

persons present; and

Whereas, Fla. R. Jud. Admin. 2.071(c) (2005) provides that a county or circuit judge may, upon the written request of a party upon reasonable notice to all other parties, permit a requesting party to participate through communication equipment in a scheduled motion hearing; and

Whereas, Fla. R. Jud. Admin. 2.071(c) (2005) further provides that any such request (except in criminal, delinquency, and appellate proceedings) must be granted, absent a showing of good cause to deny the same, where the hearing is set for not longer than fifteen (15) minutes; and

Whereas, it is in the interest of the efficient administration of justice to set forth a threshold and uniform set of procedures to be utilized throughout the Twentieth Judicial Circuit;

IT IS HEREBY ORDERED, pursuant to the authority provided by Fla. R. Jud. Admin. 2.050, as follows:

1. In instances where a civil motion hearing is scheduled for not longer than fifteen (15) minutes, a party may file a written request to participate via conference or speaker telephone, or other applicable communication equipment, and shall provide notice to the Court and the parties to the motion.

2. Notice by the requesting party must be provided by mailing a copy of the written request at least five (5) days prior to the day of the hearing, or by delivering a copy of the written

4. Absent a showing of good cause, and in accordance with Fla. R. Jud. Admin. 2.071(c) (2005), the trial judge shall grant the request and make reasonable accommodations to permit the requesting party's participation through conference or speaker telephone, or other applicable communication equipment.

5. Evidentiary hearings are exempted from the application of this Administrative Order.

6. This Administrative Order specifically addresses non-evidentiary civil motion hearings set for not longer than fifteen (15) minutes. It is not intended to limit or address requests for telephonic hearings which are otherwise governed by Fla. R. Jud. Admin. 2.071.

7. To the extent that any provision of this Administrative Order may be construed as being in conflict with any law, statute, or rule, the law, statute, or rule shall prevail.

DONE AND ORDERED in Chambers at Naples, Collier County, Florida this 13th day of April, 2005.

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, CHARLIE GREEN CLERK COUNTY COURT LEE COUNTY, FLORIDA.

DATED: 4-18-05

BY: History. - New She Murray
Deputy Clerk

Hugh D. Hayes
Hugh D. Hayes
Chief Judge

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 18 Day of APR 2005 Record in CIR. CT. MINUTE
Book 49 Page _____ and Record Verified.

CHARLIE GREEN
Clerk Circuit Court

By: She Murray
Deputy Clerk

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: ESTABLISHMENT AND IMPLEMENTATION
OF CIVIL CASE MANAGEMENT PLAN

ADMINISTRATIVE
ORDER
NO. 1.13

WHEREAS, it is in the best interest of the citizens of the Twentieth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of civil cases in the civil division of the Circuit Court;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.545 and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follows:

1. There is established within the Twentieth Judicial Circuit a Civil Case Management Plan applicable to circuit civil cases, which will be administered by the Administrative Office of the Courts through direction of the Circuit Administrative Judges in each county for the implementation of enhanced case management procedures and guidelines for the timely and efficient processing of circuit civil cases and reduction in the pending backlog of civil cases.

2. The basis for the Civil Case Management Plan is attached hereto, identified in Attachment A as the "Civil Differentiated Case Management (DCM) Procedures and Backlog Reduction Plan," and is incorporated as if fully set forth herein. The Civil Case Management Plan is to be used as a model for the purpose of establishing time standards, improving the courts ability to provide early and continuous management of civil cases as required by Fla. R. Jud. Admin. 2.545, and to promote uniformity of practice throughout the Twentieth Judicial Circuit.

3. It is intended that the Civil Case Management Plan be implemented uniformly and circuitwide within the Twentieth Judicial Circuit. However, recognizing variations as it relates to staffing and resources among the five counties within the Twentieth Judicial Circuit, the full Civil

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OFFICE

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Case Management Plan and DCM procedures will be implemented first as a pilot in Lee and Collier counties, effective January 1, 2011, with full implementation to be later expanded, as appropriate, to other counties within the Twentieth Judicial Circuit. Recognizing that Charlotte, Hendry and Glades counties may have differing needs requiring certain deviations from the model plan attached hereto, the Circuit Administrative Judge of each respective county may submit to the Chief Judge a distinct written proposed plan with procedures that, upon approval by the Chief Judge, may be implemented in the respective county.

