

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND
NASSAU COUNTY, FLORIDA

CASE NO.:
DIVISION: A

_____,
Plaintiff,

vs.

_____,
Defendant.

**ORDER SETTING CASE FOR CIVIL JURY TRIAL AND FOR
PRETRIAL CONFERENCE AND REQUIRING MATTERS TO BE
COMPLETED PRIOR TO PRETRIAL CONFERENCE¹**

After due notice or consent, and it appearing that this civil action is at issue and ready for trial, it is, therefore,

ORDERED as follows:

1. **TRIAL DATE:** This cause is hereby set for jury trial during **the week of** _____ before the **Honorable Steven M. Fahlgren, Circuit Judge**, at the Robert M. Foster Justice Center, 76347 Veterans Way, Yulee, Florida 32097. Time allocated for trial is _____ **days plus jury selection**. The Court should be notified immediately if the case settles so that the time reserved may be utilized by other attorneys.

2. **JURY SELECTION:** Jury selection will commence at 9:00 a.m. on **Friday**, _____, at the Robert M. Foster Justice Center, 76347 Veterans Way, Yulee, FL 32097.

3. **PRE-TRIAL CONFERENCE:** The Pretrial Conference will be held before the **Honorable Steven M. Fahlgren, Circuit Judge**, in Chambers, Robert M. Foster Justice Center, 76347 Veterans Way, Yulee, Florida 32097, on _____ at _____ in accordance with the provisions of Rule 1.200, Florida Rules of Civil Procedure. **Counsel for the parties may appear by telephone at the Pretrial Conference, so long as a joint pretrial stipulation and jury instructions have been filed with the Clerk of Court and provided to the Court by email at least twenty-four (24) hours prior to the Pretrial Conference.** If there is a pending motion to withdraw at the time of the Pretrial Conference, then both the attorney seeking to withdraw and his or her client(s) shall attend the Pretrial Conference. Counsel seeking to withdraw shall provide a separate notice of some form to his or her client(s) of this requirement.

4. **REQUIREMENTS PRIOR TO PRETRIAL CONFERENCE; PRETRIAL MEETING:** No later than seven (7) days prior to the Pretrial Conference, attorneys for each

¹ Updated November 13, 2018.

party shall meet² to discuss the possibility of settlement; stipulate to as many facts and issues as possible; examine all exhibits and documents that may be used at trial; furnish opposing counsel the names and addresses of all witnesses who may testify at trial; review all video depositions or exhibits to be used at trial; and complete all other matters that may expedite both the Pretrial Conference and the Trial of this case. It is the responsibility of counsel for Plaintiff or Plaintiff, if pro se, to schedule this meeting.

5. **REQUIREMENTS OF PRETRIAL STIPULATION:** Counsel shall prepare a Pretrial Stipulation which shall be delivered to the judge's chambers at least one day prior to the Pretrial Conference and shall contain the following: (a) a concise factual statement of the nature of the action, which shall include the date and place of accrual, identity of the parties as they relate to the action, and a brief general statement of each party's case or contention. The statement shall be in such form and contain such necessary information for the Court to read to and apprise the jury of the claims to be tried, including any Counterclaims, Cross-Claims, or Third-Party Claims; (b) a concise statement of those facts that are admitted and will require no proof at trial; (c) a concise statement of those issues of fact that remain to be litigated; (d) any proposed amendments to the pleadings; (e) a complete list of witnesses, including anticipated impeachment witnesses, specifying the name and address of each from whom testimony may be presented at trial; (f) a statement reflecting objections to specific portions of video depositions, testimony, or video exhibits that may be offered in evidence at trial; (g) lists of exhibits; and (h) a list of any undisposed matters to be heard at the Pretrial Conference.

6. **TRIAL EXHIBITS:** Prior to the presentation of evidence, counsel for each party shall deliver to the Clerk of the Court an Exhibit List that contains an itemized list of all exhibits to be introduced. All exhibits shall be pre-marked with exhibit stickers for identification. The parties are also directed on the morning of the first day of trial, before jury selection begins, to contact the Clerk assigned to the case in order to coordinate the handling of exhibits.

7. **EXPERT WITNESSES.** No later than **NINETY (90)** days prior to the Pre-Trial Conference, Plaintiff(s) shall serve on all opposing counsel and file with the Court a Notice containing the following information regarding each expert witness who will testify at trial on behalf of Plaintiff(s): (a) the name and address of the witness; (b) the area(s) of expertise of the witness; (c) the subject matter of the expected testimony of the witness; (d) the substance of the facts and opinions about which the witness is expected to testify; and (e) a summary of the grounds on which each of the opinions of the witnesses will be based. Plaintiff(s) shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of taking their deposition within one (1) day after disclosure of such witnesses. No later than **SIXTY (60)** days prior to the Pre-Trial Conference, each Defendant shall serve on all other counsel and file with the Court a Notice containing the same information regarding each expert witness who will testify at trial on behalf of that defendant. Each Defendant shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of taking their deposition within one (1) day after disclosure of such witnesses. No later than thirty (30) days after the plaintiff(s) is served with the defendant's expert witness disclosure, the plaintiff(s) may serve on all other counsel and file with the Court a notice containing the same information regarding rebuttal expert witnesses, if any, who will testify at trial on behalf of the plaintiff(s). At the time of disclosure of each such rebuttal witness, plaintiff(s) shall furnish

² The parties may stipulate in writing to disregard all or part of the following paragraphs of this order: 7, 10, 11, and/or 15.

opposing counsel with two (2) alternative dates of availability for the purpose of taking the witness' deposition. Any expert witness not included on the Notice as provided herein will not be allowed to testify without an order of the Court. All parties shall cooperate in the scheduling of expert depositions. Notwithstanding the foregoing, the Court expects the parties to truthfully and thoroughly answer interrogatories and other discovery. If interrogatories seeking information regarding expert witnesses have been served, the party answering such discovery shall do so in good faith and shall not delay furnishing the information regarding expert witnesses until the time such disclosure is required by this order.

