

**PRE-TRIAL CHECKLIST and ORDER CONTROLLING TRIAL**  
**(Orange Division 39 – Judge Vincent Falcone III)**  
*(Pursuant to Fla. R. Civ. P. 1.200 (d))*

CASE #: \_\_\_\_\_ P/T DATE: \_\_\_\_\_

CASE STYLE: \_\_\_\_\_

Estimate 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)  
 \_\_\_\_\_ for \_\_\_\_\_ (4)

1. Who will order the **Court Reporter** (if any?) \_\_\_\_\_ Will the cost be shared/not shared?  
 (circle one)

2. Is an **Interpreter** needed?  Yes  No If yes, will the cost be shared/not shared? (circle one)

3. When was the **Joint PT Stipulation** filed? If not yet filed, it will be filed by:

4. Has the **Joint Meeting of Counsel** been completed?  Yes  No If no, when is it scheduled?

5. Has Plaintiff (#1) filed the **Witness List?**  Yes  No **Exhibit List?**  Yes  No **Expert Witness List?**  Yes  No  
**PT Statement?**  Yes  No **Depo Designations / Counter Designations (case in chief)**  Yes  No

6. Has Plaintiff (#2) filed the **Witness List?**  Yes  No **Exhibit List?**  Yes  No **Expert Witness List?**  Yes  No  
**PT Statement?**  Yes  No **Depo Designations / Counter Designations (case in chief)**  Yes  No

7. Has Defendant (#1) filed the **Witness List?**  Yes  No **Exhibit List?**  Yes  No **Expert Witness List?**  
 Yes  No

**PT Statement?**  Yes  No **Depo Designations / Counter Designations (case in chief)**  Yes  No

8. Has Defendant (#2) filed the **Witness List?**  Yes  No **Exhibit List?**  Yes  No **Expert Witness List?**  Yes  
 No

**PT Statement?**  Yes  No **Depo Designations / Counter Designations (case in chief)**  Yes  No

9. Has Defendant (#3) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?** Yes No

**PT Statement?** Yes No **Depo Designations / Counter Designations** (*case in chief*) Yes No

10. Has Defendant (#4) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?** Yes No

**PT Statement?** Yes No **Depo Designations / Counter Designations** (*case in chief*) Yes No

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11. **Exhibits and Demonstrative Aids:** 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 agreement or **prior** (*before the first day of trial!*) court order. Please contact Chris Sullivan (Evidence Clerk) at [Christopher.Sullivan@myorangeclerk.com](mailto:Christopher.Sullivan@myorangeclerk.com) for evidence tags and instructions.

12. **Mediation:** Has Mediation been held?  Yes  No When held or scheduled? \_\_\_\_\_

Is settlement still a possibility? Yes No Maybe

13. **Deposition Designations and Cross Designations:** Must be disclosed in writing (*citing page and line #'s*)

- By the party offering the testimony: **30 days** prior to Pre-Trial Conference.
- Cross designations are due: **20 days** prior to the Pre-Trial Conference
- Objections to portions of depositions must be ruled on **PRIOR TO TRIAL** – Submit the deposition together with a chart identifying the page and line number, the objection, and leaving a place for the court to rule in chambers

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

15. **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 39's Standing Order on Motions in Limine, found at [www.ninthcircuit.org](http://www.ninthcircuit.org)

16. **Trial Briefs** are not required, but if you choose to submit them, please provide hard copies to Judge Falcone's Chambers (815) 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:** Parties will be expected to disclose the next day's witnesses at the end of each 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 for trial** – if you intend to use any, please 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. **Do not wait until trial to test equipment.**

21. Time Estimates:	<i>Voir Dire:</i>	<i>Opening Statement:</i>	<i>Closing Argument</i> <i>(to include rebuttal)</i>
Plaintiff (1)	_____ min/hr	_____ min/hr	_____ min/hr
Plaintiff (2)	_____ min/hr	_____ min/hr	_____ min/hr
Def (1)	_____ min/hr	_____ min/hr	_____ min/hr
Def (2)	_____ min/hr	_____ min/hr	_____ min/hr
Def (3)	_____ min/hr	_____ min/hr	_____ min/hr
Def (4)	_____ min/hr	_____ min/hr	_____ min/hr

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

23. **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 JA at [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org)

- Submitted/received no later than 3 business days **prior** to the first day of trial
- Early Substantive Jury Instructions, including the law, to 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*)

24. **Venire** – Number requested? \_\_\_\_\_ Number of alternates requested? \_\_\_\_\_  
 Peremptory Challenges for Plaintiff \_\_\_\_\_ for Defendant \_\_\_\_\_

25. Please be familiar with Judge Falcone’s **Guidelines, Procedures and Expectations for Division 39** and the **Amended Ninth Judicial Circuit Courtroom Decorum Policy**, both of which can be found on [www.ninthcircuit.org](http://www.ninthcircuit.org)

26. Are there any **Pending Motions, Special Provisions or Concerns?**

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***I have read and acknowledge the foregoing. I understand that I must notify the Court immediately upon settlement of the case.***

Attorney Signature(s)

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*DO NOT WRITE BELOW THIS LINE – FOR COURT USE ONLY*

**Venire Request:** \_\_\_\_\_ - **Number of Alternates:** \_\_\_\_\_

**Tentative date set for trial:** \_\_\_\_\_ #\_\_\_\_\_ **You are on Standby for an earlier call: Check with Counsel ahead of you on the trial list or contact the JA at [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) All trial dates (unless otherwise noted on the trial order) start at 9:00 a.m. in Courtroom 18-B in the Orange County Courthouse.**

**DONE AND ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**VINCENT FALCONE III**  
Circuit Judge