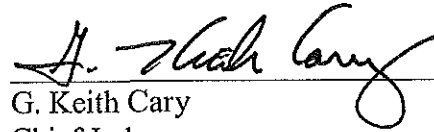
4. Full implementation of the Civil DCM Case Management Procedures (Attachment A), including all uniform circuitwide procedures and forms, shall apply to all civil cases filed in Lee and Collier counties, effective January 1, 2011. Even though full implementation may be delayed in Charlotte, Hendry, and Glades counties, all civil time standards and goals, and the use of civil Case Managers and Magistrates to assist trial judges in the process of civil case management and backlog reduction programs, shall be effective circuitwide immediately.

5. It shall be noted that the forms included with Attachment A are intended as models, and any updates or modifications shall be posted and available for viewing on the Court's website at <http://www.ca.cjis20.org/web/main/civil.asp>. It shall be the responsibility of all parties to check the website for the most recent forms to be used in conjunction with the Civil Case Management Plan and DCM procedures.


6. The procedures and time standards set forth in the model plan, or in any other written plan approved by the Chief Judge, are intended to facilitate the timely, fair and effective resolution of civil cases while ensuring the efficient use of court resources. The procedures and time standards do not supplant any existing rule, statute, or law. Neither this Administrative Order nor the Civil Case Management Plan shall be construed as granting any rights not already provided for by rule, statute, or law.

7. To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 10 day of December, 2010.


G. Keith Cary
Chief Judge

History. - New.

I certify this document to be a true and correct copy of the original on file in my office, Charlie Green, Clerk Circuit Court, Lee County, Florida.

Deputy

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 10 Day of Dec 2010 Record in Circuit Book 54 Page 40043 and Record Verified.

CHARLIE GREEN
Clerk Circuit Court

By Mary Montgomery
Deputy Clerk

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ATTACHMENT A

Twentieth Judicial Circuit

*Civil Differentiated Case Management (DCM) Procedures and Backlog
Reduction Plan*

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Civil Differentiated Case Management (DCM) Procedures and Backlog Reduction Plan

I. Purpose and Goals

This Twentieth Judicial Circuit Civil Caseflow Management and Backlog Reduction Plan seeks to use innovative strategies to address the growing backlog and to implement modern differentiated caseflow management procedures in the circuit civil courts for the future to accomplish the following goals:

- Improve the courts ability as required by Fla. R. Jud. Admin. 2.545, to provide early and continuous control of case processing through use of additional Magistrate and Case Management resources, to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case.
- Identify immediate strategies for civil and foreclosure case backlog reduction plans to assist in prompt resolution of the current 31% of civil cases pending over 18 months.
- Improve the courts ability to respond to the growing number of commercial, business and other economic based civil filings having a direct impact on economic recovery in the circuit.
- Develop uniform procedures for effective early judicial intervention and management of complex cases consistent with Fla. R. Civ. P. 1.201 for managing complex litigation.
- Reduce public costs of civil litigation through early identification and expedited handling of relatively simple two-party cases to ensure prompt resolution of expedited matters through early referral to mediation or expedited hearing where appropriate.
- Improve the quality and timeliness of Management Information from the Clerk/Court MIS systems to assist judges and the court in management of civil cases and identification of cases pending beyond the Florida Supreme Court time standards set forth in Fla. R. Jud. Admin. 2.250.

II. Circuit-wide Civil and Foreclosure Backlog Reduction Goals

Each Circuit Administrative Judge, in consultation with the civil judges and the local Bar Association, has developed a civil and foreclosure backlog reduction plan to be effective January 1, 2011.

Economic Recovery Funds provided by the state may only be used for Foreclosure backlog reduction. No funds provided under this program can be used for other civil backlog reduction efforts.

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Each county backlog reduction effort may include the following components or other calendar management options as determined by the Circuit Administrative Judge in each county based on nature and volume of civil backlog:

a. Backlog Reduction Goals

1. To reduce the number of pending/backlogged Foreclosure cases by 62% circuitwide by June 30, 2011.
2. To reduce the number of economic-related circuit civil cases over 18 months of age by 10 % by June 30, 2011.

b. Civil and Foreclosure Backlog Reduction Strategies

- Expedited Foreclosure Default Dockets will be set before Senior Judges to accelerate early disposition of default judgments
- Accelerated Foreclosure Trial Dockets will be set before the Magistrate or Senior Judge – Foreclosure cases pending over 6-12 months with no activity will be set for Trial before the Foreclosure Magistrate. If not tried on that date, the case should be resolved or set for summary judgment or date certain trial;
- Case Management/Settlement Conferences in Backlogged Circuit Civil Cases– Cases may be scheduled before a Magistrate or Case Manager. Cases not disposed will result in a Case Management Order/Report to the trial judge with firm discovery cut-off dates, pretrial issues to be resolved and date matter to be ready for trial.

