**DIVISION 40**

**ORDER CONTROLLING TRIAL AND PRE-TRIAL CHECKLIST**

*(Pursuant to Fla. R. Civ. P. 1.200(d))*

**(Bring (do not file) completed checklist to Pre-Trial Conference**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**CASE #:** \_\_\_\_\_\_-CA\_\_\_\_\_\_\_\_\_\_\_\_\_\_-O **P/T DATE:** \_\_\_\_\_/\_\_\_\_\_\_/20\_\_\_\_\_\_

**CASE STYLE:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ vs \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Attorney(s) for Plaintiff(s)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (1)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (2)

**Attorney(s) Defendant(s)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (1)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (2)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (3)

***Circle or Check the following as Appropriate****:*

1. Jury / Non-Jury

Duration: Hours/Days

Court Reporter provided by: Pltf. or Def. # Interpreter: Yes / No: Pltf. or Def. #

Rule of Sequestration Invoked? Yes / No If YES: Before voir dire / opening

1. JOINT PRE-TRIAL STIP. filed? Yes / No

If “No,” will be filed by:

*Jury Trials Only*: Statement of case to be read to venire: Yes / No In Jt. Stip.: Yes / No

Witness List Exhibit List Expert List. P/T Statement

Filed? Filed? Filed? Filed?

Plaintiff: Y / N Y / N Y / N Y/N

Defendant (1): Y / N Y / N Y / N Y/N

Defendant (2): Y / N Y / N Y / N Y/N

Defendant (3): Y / N Y / N Y / N Y/N

Defendant (4): Y / N Y / N Y / N Y/N

1. EXHIBITS: Must be Exchanged / Pages must be numbered and initialed / Objections must be noted / Must be Tagged\* *(\*All exhibits must be marked before the first day of trial. Tags are available from the Trial Clerk.*

1. DEMONSTRATIVE AIDS: Must be Exchanged / Must be Initialed / Must be Marked / Must agree to use in opening or obtain prior (before the day of trial) court order allowing use. *This includes Power Point Slides!*

1. MEDIATION: Held? Yes / No; If “no,” is mediation scheduled? Yes / No

***Is settlement Still a Possibility?*** *Yes / Maybe / No*

1. DEPOSITIONS, INTERROGATORIES & REQUEST AND RESPONSES TO ADMISSIONS:

If they are to be shown or used for impeachment:

* Copies: Bring two (2) hard copies of any deposition to be used to court.
* Designations/Cross Designations: Must be disclosed in writing (pages/lines) within the following time frame:
* By the party offering the testimony: 4 days after pretrial.
* Cross Designations in response to the designations: 8 days after pretrial.
* Objections: Objections to portions of depositions must be called up, set for hearing, and ruled upon no later ten (10) days after the pretrial.

1. STIPULATIONS, ADMISSIONS, AGREEMENTS AND WAIVERS: Must be in writing.
2. TRIAL DATE: *(put case on standby (48 hour notice) for earlier call)*

1. MOTIONS IN LIMINE: Must be filed before Pre-trial and HEARD BEFORE trial week. See [www.ninthcircuit.org](http://www.ninthcircuit.org) for Division 40’s Standing Order on Procedures for Motions in Limine.
2. TRIAL BRIEFS: If jury trial, not required. If non-jury trial, hard copies must be delivered to Judge’s Chambers as well as a copy emailed in Word to Chambers, or in the alternative, provided on a flash drive at least three (3) business days before trial.
3. TIME ESTIMATES AND ALLOTMENTS:

*Voir Dire* Opening Closing

(if Jury Trial) Statement Argument

Plaintiff: 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.

Defendant (4): min. / hr. min. / hr. min. / hr.

1. JUDICIAL NOTICE: Please follow the Evidence Code Fla. Stat. 90.201 - 207.
2. AV EQUIPMENT: If you will need audio/video assistance during trial, please complete the online “A/V Request Form” on the Court’s website [www.ninthcircuit.org](http://www.ninthcircuit.org) under “Services” and then “Technology Support.”
3. WITNESS DISCLOSURE: Each attorney will advise opposing counsel of the next day’s witnesses at the end of each day.
4. PENDING MOTIONS AND POSSIBLE DISCOVERY ISSUES:

(1)

(2)

(3)

(4)

1. EXPERT OPINIONS: Not admissible if not expressed in Expert Report or at Deposition *(unless none provided or deposition not taken)*.

JURY INSTRUCTIONS / VERDICT FORMS: Proposed jury instructions and verdict forms must be submitted both in hard copy and electronically in *Word* to the J.A., Cindy Brown, at [ctjacb1@ocnjcc.org](mailto:ctjasb1@ocnjcc.org)no later than three (3) days *before* the start of the trial docket

1. VOIR DIRE: Preemptory challenges (3 per party). Total # of challenges: \_\_\_\_\_\_\_\_\_\_\_\_\_\_;

Venire size: ­­­ ; Alternates (#): \_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. SPECIAL PROVISION OR CONCERNS:

1. \_\_\_\_ AMENDED NINTH JUDICIAL CIRCUIT COURTROOM DECORUM POLICY: All attorneys are expected to have read and become familiar with these policies, which can be found on Division 40’s page at [www.ninthcircuit.org](http://www.ninthcircuit.org).

**DO NOT WRITE BELOW THIS LINE**

*SIGNATURES:*

*Attorney(s) for Plaintiff(s)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (1)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (1)

*Attorney(s) for Defendant(s)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (1)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (2)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_for (3)

**Tentative date set for trial: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ # \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; But on Standby for earlier call; Check with Counsel on cases before you or Cindy Brown, Judicial Assistant (**[**ctjacb1@ocnjcc.org**](mailto:ctjacb1@ocnjcc.org)**). All trial dates unless otherwise noted on the trial order start at 8:30 a.m. in Courtroom 18C.**

**DONE** and **ORDERED** this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2017.

**BOB LEBLANC**

Circuit Court Judge