.

7. The Parties have agreed to the Pretrial Conference date set out herein and assert that they will have adequate time to prepare for that hearing, which includes completing all requirements of the Uniform Pretrial Order, including the Joint Pretrial Memorandum with stipulations as to all knowable numbers, and an updated Joint Equitable Distribution Spreadsheet. This also includes the meeting to exchange exhibits and Evidence Control Lists, and filing of any objections based on authenticity.

8. The Parties have been placed on notice that Motions to Continue and Motions to Withdraw will only be granted upon exceptional circumstances and that the Court intends on holding trial in this matter within 6 weeks of the Parties attending Pretrial Conference and having fully prepared for trial.

9. The Parties are further on notice that if they fail to comply with this Order the Court may dismiss this action, enter a default against a part, or hold a party in contempt, pursuant to Fla. Fam. L. R. p. 12.380(b)(2)(c ).

10. **Final Discovery**: Parties shall ensure there is a complete and accurate Financial Affidavit on file and exchange the following in the next 20 days:

* 2023 tax returns with attachments, and W-2s, 1099s and documentation of any other monies received from any source during that year
* Current paystubs
* Last six months of statements for all bank accounts, retirement accounts and bank accounts.
* The Court will not be distributing any item that is not set out specifically on a Financial Affidavit (“furnishings” and “jewelry” are not sufficient)

Failure to file a motion within 20 days, alleging good cause for requesting specific

additional discovery beyond what was stipulated to at this CMC, will be a waiver to any additional discovery.

Parties shall complete all appraisals, evaluations, depositions and exchange any expert reports within 60 days and prior to PTC.

**Pretrial to proceed on .**

**DONE AND ORDERED** at Orange County, Florida on this

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Judge Diana M. Tennis

Circuit Judge

CERTIFICATE OF SERVICE