

PRE-TRIAL CHECKLIST and ORDER CONTROLLING TRIAL
(Orange Circuit Civil Division 37 – Judge Diego M. Madrigal III)
Courtroom 18-C, Hearing Room 1100.01, Orange County Courthouse
(Pursuant to Fla. R. Civ. P. 1.200 (d))

This Checklist must be completed by counsel, signed and (i) brought to the Pretrial Conference or (ii) submitted to the Judge in Chambers via email to 37orange@ninthcircuit.org no later than 48 hours prior to the Pretrial Conference.

CASE #: _____ P/T DATE: _____

CASE STYLE: _____

Estimated Length of Trial: _____ days Jury Trial: Yes No

Attorney(s) for Plaintiff(s)
 _____ for _____ (1)
 _____ for _____ (2)

Attorney(s) Defendant(s)
 _____ for _____ (1)
 _____ for _____ (2)
 _____ for _____ (3)

1. **Joint Meeting of Counsel** Completed? Yes No If no, date it is scheduled? _____
2. **Joint PT Statement** Filed? Yes No If no, date it will be filed by: _____
 If no, have Individual PT Statements been filed? Plaintiff: Yes No Defendant? Yes No
3. **Mediation** Held? Yes No When held or scheduled? _____
 Is settlement still a possibility? Yes No Maybe
4. **Court Reporter** – Who will order? _____ Will the cost be shared / not shared? (circle one)
5. **Interpreter** needed? Yes No If yes, will the cost be shared / not shared? (circle one)
6. **Has Plaintiff #1 filed:** Witness List? Yes No Exhibit List? Yes No
Expert Witness List? Yes No
- Has Plaintiff #2 filed:** Witness List? Yes No Exhibit List? Yes No
Expert Witness List? Yes No

7. **Has Defendant #1 filed:** Witness List? Yes No Exhibit List? Yes No
Expert Witness List? Yes No

Has Defendant #2 filed: Witness List? Yes No Exhibit List? Yes No
Expert Witness List? Yes No

Has Defendant #3 filed: Witness List? Yes No Exhibit List? Yes No
Expert Witness List? Yes No

8. **Motions in Limine:** Filed prior to this pre-trial conference? Yes No - None

Must be scheduled and heard no later than **one week prior** to the beginning of the trial period. You must comply with Division 40's Standing Order on Motions in Limine, found at www.ninthcircuit.org

9. Have the parties filed their **Deposition Designations, Counter-Designations and Objections?**

Yes No None

- Deposition designations (citing page and line numbers) are due **30 days** before the start of the Trial Period by the party offering the testimony.
- Cross designations (citing page and line numbers) are due **20 days** before the start of the Trial Period.
- All objections must be ruled on **PRIOR TO THE START OF THE TRIAL PERIOD**. Please submit the deposition together with a blank Order containing a identifying the designation (page and line), the objection, and leaving a place for the Court to rule. The Court will rule in chambers without hearing.

10. Time Estimates:	<i>Voir Dire:</i>	<i>Opening Statement:</i>	<i>Closing Argument (to include rebuttal)</i>
Plaintiff (1)	_____ min/hr	_____ min/hr	_____ min/hr
Plaintiff (2)	_____ min/hr	_____ min/hr	_____ min/hr
Defendant (1)	_____ min/hr	_____ min/hr	_____ min/hr
Defendant (2)	_____ min/hr	_____ min/hr	_____ min/hr
Defendant (3)	_____ min/hr	_____ min/hr	_____ min/hr

11. **Jury: Venire** – Number requested? _____ Number of **Alternate(s)** requested? _____
Peremptory Challenges (3 per party): Total for: Plaintiff: _____ Defendant: _____

12. When is the **Rule of Sequestration** invoked? Before *voir dire* Before opening Not invoked

13. Are there any pending **Motions, Special Provisions or Concerns?** *(Please list below)*

PLEASE BE AWARE OF THE FOLLOWING ADDITIONAL REQUIREMENTS

14. Exhibits and Demonstrative Aids:

Per the Uniform Order Setting Case for Trial, all exhibits and demonstrative aids (including Power Point Presentations and Trial Exhibits) must be exchanged, initialed by counsel for all parties, and tagged and marked for identification **PRIOR** to the first day of trial. Any objections must be separately noted and brought to the attention of the Court. Demonstrative aids may **NOT** be used during Opening Statement without (i) agreement or (ii) **prior** *(before the first day of trial)* court order. Please refer to www.myorangeclerk.com/Divisions/Records/Court-Evidence for evidence tags and instructions.