8. **DISCOVERY:** All discovery shall be completed prior to the Pretrial Conference unless extended by written agreement of the parties or by Order of the Court.

9. **FRYE ISSUES.** All *Frye* related motions or objections, except those motions that may be directed at rebuttal testimony from Plaintiff's rebuttal experts, shall be filed and served at least forty-five (45) days prior to the Pretrial Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing *Frye* related motions or objections shall be responsible to do that which is necessary so that hearings regarding *Frye* related evidence shall be noticed and heard or agreed to by the parties no later than fifteen (15) days prior to the Pretrial Conference. Any *Frye* related motions or objections related to testimony from Plaintiff's rebuttal experts shall be filed and served no later than thirty (30) days prior to the Pretrial Conference. The Defendant challenging the testimony of any rebuttal expert witness for the Plaintiff is responsible to do that which is necessary so that a hearing on such motion must be noticed and heard or agreed to by the parties no later than the Pretrial conference. Any *Frye* related motions or objections shall state with particularity the grounds upon which they are based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. Any *Frye* related motions or objections not filed or noticed for hearing within the time referenced in this paragraph are denied and such objections are overruled. The Court may summarily rule on any *Frye* related motion not written with particularity as described above.

10. **MOTIONS IN LIMINE.** All case specific Motions *in Limine* shall be filed, served, noticed and heard or agreed to by the parties no later than fifteen (15) days prior to the Pretrial Conference. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The Motion shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. The Court may summarily rule on any Motions *in Limine* not written with particularity as described above.

11. **RULE 1.360 EXAMINATIONS.** Unless granted by specific order of the Court, all medical evaluations and other examinations pursuant to Rule 1.360 shall have been completed by the deadline for the requesting party to disclose their expert witness.

12. **JURY INSTRUCTIONS AND VERDICT FORMS.** The Florida Standard Jury Instructions direct that trial courts should give preliminary jury instructions to the jury before the opening statement. Therefore, typed proposed jury instructions and verdict forms shall be filed with the court, with copy to chambers, and served upon opposing counsel at the Pretrial Conference. Proposed jury instructions and verdict forms may be supplemented prior to the Charge Conference. The proposed jury instructions and verdict form shall also be submitted electronically on CD or by electronic mail in Word or WordPerfect format. Counsel for the

Plaintiff(s) shall be responsible for preparing a complete set of instructions, and verdict form, and serving the same upon other counsel at or before the Pretrial Conference. For more detailed instructions, please refer to the Jury Trial Guidelines for Division A (http://www.nassauclerk.com/_files/2017/judicial/civil/Civil%20-%20JURY%20TRIAL%20GUIDELINES%20FOR%20DIVISION%20A.pdf).

13. **ATTORNEY REPRESENTATION.** The pretrial meeting and the Pretrial Conference shall be attended by an attorney who will participate in the trial of the case, and all admissions and disclosures of fact made at those times shall be binding on the client.

14. **MEDIATION:** Mediation shall be held prior to the Pretrial Conference. It is mandatory that mediation be attended in person by the parties, their counsel who will try the case, and, when applicable, an insurance company representative with full and absolute authority to settle the case without further consultation up to the amount of the Plaintiff's last demand or policy limits, whichever is less. A party, trial attorney, or insurance company representative may be excused from attending the mediation conference by the Court only for good cause.

_____ This matter is being referred to mediation. _____ is hereby appointed mediator in accordance with Rules 1.700 – 1.730 of the Florida Rules of Civil Procedure, Chapter 44 of the Florida Statutes, and Administrative Order No. 2013-13. **It is the responsibility of the attorneys to schedule the mediation conference with the mediator, and to provide a copy of this order to the mediator.**

_____ The parties have already attended mediation. **However, the Court encourages the parties to attend mediation again if there is any reasonable chance of progress.**

_____ This section is not applicable. Mediation is not required.

15. **DEPOSITION DESIGNATIONS.** No later than twenty (20) days prior to the trial date in this matter, each party shall serve his, her or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than ten (10) days prior to the trial date in this matter, each opposing party shall serve his, her or its counter (or "fairness") designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than the trial date, each party shall serve his, her or its objections to counter designations served by an opposing party.

16. **ADMONITIONS:** Failure to comply with the requirements of this Order will subject the party or attorney to appropriate sanctions. Relief from these provisions may be granted for good cause shown.

17. **SETTLEMENT.** All counsel shall *immediately notify this Court in the event of settlement or dismissal* and shall submit a stipulation for an order of dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement by contacting the Court’s Judicial Assistant by email at astrickland@nassuclerk.com. A copy of the mediation report is not sufficient to remove the case from the docket.

DONE AND ORDERED in Chambers in Yulee, Nassau County, Florida this ____ day of _____, _____.

STEVEN M. FAHLGREN
CIRCUIT JUDGE

Copies furnished to:

_____, Esquire
By E-Mail via E-Portal
Attorney for Plaintiff

_____, Esquire
By E-Mail via E-Portal
Attorney for Defendant

“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 at (904) 548-4600 (then press 0) 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.”