

EXHIBIT D

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR \_\_\_\_\_ COUNTY, FLORIDA

\_\_\_\_\_,  
Plaintiff(s)/Petitioner(s),

v.

Case No.: \_\_\_\_\_  
Division: \_\_\_\_\_

\_\_\_\_\_,  
Defendant(s)/Respondent(s).  
\_\_\_\_\_ /

**ORDER**

- (1) SETTING CASE FOR NONJURY TRIAL;**
- (2) ISSUING CASE MANAGEMENT ORDER;**
- (3) DESIGNATING CASE TO STREAMLINED CASE TRACK;**
- (4) DIRECTING MEDIATION; AND**
- (5) REFERRING CASE TO MAGISTRATE**

**Please read this entire Order carefully. There are many subjects addressed by this Order, several court dates set, and many deadlines established. You are responsible for knowing all parts of this Order.**

IT IS ORDERED:

1. **Standards of Professionalism.** Attorneys and self-represented litigants must comply with the circuit's Standards of Professionalism of the Twelfth Judicial Circuit, which is posted [here](#) on the Court's website.

2. **Service of this Order.** The Plaintiff must serve this Order on each Defendant within 5 days of that Defendant appearing. If a served Defendant does not appear, Plaintiff must serve a copy of this Order on the defaulted Defendant within 5 days of the default. Plaintiff must file in the Court file a Certificate of Mailing a copy of this Order identifying all persons served, the means of service, and the location and date of service of the copy of this Order.

**Track Assignment**

3. **Track Assignment.** The Court designates this case to the **Streamlined Track**. The parties may seek a different Track assignment by motion.

**Case Management**

4. **Court ordered deadlines.** Exhibit 1 attached to this Order contains multiple Court ordered deadlines for the trial period set by this Order. The parties must abide by these

deadlines, and these deadlines will be strictly enforced by the Court. No deadline may be changed by the parties by mutual consent. Only the Court may alter these deadlines. If the parties wish the Court to consider different deadlines, the parties must use the form Case Management Deadlines found [here](#) on the Court's website (go to County tab).

5. **Motions.** Florida Rule of Civil Procedure 1.202 requires parties to confer meaningfully before filing most motions. The Court directs strict compliance with this rule, and the Court may summarily deny any motion that does not comply. The filer of a contested motion—except summary judgment motions—has 21 days to set the motion for hearing (the hearing can occur more than 21 days later). Failure to follow this direction may result in the Court denying the motion as abandoned.

6. **Proposed orders.** Proposed orders should be submitted directly to the presiding judge's chambers via the Florida Courts E-Filing Portal filing queue unless the presiding judge directs differently.

7. **Mandatory notification to the Court.** The parties must immediately set a Case Management Conference if any of the following is expected:

- a. the trial will last more than 5 days;
- b. a party seeks to expedite this case, consolidate cases, have this case travel with another case, or attempt to designate this case as complex,
- c. substantial discovery involving Electronically Stored Information;
- d. there is a claim that a statute or ordinance is unconstitutional; or
- e. there is an anticipation of an above average need for judicial attention.

8. **Attorney Appearance.** Each attorney that appears on behalf of a party must file a separate notice of appearance and designation of email address. (Multiple attorneys within the same firm must each file a separate notice of appearance and designation of email address.) If a party has more than one status (e.g., Defendant and Counterclaim Plaintiff), the notice of appearance must identify the status or statuses that attorney represents the party. This is an on-going requirement for any new attorney that appears during the litigation. Each attorney that appears is fully responsible for the case.

### Setting Case for Nonjury Trial

9. **Trial Period.** The Court sets this this case for a jury trial as follows:

**Docket Sounding:** \_\_\_\_\_ at \_\_\_\_\_

**Trial Period Begins:** \_\_\_\_\_ at \_\_\_\_\_

**Length of Trial Period:** \_\_\_\_\_ days /weeks.

**Courthouse Location:** \_\_\_\_\_

**Courtroom:** \_\_\_\_\_

10. **Earlier trial period.** The Court entered this Order when the case was filed and without input from the parties. If one or more parties seek an earlier trial period, the Court will not apply the strict requirements of Rules of Civil Procedure 1.200(e) or 1.460, provided the motion is filed within 30 days of the last Defendant being served.

11. **Motions impacting Case Management deadlines.** A party that seeks to extend a case management deadline that affects a subsequent deadline must seek an amendment of this Case Management Order.