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III. Civil DCM Case Management Plans - Time Standards & Goals

These time standards/goals are developed consistent with those established by the Florida Supreme Court pursuant to Fla. R. Jud. Admin. 2.250 and are intended to be flexible, presumptive time periods for disposition of civil cases.

Complex case time standard/goal is expanded to 24 months upon designation of a case as complex consistent with Fla. R. Civ. P. 1.201 regarding management of complex civil litigation. The local goal of 80 - 90% disposition of cases within time standards recognizes, consistent with Fla. R. Jud. Admin. 2.250(a), that there are a portion of cases that present unique pretrial problems that may cause reasonable delay. Time standards established by case track are:

- a. Complex cases 80% disposed within 24 months
- b. Standard cases 80% disposed within 18 months
- c. Expedited cases 90% disposed within 12 months

IV. Case Track Definition and Criteria

a. Complex Case Track – (Goal 24 months)

The complex case track involves those cases with extraordinary complexity as to require or benefit from early intervention and individual judicial management. Complex cases are defined by Fla. R. Civ. P. 1.201. Cases may be designated for management on the complex track in one of the following ways:

1. Complex cases designated by motion or stipulation and approved by the court as cases meeting complex litigation criteria under Fla. R. Civ. P. 1.201(a); OR,
2. Cases identified by the court on its own motion as complex case under Fla. R. Civ. P. 1.201 due to extraordinary procedural complexity, number of parties or other case factors that will require or benefit from individual judicial management;

Presumptive Case Types- Local plans may establish presumptive complex case types for review with the assigned Judge based on local needs and filing trends.

Examples of presumptive complex case types that may be appropriate for early screening and review of case complexity are:

- **Class Action** Cases as noted on Civil Cover Sheet (Form 1.997, section V.)
- **Environmental/Toxic Tort/Mass Tort** Litigation (Form 1.997, section II)
- **Anti-Trust/Securities** Litigation
- **Malpractice** – Medical (or involving Wrongful Death)
- **Nursing home negligence**
- Other complex cases with extraordinary number of parties, experts, pretrial discovery issues

Presumptive complex case types may be designated for early screening and review by Case Managers. Multiple parties are a key factor, as referenced by the rule; however procedures should be developed in cooperation with the Clerk's Office to identify "presumptive" case types from the Civil Case Cover Sheet.

The Case Manager should be notified of presumptive case types upon filing by the clerk so that they may be actively monitored by the Case Manager after all defendants have been served, an appearance has been entered in response to the complaint by each party or a default entered. The Case Manager will review with the assigned Judge each case by evaluating the Civil Cover Sheet, Answer(s) and Complaint to determine the need for assignment to complex track.

b. Standard Case Track – (Goal 18 months)

Standard case track involves the large majority of standard cases that normally will not require a high level of judicial case management to reach timely resolution unless unusual pretrial delay arises. Examples of general case types that would be defined as standard cases, assuming no unusual complexity are:

- Personal injury/tort
- Auto negligence
- Standard contract cases without extraordinary pretrial discovery complexity

1. Case Management Conferences in Standard Cases- a Case Management Conference will be scheduled in standard cases, to be held generally within 190 days from the date of filing the initial complaint. The parties may set the initial case management conference or the Court, in its discretion may set the date for initial case management conference. Parties may also request a case management conference by written request through the Magistrate’s office.

The Initial Case Management Conference may be waived/canceled upon submission of the Counsel Stipulated (Agreed) Case Management Plan, signed by all parties, and approved by the Court. Forms will be available on the Court’s website.

2. Stipulated (Agreed) Case Management Plan – A Stipulated (Agreed) Case Management Plan may be developed jointly by counsel for the parties as well as any parties appearing pro se and filed within 150 days from the filing date of the initial complaint. This will allow counsel and pro se parties to consult early in the case, devise an agreed upon case plan and waive an initial case management conference, if the case plan is approved by the Court.

The use of a Stipulated (Agreed) Case Management Plan early in the case (within 150 days) is intended to allow all parties, pro se or through counsel, to set a reasonable case plan targeting dates for discovery, expert reports and referral to alternative dispute resolution (ADR), without court intervention, provided that the general time parameters are set and adhered to.

c. Expedited Case Track - (Goal 12 months)

Expedited cases are those cases normally requiring little judicial intervention with relatively simple procedural and legal issues that can be resolved promptly by early referral to mediation, ADR or expedited hearing.

Expedited cases may include:

- Contested Residential and Commercial Foreclosure
- Simple, two-party Collection/Indebtedness cases under \$50,000.00
- Non Jury cases

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Contested cases identified as expedited may be set directly by counsel or pro-se litigant for mediation within 270 days, or as practical, as part of the Stipulated (Agreed) Case Management Plan.

