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

 **Case No:**

 **Plaintiff(s)**

vs

 **Defendant(s)**

**JUDGE MCHUGH’S PRETRIAL CONFERENCE ORDER**

**(NO DELETIONS OR REVISIONS ARE TO BE MADE TO STANDARD PROVISIONS, LANGUAGE, DISCLOSURES AND/OR ATTACHMENTS – YOU MUST ATTEND THE PRETRIAL CONFERENCE TO DISCUSS ANY PROPOSED REVISION/AMENDMENT/WAIVER/EXTENSION)**

for Plaintiff(s)

      for Defendant(s)

1. **Jury or Non-Jury?**
2. **Length of trial:**

**Have the parties been to mediation? When?**

**Have the parties been to arbitration? When?**

1. **Statement/Summary of Case:**
2. **Case at Issue: Yes.**

**(There should not be any pending motions to amend, to dismiss, etc. Any such motion should be set and noticed for immediate hearing. Any defendant in the case at this juncture should have either an answer or default on file.)**

1. **Issues (agreed to and disputed):**
2. **Admissions to avoid unnecessary proof:**
3. **JURY SELECTION, PRESENTATION, & TIME LIMITS. Unless otherwise revised by the Court: a collective total of 3 claimant(s)-side peremptory challenges and 3 collective peremptory challenges on the defense side. Voir dire shall be limited to one hour per side. Opening statements: 25 mins. max. Closings: 1 hour max. (Rebuttal: 5 minutes regardless of reservation.) Unaffiliated parties with different or competing interests on one side may result in the grant of additional strikes and different time allocations.**
4. **WITNESSES.**

**Counsel and all pro-se parties *shall attach or list below all witnesses they actually intend to call at trial*, including an approximate total amount of the time for each witness and a concise statement of the facts about which the witness will testify. (Do not incorporate prior notices by reference.) Undisclosed witnesses will not be permitted to testify.**

**The parties shall assure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure. If a party expects to call an expert or treating physician to testify at trial, it is strongly suggested that such witness be deposed by video and the testimony transcribed well in advance of trial. Witness unavailability will not subject the case to continuance or delay. The Court may not be in a position to allow a witness to testify “out of order,” over objection, or to take a recess or adjust its schedule for the convenience of such a witness. Zoom or video-conferencing will be permitted by stipulation of the parties. The attorney proffering testimony will be responsible for coordinating the technology associated with witness testimony. Technological issues will not be a basis for a delay in the trial.**

1. **DAMAGES. Attached, or listed below, is an itemized list of all claimed damages that are going to be presented to the jury. Any unliquidated damages (eg. “pain and suffering,” punitive damages, etc.) should be annotated “TBD by jury,” but any specified amounts, such as medical bills, future medical costs, past lost wages, etc. must be specifically listed. Failure to attach or list damages may preclude their admission at trial.**
2. **Any problems or special needs for the attendance of witnesses:**
3. **STIPULATIONS (delete inapplicable ones below; anything listed is STIPULATED)**

**a) Less than 6 jurors if one becomes incapacitated**

**b) Use of expert testimony any time**

**c) Waive X-ray technicians**

**d) Waive records custodians**

**e) Waive photographers**

**f) Copies of ordinances or foreign laws**

**g) Other:**

1. **Necessity of taking judicial notice:**
2. **PENDING MOTIONS & MOTIONS IN LIMINE:** **(Motions not timely filed and noticed to be heard prior to docket sounding may be deemed waived/withdrawn. All motions should be discussed between lead trial counsel by telephone, in person or by video-conference at least 48 hours prior to hearing.)**
3. **Settlement possibilities:**
4. **Trial Date, Docket Sounding, and Conflicts. All parties and counsel must be ready to go to trial on day #1 of the trial period, regardless of position on the docket. The docket will proceed in the manner established at docket sounding – generally numerical order, unless time utilization can be enhanced or scheduling conflicts with other courts occur. In such instances, the sequencing of cases for trial may be adjusted by the Court. [[1]](#footnote-1) Prior to docket sounding, a notice of potential trial conflicts should be filed, including information for any other potentially conflicting case(s), including case style, case number, filing date, trial period, judge (with contact information/telephone number), whether such case has been continued previously or has been special set, etc. You are under obligation if/when you attend any pretrial conference and/or docket sounding for such other cases to advise the presiding judge of the pending trial of this case. LEAD TRIAL COUNSEL SHALL BE IN ATTENDANCE AT DOCKET SOUNDING.**
5. **FABRE. Any Fabre defendant previously disclosed should be included on the proposed verdict form.**
6. **DEPOSITION TRANSCRIPTS. Deposition designations must be made and discussed at least ten business days in advance of docket sounding. If the depositions or video depositions of witnesses will be used, are there stipulations as to which portions will be shown to the jury?** **[ ]  YES**

