

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

[]

Plaintiff(s)

Case No.

Division

43 (Orange County)

23 (Osceola County)

vs.

[]

Defendant(s).

_____ /

**ORDER SETTING
CASE MANAGEMENT CONFERENCE**

THIS MATTER came before the Court on a finding that the case is a “complex case” and the Court, being duly advised in the premises, finds that it is

ORDERED and ADJUDGED as follows:

1. Notice is hereby given that on _____, at _____ in Courtroom 9A, Orange County Courthouse, 425 N Orange Ave., Orlando, FL 32801. The undersigned shall convene a Case Management Conference (“CMC”) in this cause. Parties may appear remotely using the division’s WebEx link:

<https://ninthcircuit.webex.com/join/BusinessCourt>

Attendee cameras must be activated. Parties are expected to comport themselves as though present in-person in the courtroom. AI-assisted note taking applications are not permitted in the meeting space.

2. All documents shall be electronically filed with the Clerk of the Court. This case is governed by the Business Court Procedures (BCP) which can be found at:

<http://www.ninthcircuit.org/divisions/business-court>

Plaintiff’s counsel is ordered to confirm all parties subsequently named or appearing herein

have been served copies of this order.

3. Lead trial counsel shall appear for the CMC pursuant to BCP 6.4. Clients are not required to attend the CMC. Regardless of the pendency of any undecided motions, Trial Counsel shall meet no less than 30 days in advance of the CMC and address the following subjects, along with other appropriate topics, including those set forth in Florida Rule of Civil Procedure 1.200(a), some of which subjects and topics will be incorporated into a Case Management Order:

- a. a brief factual statement of the case;
- b. pleading issues, including service of process, venue, joinder of additional parties, theories of liability, damages claimed, and applicable defenses;
- c. the identity and number of any motions to dismiss or other preliminary or pre-discovery motions which have been filed and the time period in which they shall be filed, briefed and argued;
- d. a discovery plan and schedule including the length of the discovery period, the anticipated number of fact and expert depositions to be permitted and, as appropriate, the length and sequence of such depositions;
- e. anticipated areas of any expert testimony, timing for identification of experts, responses to expert discovery, and exchange of expert reports;
- f. an estimate of the volume of documents and computerized information likely to be the subject of discovery from parties and nonparties and whether there are technological means which may render document discovery more manageable at an acceptable cost;
- g. the advisability of using the general magistrate or special magistrate for fact finding, mediation, or discovery disputes or such other matters as the parties may agree upon;

h. the time period after the close of discovery within which post-discovery dispositive motions shall be filed, briefed, and argued, and a tentative schedule for such activities;

i. the possibility of settlement and the timing of alternative dispute resolution, including the selection of a mediator or arbitrator(s);

j. whether or not a party or parties desire to use technologically advanced methods of presentation or court-reporting and, to the extent that this is the case, a determination of the following:

i. fairness issues, including but not necessarily limited to use of such capabilities by some but not all of the parties and/or by parties whose resources permit or require variations in the use of such capabilities;

ii. issues related to compatibility of court and party facilities and equipment;

iii. issues related to the use of demonstrative exhibits and any balancing of relevance and potential prejudice which may need to occur in connection with such exhibits; and,

iv. such other issues related to the use of the Court's and parties' special technological facilities as may be raised by any party or the Court or its technological advisor, given the nature of the case and the resources of the parties.

k. a good faith estimate by counsel for each party based upon consultation with all of the parties of the attorney's fees and costs each party is likely to incur in pursuing the litigation through trial court adjudication;

l. a preliminary listing of the principal legal and factual issues which

counsel believes will need to be decided in the case;

m. a preliminary listing of any legal principles and facts that are not in dispute;

n. a good faith estimate by counsel for each party of the length of time to try the case;

o. whether a demand for jury trial has been made;

p. the deadline for filing motions in limine; and,

q. the track to which the case will be assigned. The Complex Business Litigation Court typically employs the following management tracks: Business Expedited (Target Trial Date within 13 months of the filing of the complaint); Business Standard (Target Trial Date within 18 months of the filing of the complaint); and Business Complex (Target Trial Date within 24 months of the filing of the complaint) and Complex Construction. If the case is a Complex Construction case, then the following topics shall also be addressed:

i. the selection of a Special Magistrate to be used in the case and the compensation for the Special Magistrate;

ii. whether the parties will produce discovery through disc exchange or through a virtual depository. If the parties select a virtual depository, then the parties shall designate a cloud depository service;

iii. the selection of a court reporting service to be used in the case;

iv. The selection of a mediator to be used in the case; and,

v. deadlines for destructive testing and extrapolation support testing.

4. Within 14 days of the meeting among Trial Counsel, but no less than 14 days

in advance of the Case Management Conference, the parties shall file a Joint Case Management Report pursuant to BCP 6.3 addressing the matters described above. If the case is a Complex Construction case, Plaintiff shall serve a Preliminary Defect List on all parties at least 14 calendar days in advance of the Case Management Conference. The Preliminary Defect List shall provide Defendants with sufficient information to identify which, if any, additional parties should be joined in the action.

5. All counsel and parties are responsible for filing the Joint Case Management Report in full compliance with this Order. Plaintiff's counsel shall have the primary responsibility to coordinate the meeting of Lead Trial Counsel and unrepresented parties in person, and the filing of the Joint Case Management Report. If counsel is unable to coordinate such compliance, counsel shall timely notify the Court by written motion or request for a status conference.

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 for 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.