Foreclosure cases will not require a Stipulated (Agreed) Case Management Plan and would continue to be set on an expedited hearing docket, possibly before a Senior Judge.

NOTE: Effective July 15, 2010, Homestead Residential Mortgage Foreclosure cases will be handled through a separate managed mediation/conciliation process developed per Florida Supreme Court Administrative Order No. SC09-54 and local Administrative Order No. 1.12.

V. Civil DCM Case Management Procedures

a. Screening and Assignment to Case Tracks

1. Civil Cover Sheet (Fla. R. Civ. P. Form 1.997)
To be filed with the Clerk by the plaintiff along with the initial complaint. After review, data entry clerk will forward Cover Sheet/Complaint/Answer for cases that meet presumptive complex criteria to Case Manager.
2. Case Review and Screening by Case Manager
After responsive pleadings are filed, cases meeting presumptive complex case criteria will be reviewed by a Case Manager for recommended track decision. Potentially complex cases will be reviewed with, and approved by, the assigned trial judge for assignment to the appropriate case track. (Upon complex case designation, case management procedures will follow Section V.b. of this document).
3. Standing Order for Case Management/Stipulated (Agreed) Case Management Plan
Plaintiff will attach the Standing Order for Case Management and Request for Stipulated Case Management Plan with the initial complaint for service on all parties (with the exception of Homesteaded or defaulted Foreclosure actions).

b. Case Management Procedures – Complex Cases

1. Designation to the complex track
Cases may be designated to the complex track as provided under Fla. R. Civ. P. 1.201 by:
 - Motion or Stipulation by Parties
Motion or stipulation for designation as a complex case under Fla. R. Civ. P. 1.201 must be filed with the Clerk of Court. The Clerk will provide a copy to the Case Manager in order to assist the judge in case preparation for Initial Case Management Conference or motion hearing;

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- On Court's Motion

Case Manager may recommend designation as a complex case to trial judge after receipt of responsive pleadings and review of complaint, answer and civil case cover sheet in presumptive case types.

2. Initial Case Management Conference

Set by the assigned trial judge to occur within 60 days of designation as a complex case with assigned Judge or Magistrate in selected cases;

3. Joint Statement of Parties

At least 20 days prior to the date of the initial case management conference, counsel for the parties as well as any parties appearing pro se shall confer and prepare a joint statement outlining a discovery plan, which shall be filed with the clerk of court no later than 14 days before the conference under Fla. R. Civ. P. 1.201;

4. Case Management Order

To be consistent with the uniform circuit Case Management Order resulting from the conference which provides:

- Pretrial Discovery/Case scheduling plan
- Plan for referral to ADR
- Next Case Management Conference Date
- Date for next Pretrial Conference (not less than 90 days prior to the trial date)
- Estimated date for trial/readiness date within 24 months

5. Interim Case Management Conference or Pretrial Conference

At the trial judge's discretion, an interim case management conference or Pretrial Conference may be set with the Judge or Magistrate to facilitate resolution of pretrial management or discovery matters, resolve outstanding issues and set a firm trial date.

6. Trial

Trial date set by judge at the Final Case Management Conference.

c. Case Management Procedures – Standard/Expedited Cases

1. Standing Order for Case Management/Stipulated (Agreed) Case Management Plan-

The Plaintiff will attach the Standing Order for Case Management and Request for Stipulated (Agreed) Case Management Plan with the initial complaint for service on all parties (with exception of Homesteaded and Defaulted Foreclosure actions).

2. Case Management Conference

In standard cases, counsel for the parties as well as any parties appearing pro se may waive the initial case management conference by filing a Stipulated (Agreed) Case Management Plan, approved by the Court, within 150 from the date of filing the initial complaint.

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In cases where all of the parties, pro se or through counsel, do not file a Stipulated (Agreed) Case Management Plan within 150 days, or in cases where the plan has been filed but not approved by the Court, all parties will be required to attend an initial Case Management Conference as scheduled by the Court to establish a case management/scheduling plan.

3. Presumptive case scheduling plan/time goals

Stipulated (Agreed) Case Management Plans may be flexible and based upon individual case factors, but should be consistent with reasonable and presumptive pretrial discovery and ADR time goals as follows:

<u>Case Track</u>	<u>Completion Discovery and ADR</u>	<u>Trial/Disposition</u>
Standard	450 days	540 days
Expedited	270 days	365 days

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CASE NO:

Petitioner(s),
vs.