12. **Trial continuances.** Once a trial period is set, the Court discourages continuance motions. All continuance motions must comply with Rule of Civil Procedure 1.460. The party filing the motion must submit a courtesy copy to the presiding judge's chambers when the motion is filed. A stipulation to continue a trial does not continue the trial. A trial may only be continued by Court Order. The Court assumes any attorney appearing on behalf of a party can try this case. Where a party has multiple counsel appearing, the Court likely will not accept last minute complaints about known conflicts.

13. **Trials conducted in-person.** All trials are conducted in-person in the Courthouse unless the presiding judge provides otherwise.

14. **Mandatory attendance.** Attendance at the Docket Sounding is mandatory for attorneys as well as self-represented litigants. Failure to attend the Docket Sounding could result in the Court dismissing the action, striking the pleadings, limiting proof or witnesses, or taking other appropriate action. You must appear at the Docket Sounding:

- In person.** You must appear at the Courthouse for these hearings. You may not appear via Zoom for these hearings.
- By Zoom.** You must appear by Zoom for these hearings with a working camera. No "in person" appearance at the Courthouse is permitted.
- Hybrid option.** You can decide whether you appear in person or by Zoom for these hearings. If you appear by Zoom, you must appear with a working camera.

**Zoom Credentials:** \_\_\_\_\_

15. **Intentionally left blank.**

16. **Docket Sounding.** Lead counsel for each party must attend the mandatory Docket Sounding to address all matters relating to the trial. Counsel must have full authority to enter into stipulations at Docket Sounding. Motions will not be heard at Docket Sounding; all motions were required to be resolved 1 month before trial. Unless stricken through below, the attorneys

and unrepresented parties shall confer and prepare a complete, single set of documents to be provided to the Court in electronic format at Docket Sounding:

- operative pleadings;
- a list of all stipulated facts;
- all substantive rulings in this case (e.g., summary judgment orders);
- an indexed list of each party's trial exhibits together with notations as to stipulations on authenticity and admissibility of each exhibit;
- any trial brief.

17. **One expert per specialty.** At trial, each party is limited to one expert per specialty.

### **Referral to mediation**

18. **Referral to mediation.** The Court refers this case to mediation. Unless the parties agree otherwise, the mediation will occur as outlined in Florida Rules of Civil Procedure 1.700, 1.710, 1.720, and 1.730. The mediation deadline is found in Exhibit 1.

### **Referral to Civil Magistrate**

19. **Referral to Civil Magistrate.** The Court on its own motion refers the following motions and matters—whether currently filed or filed in the future—to the **Honorable \_\_\_\_\_**, Magistrate, Twelfth Judicial Circuit (“Magistrate”): (a) all discovery motions; (b) all motions directed to the pleadings; and (c) any motion stipulated to by the parties.

20. **Authority of Magistrate.** The Magistrate has all power as permitted by Florida Rule of Civil Procedure 1.490 and as directed by the Court. The parties must schedule their hearing with the Magistrate. The Magistrate is authorized to administer oaths, conduct hearings, and take evidence. As soon as practicable, the Magistrate will file a Report and Recommendation of Magistrate containing findings of fact, conclusions of law, and the name of the court reporter, if any. The Magistrate may require one or more of the attorneys to prepare a proposed Report and Recommendation of Magistrate.

21. **Electronic recording of Magistrate proceedings.** You are advised the Twelfth Judicial Circuit electronically records—but does not transcribe—the proceedings before the Magistrate. A party may have a court reporter transcribe the record of the proceedings at that party's expense. Additionally, a party may hire a court reporter to attend and report the proceedings. A party retaining a court reporter must timely notify all parties.

22. **Exceptions to Magistrate Report and Recommendation.** A party requesting the presiding judge review the Report and Recommendation of Magistrate must file timely exceptions or cross-exceptions as provided in Florida Rule of Civil Procedure 1.490. In addition to filing the exceptions with the Clerk of Court, the party must email a copy of the exceptions to both the Magistrate's Assistant and the presiding judge's Judicial Assistant with a copy to all parties. A record, which includes a transcript, may be required to support the exceptions asserted,

or your exceptions will be denied. The person seeking review must have the transcript prepared for the Court's review if necessary.

23. **Consent to Magistrate.** All parties must consent to the reference to the Magistrate. You are entitled to have these matters heard by the presiding judge. If you do not want the Magistrate to hear this matter, you must file a written objection to the referral. In addition, you must email a copy of the objection to both the Magistrate's Assistant and the presiding judge's Judicial Assistant, with a copy to all parties.

### **Additional Directives**

24. **Expectations for All Participants Attending Zoom Hearings.** Please see the expectations for all participants on the Twelfth Judicial Court Website [here](#).

