

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

Plaintiff(s),
vs.

Defendant(s). /

CASE NO.: _____
CASE TYPE: _____
JUDGE: Devin S. George

ORDER INVOKING THE RULES OF CIVIL PROCEDURE AND ORDER OF REASSIGNMENT

THIS CAUSE having come before the Court on the Motion to Invoke the Rules of Civil Procedure, it is hereby

ORDERED AND ADJUDGED

1. The Rules of Civil Procedure are hereby invoked.
2. Appearance at Pre-Trial Conference for both parties is waived.
3. Defendant shall have 20 days from the date of this Order to respond to Plaintiff's Complaint.
4. Defendant shall have 30 days from the date of this Order to respond to any outstanding discovery.
5. The parties agree to mediate prior to trial at their own expense.
6. The parties are hereby ordered to comply with the attached Standing Order and County Civil Case Management Plan.
7. This case shall be reassigned to the Honorable Nicole Mirra as per the Administrative Order.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida.

IN THE COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT
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CIVIL ACTION

**STANDING ORDER IN COUNTY CIVIL CASES IN THE
TWENTIETH JUDICIAL CIRCUIT WITH CASE MANAGEMENT PLAN**

PURSUANT to Florida Rule of Civil Procedure 1.200(a), Florida Rule of Judicial Administration 2.545, Florida Supreme Court Administrative Order AOSC 20-23 (Amendment 12), and Administrative Order 1.13 (as amended) entered by the Chief Judge of this Circuit, the parties are ordered to adhere to the following information and procedures applicable to civil lawsuits in the County Court excluding Small Claims in which the Rules of Civil Procedure have not been invoked and Eviction cases:

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this order, with the attached Case Management Plan, 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 and directives for the prompt processing and resolution of civil cases and the issuance of a case management plan. This Court has adopted a case management system to help meet those guidelines. In contested cases (other than Small Claims cases in which the Rules of Civil Procedure have not been invoked and eviction cases), the parties are required to participate in the case management system. In order to meet these guidelines and directives the Court hereby issues the Case Management Plan attached hereto. Should the parties wish to amend this plan during the course of the case, they may submit a proposed Amended Case Management Plan along with their reasons that the Court should consider approving same. The county civil Case Management Plan may be accessed at the Court's website at: <http://www.ca.cjis20.org/web/main/civil.asp>.

3. **ALTERNATIVE DISPUTE RESOLUTION (ADR).** ADR provides parties with an out-of-court alternative for settling disagreements. The most common form of ADR is Mediation, which is a conference at which a Supreme Court Certified mediator, who is a specially trained third party, attempts to facilitate a settlement between the parties. The Court, at its discretion, may require the parties to participate in Mediation prior to trial, unless the parties agree to another form of ADR, such as Non-Binding Arbitration. The Court may, on its own motion or the motion of the parties, refer a case to Non-Binding Arbitration. Non-Binding Arbitration is a process in which the Court refers a case to a registered arbitrator, or panel of arbitrators, who will hear evidence and make an award. That award may become a final judgment in the case if a Motion for Trial De Novo is not filed pursuant to Fla. R. Civ. P. 1.820(h).

4. **FAILURE TO PROSECUTE.** The Court will issue a Notice of Intent to Dismiss a case if there is no record activity within a ten (10) month period of time.

5. **ELECTRONIC SERVICE (e-Service) AND ELECTRONIC FILING (e-File)**. In general, attorneys are required to designate a primary e-mail address for the purpose of serving and receiving service of pleadings (after the initial pleading), and are required to electronically file documents through the Florida Courts e-filing Portal. Self-represented litigants are not required, but are encouraged to file with the Clerk a designation of a primary e-mail address for the purpose of serving and receiving service of pleadings (after the initial pleading), and to electronically file documents through the Florida Courts e-filing Portal at <https://www.myflcourtagency.com>. If a self-represented litigant does not designate a primary e-mail address, service by and on that self-represented litigant is to be by hand-delivery or mail and in accordance with Fla. R. Jud. Admin. 2.516, and the filing of documents by that self-represented litigant with the Clerk is to be done manually and in accordance with Fla. R. Jud. Admin. 2.525.

6. **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 parties 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.

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COUNTY CIVIL CASE MANAGEMENT PLAN

The parties shall comply with the Case Management Plan or may submit an Agree Case Management Plan along with a statement as to why the plan should be amended 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)	180 days prior to trial
Identification of facts the parties believe to be disputed	90 days prior to trial
Identification of the issues of law to be decided by the Court	90 days prior to trial
Motions to Add Parties or to Amend Pleadings	180 days prior to trial
Disclosure of Fact Witnesses	180 days prior to trial
Disclosure of Expert Witnesses	180 days prior to trial

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.

Filing of Exhibit List	60 days prior to trial
Expert Opinion Available to Opposing Party	120 days prior to trial
Discovery Deadline for Expert Witnesses	60 days prior to trial
Completion of Alternative Dispute Resolution (ADR)	60 days prior to trial
Deadline for Filing Dispositive Motions (Court requires filing not later than 10 days prior to the pretrial management conference)	60 days prior to trial. Must be heard not later than 30 days prior to commencement of trial period.
Pretrial/Trial Conference Date	An Order will be issued by the Court scheduling the Pretrial/Trial Conference.

Trial Information

Estimated Date the Case Will Be Prepared To Go To Trial. This is the estimated time the case should be ready for trial based on the Expedited Track and upon which all deadlines are based.	Expedited Track deadline is 12 months from date <u>initial</u> Complaint was filed
Estimated Length of Trial :	No more than 3 days. If more than 3 days are needed, the court shall be notified in writing prior to or at the pretrial conference
Identification of Jury or Non-Jury Trial	Either party shall file a Notice for Trial immediately upon the case being at issue indicating jury or non-jury and length of 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, procrastination in the completing of discovery 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.