Defendant(s).
_____ /

STANDING ORDER IN CIVIL CASES IN THE TWENTIETH JUDICIAL CIRCUIT

PURSUANT to Florida Rule of Civil Procedure 1.200(a), Florida Rule of Judicial Administration 2.545, and Administrative Order 1.13 entered by the Chief Judge of this Circuit, the parties are ordered to adhere to the following information and procedures applicable to civil lawsuits:

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this order with each Summons issued in this case. One copy of this Order is to be filed with the Clerk of the Circuit Court with proof of service. The Plaintiff shall pay the appropriate statutory clerk's fees on copies for each Standing Order issued and attached to the Summons.

2. **CIVIL CASE MANAGEMENT SYSTEM.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases (other than foreclosures, involuntary commitment of sexually violent predators and eminent domain cases), the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan, early interaction with a Civil Case Manager and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in a good faith attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.¹ The Agreed Case Management Plan may be accessed at the Court's website at: [<http://www.ca.cjis20.org/web/main/civil.asp>].

Unless all of the Defendants have been served and have defaulted, an Agreed Case Management Plan will be submitted to the Civil Case Manager, at the (location by County) _____, on or before 150 days from the date of filing of the initial complaint. If the parties are unable to agree on an Agreed Case Management Plan, a case management conference will be scheduled by the Court. If a case management conference is scheduled, attendance by trial counsel and those parties who are not represented by counsel is mandatory.

3. **ALTERNATIVE DISPUTE RESOLUTION (ADR).** ADR provides parties with an out-of-court alternative to settling disagreements. The Court requires the parties to participate in ADR prior to trial. Mediation is mandatory unless the parties agree to another form of ADR. Mediation is a conference at which an independent third party attempts to arrange a settlement between the parties.

¹ Case Track options include Expedited, Standard or Complex. Case Tracks have been established in order to comply with the case disposition standards set forth in Florida Rule of Judicial Administration 2.250(a)(1)(B).

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4. **RULES OF PROFESSIONALISM.** The Twentieth Judicial Circuit has adopted Administrative Order 2.20, which sets forth standards of professional courtesy and conduct for all counsel or pro-se litigants practicing within the Circuit. The Court requires that all familiarize themselves and comply with Administrative Order 2.20. Administrative Order 2.20 may be viewed on the Court's website at: http://www.ca.cjis20.org/web/main/ao_admin.asp

DONE AND ORDERED in Chambers at _____, _____ County, Florida, on _____.

Circuit Judge

Civil DCM Form 10/14/10

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CASE NO:

Plaintiff(s),
vs.

Defendant(s).
_____ /

ORDER SCHEDULING CASE MANAGEMENT CONFERENCE

The Court has scheduled a case management conference in this case, before the Case Manager, _____, pursuant to Florida Rule of Civil Procedure 1.200(a), and Florida Rule of Judicial Administration 2.545, on (date) _____ at (time) _____, in Courtroom _____, (location) _____.

1. **Prior to Case Management Conference.** Each counsel **must** confer with his or her client(s) prior to the case management conference in order to determine the client's position with respect to settlement, pleading, admissions, and other matters that require the consent of the client. Counsel shall be prepared to make the representation that this conference has taken place. Trial counsel and those parties who are not represented by counsel (hereinafter referred to as "pro se" parties) **must** confer not later than **14 calendar days** prior to the case management conference and discuss agreements on as many of the issues listed below in paragraph 2.A. as possible. Trial counsel and/or the parties shall be prepared to discuss the possibility of settlement of the case. Trial counsel and pro se parties shall work together to agree on the provisions of an agreed Case Management Plan, in the form attached hereto, and shall be prepared to discuss any unresolved issues at the Case Management Conference.

2. **Case Management Conference.** Trial counsel and pro se parties **must** personally appear and attend the case management conference. Those attending shall bring their personal calendars to the case management conference. Those attending **must** have a thorough knowledge of the case, be prepared to discuss it and make stipulations and admissions when appropriate.

- A. Those attending must be prepared to discuss:
- i. Scheduling or rescheduling deadlines for the service of motions, pleadings and other papers. This shall include adding, dropping or amending claims or defenses and adding or dropping parties.
 - ii. Determining the existence of issues that may be severed and/or resolved pre-trial.
 - iii. Limiting, scheduling, ordering and expediting discovery. This shall include the desirability of creating document depositories and addressing the handling of privilege and confidentiality claims.
 - iv. Scheduling hearings and/or deadlines for motions (including motions addressed to the pleadings, motions to declare the case "complex" pursuant to Florida Rule of Civil Procedure 1.201(a) and motions for summary judgment), mediation, alternative dispute resolution and other conferences.
 - v. Requiring interim status reports, and determining other matters that may aid in the disposition of the action and resolution of pretrial motions, discovery and preparation for mediation, alternative dispute resolution and trial.
 - vi. Determining whether issues can be narrowed by the filing of preliminary stipulations.
 - vii. Organizing counsel to include the designation of lead counsel and liaison counsel, the role of other counsel, and responsibility for the preparation and maintenance of a service list.
 - viii. Establishing procedures for addressing emergencies, including the use of telephone conferences.
 - ix. Identifying present or potential future related litigation, including the transfer and consolidation of intra-circuit civil cases; civil cases in other circuits; and/or criminal proceedings and investigations.
 - x. If the case is filed as a class action: establishing a procedure, discovery schedule and deadlines, and a hearing date to determine the issue of class certification, to include a briefing schedule, exchange of witness and exhibit lists, and clarifying disputed issues of fact and law.
 - xi. Estimating the time needed for trial and setting a tentative trial date.