**[ ]  NO**

**If there are disagreements regarding the admissibility of any portion of a deposition transcript, such matters must be resolved *prior to trial* absent extraordinary circumstances. Any objections will be deemed waived if not addressed in advance.**

1. **JURY INSTRUCTIONS & VERDICT FORM. Unless specifically directed otherwise by the Court, jury instructions and verdict forms shall be fully discussed and submitted prior to docket sounding. All trial counsel and any pro-se parties are to meet in person or by video-conference at least 48 hours before docket sounding for this purpose. Any unresolved issues are subject to resolution at docket sounding or such other time as the Court may so designate. The submitted instructions and verdict forms shall include any of the Florida Standard Jury Instructions and verdict forms with appropriate adaptations for the specifics of the case. This paragraph shall not foreclose the right of each party to request modifications of the jury instructions and/or verdict form(s) based upon the evidentiary presentation at trial. Counsel/parties shall submit to the Court both an electronic version in Microsoft Word and a printed copy of the jury instructions and verdict form at docket sounding. Jury instructions shall be submitted in one agreed upon package in appropriate order of presentation, with any disputed instructions flagged for review and discussion.**
2. **EXHIBITS. Attached is a list of all proposed exhibits.  ALL EXHIBITS SHALL BE MARKED AND EXCHANGED AT LEAST FIVE FULL BUSINESS DAYS PRIOR TO DOCKET SOUNDING.  All composite exhibits shall be satisfactorily marked and bound before presentation to the Court.  Exhibits to be introduced which are larger than 8 ½ x 11” may be used at trial, but if practicable, same shall be reduced to 8 ½ x 11”, and the reduced size copy shall be the exhibit retained by the Clerk in the court file.  Oversized exhibits, if reduced, shall be returned to counsel for their retention at the end of the trial.**
3. **COURT REPORTING/RECORD. The Court does not provide a Court Reporter. If a party wants a record of the proceedings, it is the responsibility of that party to arrange for such services sufficiently in advance of trial and at their own expense.**

**21. COMPLIANCE. Failure to comply with the requirements of this Order may subject the party and/or counsel to contempt proceedings and/or appropriate sanctions, including attorney’s fees, fines, striking of pleadings, default, and/or dismissal of this action.**

**THE UNDERSIGNED HEREBY AGREE TO AND SUBMIT THE FOREGOING PRETRIAL CONFERENCE/TRIAL ORDER TO THE COURT FOR APPROVAL.**

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

**PLAINTIFF’S COUNSEL DEFENDANT’S COUNSEL**

**(Address)** **(Address)**

**(telephone)** **(telephone)**

**(fax)** **(fax)**

**(email address)** **(email address)**

**(Florida Bar #)** **(Florida Bar #)**

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

**Or, if pro se, PLAINTIFF Or, if pro se, DEFENDANT**

**(Address)** **(Address)**

**(telephone)** **(telephone)**

 **THE COURT HEREBY APPROVES AND ADOPTS THE FOREGOING PRETRIAL CONFERENCE/TRIAL ORDER AND THE PARTIES AND COUNSEL ARE ORDERED TO COMPLY WITH IT.**

**DONE AND ORDERED in Chambers,** **County, Florida on this** **day of** **,** **.**

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

 **Circuit Court Judge**

**AMERICANS WITH DISABILITIES ACT**

**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 Brooke Dean, Operations Division Manager, whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida, 33901 and whose telephone number is (239) 533-1771, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before your scheduled appearance is less than 7 days; if you are hearing impaired, call 711.**

**CERTIFICATE OF SERVICE**

**Pursuant to Rule 1.080 of the Florida Rules of Civil Procedure, conformed copies have been mailed this \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_, \_\_\_\_\_, to the following:**

 **By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**, Judicial Assistant**

1. Dockets will be posted on each Judge’s schedule as soon after Docket Sounding as reasonable feasible. Counsel and parties are responsible for checking the Judge’s schedule for updates as to the docket and order in which cases will be tried. [↑](#footnote-ref-1)