25. **Court Reporters.** The Court does not provide a court reporter. If a party wishes to have a court reporter present, that party must arrange for the court reporter's attendance and must notify all other parties before the hearing.

26. **No Recording Proceedings.** By court rule and court order, you are not authorized to make your own audio or visual recording of a court proceeding. No one may take "screenshots" or other audio or visual depictions of a court proceeding. Recording a court proceeding is strictly prohibited unless approved by the Judge. If you violate these rules, you may be held in contempt of court. Members of the media must comply with Rule of General Practice and Judicial Administration 2.450 and the latest administrative order by the Chief Judge regarding media coverage. Please contact the Court's Public Information Officer for further information.

27. **Late entry or Technical Difficulties.** If you are not logged in when the hearing begins, the judge may not interrupt the proceedings to admit you to the hearing. If you have trouble logging in, and you wish to participate in the hearing, contact the Court's judicial assistant immediately.

28. **ADA Notice.** 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 Sarasota County Jury Office, P.O. Box 3079, Sarasota, Florida 34230-3079, (941) 861-8000; Manatee County Jury Office, P.O. Box 25400, Bradenton, Florida 34206, (941) 741-4062; or Desoto County Clerk's Office, 115 East Oak Street, Arcadia, Florida 34266 (863) 993-4876, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.

DONE AND ORDERED in \_\_\_\_\_ County, Florida, on \_\_\_\_\_.

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(name of judge)  
Circuit Judge

**SERVICE CERTIFICATE**

On \_\_\_\_\_, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individual who do not have an email address on file with the Clerk of Court.

# EXHIBIT 1 - Streamlined Track

## Case Management Deadlines (Circuit Civil – Jury and Nonjury Cases)

Trial Period Beginning: \_\_\_\_\_

Trial Location: \_\_\_\_\_

IT IS ORDERED:

1. The parties must abide by these deadlines, and these deadlines will be strictly enforced by the Court. No deadline may be changed by the parties by mutual consent. Only the Court may alter these deadlines.

EVENT	DEADLINE
<b>Deadline for Plaintiff to complete service of the initial Complaint.</b>	120 days after lawsuit filed.
<b>Deadline for Plaintiff to complete service under extensions.</b> (As directed by the Court).	Not applicable.
<b>Deadline to resolve all objections to the pleadings.</b> (Motion must be set within 21 days of being filed and resolved within 3 months from filing.)	Set within 21 days; resolved with 3 months.
<b>Deadline for parties to be added to case.</b> (9 months before trial.)	
<b>Deadline for pleadings to be amended.</b> (7 month before trial.)	
<b>Deadline to file expert witness list for experts used to support of affirmative claims.</b> (7 months before trial.) A party may not have more than 1 expert per specialty.	
<b>Deadline to file expert witness list for experts used to oppose affirmative claims.</b> (6 months before trial.) A party may not have more than 1 expert per specialty.	
<b>Deadline for all parties to file their witness and exhibit lists, which list includes designation of those</b>	

<b>witnesses and exhibits a party reasonably believes the party will call or use in trial.</b> Over designating witnesses or exhibits reasonably believed to be called at trial may result in sanctions. (5 months before trial.)	
<b>Deadline for fact discovery to be completed.</b> No fact discovery may occur after this date without Court permission. (3 months before trial.)	
<b>Deadline for expert discovery to be completed.</b> No expert discovery may occur after this date without Court permission. (3 months before trial.)	
<b>Deadline for dispositive motions (i.e., summary judgment and <u>Daubert</u> motions) to be heard.</b> (2 months before trial.)	
<b>Deadline for revisions to witness and exhibit list to include only those witnesses and exhibits a party reasonably believes the party will call or use in trial.</b> Only witnesses and exhibits identified on the earlier list may be included in the revised list. (6 weeks before trial.)	
<b>Deadline for mediation and all forms of alternative dispute resolution to be completed.</b> (6 weeks before trial.)	
<b>Deadline for parties to conduct in-person meeting to exchange and confer concerning trial exhibits reasonably expected to be used at trial.</b> (1 month before trial.)	
<b>Deadline for parties to exchange each party's complete set of jury instructions.</b> (1 month before trial.) <i>Not applicable for nonjury trials</i>	n/a
<b>Deadline for all other motions to be heard.</b> (1 month before trial.)	
<b>Deadline for parties to discuss and resolve disagreements in jury instructions.</b> (2 weeks before trial.) <i>Not applicable for nonjury trials.</i>	n/a