xii. Any of the issues set forth in Florida Rule of Civil Procedure 1.200(a).

B. At the case management conference, the Case Manager will address the unresolved provisions of the Case Management Plan and submit a proposed plan for the court's consideration and approval.

C. The proceedings at the case management conference shall be informal and will not be reported unless requested by a participant who makes prior arrangements with the court reporter.

3. **Referral of discovery matters to the General Magistrate.** In any civil case before the Court, discovery motions and other appropriate pending matters may be referred to the General Magistrate for hearing pursuant to an Order of Referral to Magistrate. Any party wishing to object to the referral of a matter to the General Magistrate must file an objection no later than the day of the scheduled hearing. The failure to timely object to the referral as set forth herein shall constitute a waiver of any objection to such referral.

4. **Alternative to attending Case Management Conference.** As an alternative to attending a case management conference, counsel and pro se parties may comply with this order by submitting an "Agreed Case Management Plan," in the form attached hereto, to the Civil Case Manager, at the (location) _____. The Plan must be signed by all counsel and pro se parties and received by the Civil Case Manager not later than **7 calendar days** prior to the conference. The Plan will also be considered timely if the parties submit a courtesy copy of the signed original to the Civil Case Manager via facsimile (Fax #) _____ or e-mail transmission (email address) _____ not later than 7 calendar days prior to the conference, **and** if the original is mailed or hand delivered on the same day along with self-addressed and stamped envelopes for all parties. Upon written approval by the Court, the original Plan will be filed with the Clerk of Court, a copy served on all counsel and/or parties of record, and the case management conference shall be cancelled. If the Court does not approve of the Plan, the case

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management conference will not be cancelled. Applicable forms are available on the Court's website at: <http://www.ca.cjis20.org/web/services/jacs.asp>.

5. **Sanctions.** Counsel and/or parties are hereby cautioned that misconduct, failure to attend the case management conference or noncompliance with the terms of this order may result in sanctions by the Court. Sanctions may include the assessment of special costs, including attorney's fees, the striking of pleadings and/or the dismissal of the action.

DONE AND ORDERED in _____, _____ County on _____.

Circuit Judge

Conformed copies provided to Counsel/Parties of Record

(Insert ADA language)

Civil DCM Form 10/14/10

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**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
 COUNTY, FLORIDA CIVIL ACTION**

Plaintiff(s),

vs.

Defendant(s)

Case No.

AGREED CASE MANAGEMENT PLAN AND ORDER

The parties hereby submit the following Agreed Case Management Plan to the Court for approval:

Case Track Assignment¹ (check one – must be completed for cases filed 1/1/10 or thereafter):

- _____ **Expedited Track (Case resolved within 12 months);**
 (It is recommended that discovery and an alternative dispute resolution be completed within 270 days after the complaint is filed and a final disposition entered within 365 days after the complaint is filed)
- _____ **Standard Track (Case is resolved within 18 months);**
 (It is recommended that discovery and an alternative dispute resolution be completed within 450 days after the complaint is filed and a final disposition entered within 540 days after the complaint is filed)
- _____ **Complex Track (Case resolved within 2 years)**
 (Case will likely be declared complex per Florida Rule of Civil Procedure 1.201)

Case Deadlines and Events

<i>DEADLINE OR EVENT</i>	<i>AGREED DATE</i>
Statement of Facts and/or Counterclaim(s) <div style="text-align: right;">Plaintiff(s): Defendant(s):</div>	
Identification of facts the parties believe to be disputed <div style="text-align: right;">Plaintiff(s): Defendant(s):</div>	
Identification of the issues of law to be decided by the Court	
Motions to Add Parties or to Amend Pleadings	
Disclosure of Fact Witnesses <div style="text-align: right;">Plaintiff(s): Defendant(s):</div>	

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¹ Case disposition times for all Case Tracks have been established in accordance with Florida Rule of Judicial Administration 2.250(a)(1)(B). Although Standard and Complex Track cases may or may not be resolved with a jury trial, it is expected that Expedited Track cases will be resolved without a jury trial.

