

EXHIBIT A – for JURY TRIAL CASES
Additional Pretrial Guidelines for Division 34

1. EXPERT WITNESS DISCLOSURE (*amending § 6*):

By Plaintiff(s): Not later than 90 days before the date of the pretrial conference, Plaintiff(s) shall disclose all expert witnesses (including treating physicians) that in good faith Plaintiff(s) actually intend to call at trial. Disclosure includes providing three (3) days when the retained experts will be ready, with opinion, for deposition.

By Defendant(s): Not later than 60 days before the date of the pretrial conference, Defendant(s) shall disclose all expert witnesses (including treating physicians) that in good faith Defendant(s) actually intend to call at trial. Disclosure includes providing three (3) days when the retained experts will be ready, with opinion, for deposition.

2. SCHEDULING OF MOTIONS IN LIMINE:

Motions in Limine must be scheduled and heard no later than one week prior to the beginning of the trial period. Hearing time is limited and counsel should not assume that hearing time will be available for motions filed, but not heard, before pre-trial conference. No Motions in Limine will be heard during the trial period absent a showing of good cause. Counsel must comply with the Division 34 Procedures for Hearings and Rulings on Motions in Limine.

3. FRYE/DAUBERT HEARINGS (Fla. Stat. § 90.702):

Motions to exclude expert witnesses must be heard at least thirty (30) days prior to pre-trial conference unless good cause is shown for scheduling the matter later.

4. DEPOSITION DESIGNATIONS (*modifying § 7(a)(9) and 7(b)*):

At the meeting of the attorneys/pro se parties, deposition designations shall be made. Cross designations shall be made within three (3) days after the meeting. The designations and cross designations shall be included in the Joint Pretrial Statement. The parties shall include in the Joint Pretrial Statement a page-and-line description of any testimony that remains in dispute after an active and substantial effort at resolution, together with argument and authority for each party's position. Designations or objections not contained in the Joint Pretrial Statement will not be entertained.

5. LEAD TRIAL COUNSEL MUST ATTEND THE PRETRIAL CONFERENCE.

6. JURY INSTRUCTIONS:

Not later than ten (10) days before the trial period is to commence, counsel shall file with the clerk a set of jointly-proposed jury instructions, together with a single jointly-proposed jury verdict form. The parties should be considerate of their juries, and therefore should submit short, concise verdict forms. The court prefers pattern jury instructions approved by the Supreme Court of Florida. A party may include at the appropriate place in the single set of jointly-proposed jury instructions a contested charge, so designated with the name of the requesting party and bearing at the bottom a citation of authority for its inclusion, together with a summary of the opposing party's objection. A copy of the single set of jointly-proposed jury instructions and verdict form shall be forwarded to the court (i) in hard copy AND (ii) via email to the Judicial Assistant at 34orange@ninthcircuit.org **in WORD FORMAT** no later than seven (7) days before trial period is to commence.

7. ADDITIONAL GUIDELINES:

Counsel are charged with reading and being familiar with the contents of the following Division 34 documents: (i) Guidelines, Procedures and Expectations; (ii) Guidelines for Counsel Regarding Compulsory Medical Examinations; and (iii) Ninth Judicial Circuit Courtroom Decorum Policy (*Amended, September 2014*).

SUMMARY OF DEADLINES

Division 34

Mediation: Completed prior to Pretrial Conference. (§5b)

Plaintiff's Expert Witness list: 90 days prior to Pretrial Conference. (§6)

Defendant's Expert Witness list: 60 days prior to Pretrial Conference. (§6)

Exchange of Witness Lists and Evidence Schedules: 45 days before date of Pretrial Conference. (§6)

Meeting of Attorneys: 10 working days prior to Pretrial Conference. (§7a)

Motions for Summary Judgment and hearings related to discovery: Filed and heard prior to Pretrial Conference. (§9a)

Motions in Limine: Filed prior to Pretrial Conference and heard no later than 7 days prior to first day of trial period. (§9b) *Must comply with Division 40 Procedures for Hearings and Rulings on Motions in Limine.*

Hearings related to discovery or trial matters: Filed and heard prior to Pretrial Conference. (§12 of Division 40 Guidelines and Procedures)

Deposition Designations/Cross Designations: Designations must be made at the meeting of attorneys. Cross-designations made within 3 days after the meeting of the attorneys. Designations, cross-designations and objections must be contained in or attached to the Joint Pretrial Statement.

Joint Jury Instructions/Verdict Forms: Filed no later than 10 days prior to the start of the trial period. A copy of the single set of jointly-proposed Jury Instructions/Verdict Form (*in Word format*) must be provided to the Court seven (7) days before trial period is to commence.

Joint Pretrial Statement: Signed by attorneys/pro se parties and filed **and a hard copy delivered to chambers no later than 3 business days** prior to Pretrial Conference. (§7b)

Discovery Cut-Off: 1 day prior to Pretrial Conference. (§8)

Trial Briefs (*optional*): 3 working days prior to Trial. (§11)(*e.g. by Wednesday for the trial period commencing the following Monday*)