15. Stipulations – Admissions – Waivers of Custodians: Must be in writing if seeking Court enforcement

16. Trial Briefs: Not required, but if you choose to submit them, please provide electronic copies to Judge Netcher’s Chambers (1745) at least **five (5) business days** prior to trial to allow adequate time for review.

17. Judicial Notice: Please follow the Evidence Code, Section 90.201-90.207, Florida Statutes

18. Witness Disclosure during Trial: The next day’s witnesses shall be disclosed at the end of each trial day

19. Expert Opinions: Are not admissible if not expressed in deposition or in an expert report *(unless no report was created and no deposition was taken)*

20. Audio/video equipment – DO NOT WAIT UNTIL TRIAL TO TEST EQUIPMENT – Contact the Ninth Circuit’s Technology Support department at <http://www.ninthcircuit.org/services/technology-support> or call [407-836-0522](tel:407-836-0522) before the day of trial.

21. Jury Instructions and Verdict Forms - File the originals with the Clerk and provide a copy in **MS Word** *(in Times New Roman font – 14 pt. double spaced)* - to the Judge – either via USB flash delivered to the Court or via email to the judicial assistant at 37orange@ninthcircuit.org

- They must be submitted/received no later than 3 business days **prior** to the first day of trial
- Early substantive jury instructions, including the law, will be given **prior** to opening statements
- Final jury instructions will be given before closing argument.
- Jurors will be permitted to take notes and ask questions of witnesses *(See F.S. 40.50 and Rule 1.452)*

22. Be familiar with Judge Madrigal’s **Guidelines, Procedures, Expectations and Policies for Division 37** which can be found at: <https://ninthcircuit.org/judges/circuit/diego-m-madrigal-iii>.

I HAVE READ AND ACKNOWLEDGE THE FOREGOING. I UNDERSTAND THAT I MUST NOTIFY THE COURT IMMEDIATELY UPON SETTLEMENT OF THE CASE.

Attorney Signature(s)

Party

_____	for	_____
_____	for	_____
_____	for	_____
_____	for	_____
_____	for	_____
_____	for	_____

DO NOT WRITE BELOW THIS LINE – FOR COURT USE ONLY

VENIRE REQUEST: _____ - NUMBER OF ALTERNATES: _____

TIME CERTAIN DATE SET FOR TRIAL (IF APPLICABLE): _____

DATE SET FOR TRIAL: _____ # _____

YOU MAY BE CALLED AT **ANY TIME** DURING THE TRIAL PERIOD. **YOU ARE ON STAND-BY FOR THE ENTIRE TRIAL PERIOD.** JUDGE Netcher’s JA WILL DISTRIBUTE A TRIAL LIST WITH CASE NAMES AND NUMBERS, ATTORNEY NAMES AND CONTACT INFORMATION.

YOU ARE RESPONSIBLE FOR CONTACTING COUNSEL AHEAD OF YOU ON THE TRIAL LIST TO FIND OUT WHEN YOU MAY BE CALLED, OR YOU MAY CONTACT THE JUDICIAL ASSISTANT AT 37ORANGE@NINTHCIRCUIT.ORG. ALL TRIAL DATES (UNLESS OTHERWISE NOTED ON THE ORDER SETTING TRIAL) START AT 9:00 A.M. IN COURTROOM 18-C, ORANGE COUNTY COURTHOUSE.

DONE AND ORDERED this _____ day of _____, 202__.

DIEGO M. MADRIGAL III
Circuit Judge – Division 40