<i>DEADLINE OR EVENT</i>	<i>AGREED DATE</i>
Disclosure of Expert Witnesses Plaintiff(s): Defendant(s):	
Filing of Exhibit List Plaintiff(s): Defendant(s):	
Discovery Deadline for Fact Witnesses (All discovery must be commenced in time to be completed before this date) Plaintiff(s): Defendant(s):	
Expert Opinion Available to Opposing Party (It is recommended that the last exchange occur 4 months before trial and 1 – 2 months before discovery deadline to allow time for expert depositions. This does not require a written report unless otherwise required by the rule.) Plaintiff(s): Defendant(s):	
Discovery Deadline for Expert Witnesses Plaintiff(s): Defendant(s):	
Completion of Alternative Dispute Resolution (ADR) (Mediation is mandatory unless the parties agree to another form of ADR. If early ADR is selected and it does not result in settlement or disposition of this entire action, a case management conference will be scheduled within 45 days from the date of ADR) Deadline: Type of ADR:	
Deadline for Filing Dispositive Motions (Court requires filing not later than 10 days prior to the pretrial management conference)	
Pretrial Conference Date (Unless early ADR is selected, a pretrial conference date will be scheduled within 45 days of the date of ADR not resulting in settlement or disposition of this entire action.)	An Order will be issued by the Court scheduling the Pretrial Conference.
Other Deadlines or Events	

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Trial Information

Estimated Date the Case Will Be Prepared To Go To Trial (If counsel and unrepresented parties do not agree on the estimated date on which the case will be prepared to go to trial, the Court may on its own motion set the case for trial)	
Estimated Length of Trial (<i>specify the number of trial days</i>):	
Identification of Jury or Non-Jury Trial	

The above-referenced schedule of deadlines will be strictly adhered to by the parties unless a change is otherwise agreed to by the parties and approved by the Court. The Court will consider a request to approve changes to these deadlines upon a showing of good cause by either party based on matters arising from an emergency nature or unavailability. However, once the Agreed Case Management Plan has been approved by the Court, procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. The failure to abide by these deadlines may result in sanctions by the Court, including the award of attorney's fees, the striking of pleadings, and/or a dismissal of the action.

Date: _____

Signature, address and telephone number of Counsel and Unrepresented Parties. Counsel must state Fl Bar number:

 PLAINTIFF'S COUNSEL
 Address
 Telephone #
 Fax #
 E-Mail Address
 Florida Bar #

 DEFENDANT'S COUNSEL
 Address
 Telephone #
 Fax #
 E-Mail Address
 Florida Bar #

 Or, if pro se, PLAINTIFF
 Address
 Telephone #

 Or, if pro se, DEFENDANT
 Address
 Telephone #

ORDER APPROVING AGREED CASE MANAGEMENT PLAN

THE COURT having reviewed the preceding Agreed Case Management Plan and finding it to be satisfactory, it is

ORDERED AND ADJUDGED that the Agreed Case Management Plan is hereby **APPROVED AND ALL PARTIES SHALL ABIDE BY THE TERMS HEREIN.**

DONE AND ORDERED in _____, _____ County, Florida on _____.

Conformed Copies To:

 Circuit Judge

61400000

CASE NO:

Plaintiff(s)

vs

Defendant(s).

UNIFORM ORDER SETTING JURY TRIAL/NON-JURY TRIAL
PRETRIAL CONFERENCE
 (Notice for Trial)

THE CAUSE having come before the Court upon the filing of a NOTICE FOR TRIAL, filed by _____ and it appearing to be otherwise at issue, pursuant to Rule 1.440, Florida Rules of Civil Procedure it is hereby:

ORDERED AND ADJUDGED as follows:

1. Pretrial Conference
- 2.

For Lee County	A Pretrial Conference is scheduled on (date) _____ at (time) _____ in Courtroom (#) _____ Floor, (location) Lee County Justice Center, 1700 Monroe St., Ft. Myers, FL 33901, pursuant to Rule 1.200 of the Florida Rules of Civil Procedure, FOR THE PURPOSE OF COMPLETION AND CONFIRMATION OF THE ATTACHED PRETRIAL CONFERENCE ORDER FORM.
For Collier County	_____ is ordered to schedule a Pretrial Conference through the JACS System (www.ca.cjis20.org/web/services/jacs.asp) before Magistrate _____, at the Collier County Courthouse, Naples, FL 34112, Hearing Room 3-3 within ninety (90) days of the date of this Order. The Pretrial Conference may NOT be set within the first forty-five (45) days of the date of this Order to allow sufficient notice to all parties

2. Attendance at Pretrial Conference

For Lee County	Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory UNLESS an Agreed Pretrial Conference Order (using the attached form) has been submitted to the Civil Case Manager at least 7 calendar days in advance of the scheduled Pretrial Conference and an Order approving the Agreed Pretrial Conference Order has been entered by the Court.
For Collier County	Appearance at the Pretrial Conference by lead counsel trying the case and all pro-se parties is mandatory even if an agreement is

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	reached on the form of the Pretrial Conference Order. If the Pretrial Conference is held before the Magistrate, represented parties may appear by telephone. Parties wishing to appear by telephone shall make arrangements with the Court through Court Call no later than ten (10) days prior to the Pretrial Conference. If any objection is made to the Magistrate conducting the Pretrial Conference, the Judge will conduct the Pretrial Conference and lead counsel, all represented parties, and all pro-se parties must attend in person.
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3. **Trial Period**

For Lee County	This cause is set for trial during the <i>[# of weeks]</i> week trial period <i>[beginning & ending date of trial period]</i> in Courtroom <i>[#]</i> , <i>[# Floor]</i> , Lee County Justice Center, 1700 Monroe Street, Fort Myers, Fl 33901, before the undersigned judge. Docket Sounding will be held on <i>[date]</i> at <i>[time]</i> in Courtroom <i>[#]</i> . <i>[# days]</i> have been requested for this trial. The Court will continue this trial if it appears that additional time is required and the other cases set for this trial period are jeopardized. In the event this trial is commenced and it becomes apparent that sufficient time was not requested, a mistrial may be declared and costs assessed against the party causing the over-run.
For Collier County	The Court will confirm a trial period at the Pretrial Conference.

4. **Pre-trial Events**

A. Exchange of Expert & Lay Witnesses. No later than thirty (30) days prior to the Pretrial Conference date, counsel and/or parties shall file and exchange a list of the names and addresses of **all** witnesses they in good faith intend to call at trial and include a concise statement of facts about which the witness will testify or opinion of any expert witness. This is not intended to extend the time frames set forth in the Plan, but rather to identify those witnesses that will in good faith actually be called. No party shall be permitted to call any witness not so disclosed, without prior permission of the Court, or written stipulation executed by all parties, or if represented, their counsel.

B. Fabre Defendants. No later than thirty (30) days prior to the Pretrial Conference date, all Defendants or other persons sought to be placed on the verdict form and against whom some measure of liability may be assessed by the jury, must be disclosed to the court and opposing counsel. No person or entity not so disclosed may be placed on the verdict form without good cause shown.

C. Meeting Before Pretrial Conference. The attorneys for all parties (initiated by counsel for the Plaintiff) and all pro-se parties shall meet no later than ten (10) days before the Pretrial Conference to¹:

¹ Counsel and/or parties involved in cases to be tried without a jury need not address jury instructions or other pretrial matters that involve a jury, and need not complete these sections of the Pretrial Conference/Trial Order.

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1. Identify all exhibits each party in good faith intends to offer into evidence at trial and prepare an exhibit list for use by the Clerk and the Court at trial (actual exhibits and documentary evidence shall be available for inspection at this time). (This is not intended to extend the time frames set forth in the Plan, but rather to identify those exhibits that will in good faith actually be offered into evidence at trial). Any exhibits not so identified will not be admissible absent prior approval of the Court or a written stipulation of all parties.
2. Agree to admit or not admit evidence and list specific objections, if any.
3. Stipulate to any matter of fact or law about which there is no issue in order to avoid unnecessary proof (i.e., chain of custody or records custodian predicates).
4. Review all depositions or any other evidence which will be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
5. Discuss the possibility of settlement.
6. If applicable, submit an itemized statement of special damages the Plaintiff expects to prove.
7. If a jury trial has been demanded, discuss jury instructions and verdict forms and reach agreement, if possible, on same.
8. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, the Pretrial Conference, and trial.
9. Draft one Pretrial Conference Order (using the attached form)², signed by all participating counsel and pro-se parties. The Pretrial Conference Order shall be submitted directly to:

For Lee County	The Civil Case Manager at least 7 days prior to the Pretrial Conference. The Agreed Pretrial Conference Order will also be considered timely if the parties submit a courtesy copy of the signed original to the Civil Case Manager via facsimile 239-485-2999 or e-mail transmission to CivilCM@ca.cjis20.org not later than 7 calendar days prior to the Pretrial Conference, and if the original is mailed or hand delivered on the same
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² The Pretrial Conference Order can also be downloaded from the Court's website at <http://www.ca.cjis20.org/web>.

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