

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR MONROE COUNTY

ADMINISTRATIVE ORDER: 2020/21-1

IN RE:

CIVIL CASE MANAGEMENT PLAN

WHEREAS, Chief Justice Charles Canady issued Florida Supreme Court Administrative Order AOSC20-23, Amendment 12, *Comprehensive COVID-19 Emergency Measures for Florida Trial Courts* on April 13, 2021, which provides for case management of all civil cases and requires circuits to evaluate the type of case and to set deadlines pursuant to the Florida Rules of Civil Procedure; and

WHEREAS, it is in the best interest of the citizens of the 16th Judicial Circuit for the Court to adopt a case management plan that ensures equal treatment of all litigants by the Court, a just and timely disposition of all cases and one in which the integrity of the process is maintained; and

WHEREAS, the case management plan will improve the court's ability to provide early and continuous management of civil cases as required by Florida Rules of Judicial Administration 2.545 and Florida Supreme Court Administrative Order AOSC20-23, Amendment 12, while promoting the uniformity of practice throughout the 16th Judicial Circuit; and


WHEREAS, the existing Civil Case Management Plan does not contain all of the requirements as outlined in Florida Supreme Court Administrative Order, AOSC20-23, Amendment 12; and

WHEREAS, the Chief Judge is responsible for the administrative supervision of the courts within the Sixteenth Judicial Circuit, as provided in Rule 2.215 Florida Rules of Judicial Administration and Florida Statute 43.26;

IT IS THEREFORE ORDERED THAT:

1. The existing Civil Case Management Plan, established in May, 2013, in the 16th Judicial Circuit for the implementation of enhanced case management procedures and guidelines for the timely and efficient processing of circuit civil cases and the reduction in the backlog of pending civil cases is hereby amended and attached hereto.
2. It shall be noted that the orders included with the Civil Case Management Plan are intended as models and any judicial variations shall be posted on the Court's website at www.flcourts.org.
3. The procedures and time standards set forth in the Civil Case Management Plan 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. 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.
4. 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.
5. Judges within the 16th Judicial Circuit are directed to strictly comply with Florida Rule of General Practice and Judicial Administration 7.543(a), (b) and (c), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown.

DONE AND ORDERED in Chambers at Key West, Monroe County, Florida, on this 30th day of April, 2021.



Honorable Mary E. Jones
Chief Judge

16th Judicial Circuit
Civil Case Management Plan

I. Purpose and Goals

This 16th Judicial Circuit Civil Case Management Plan seeks to implement modern differentiated case flow management procedures in circuit civil and county civil cases to accomplish the following goals:

- Improve the court's ability as required by Florida Rule of Judicial Administration 2.545 to provide early and continuous control of case processing and to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case;
- 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 when appropriate;

II. Civil Case Management Plan-Time Standards

a. Per Florida Rules of Judicial Administration 2.250 and Florida Rule of Civil Procedure 1.201, the following time standards are established for civil cases:

- i. Jury Cases-18 months from filing to disposition;
- ii. Non-Jury Cases-12 months from filing to disposition;
- iii. Complex Cases-24 months from filing to disposition.

b. Consistent with Florida Rules of Judicial Administration 2.250(a), the Court recognizes that there are a portion of cases that present unique pretrial problems that may cause unavoidable delay or adherence to the aforementioned time standards.

III. Designation of Case Type

Presiding judges in civil actions shall review each civil case he or she is assigned to determine whether the case is complex, streamlined or general.

a. Complex civil actions—Actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon a case being designated as complex, the action shall proceed as provided in the rule.

b. Streamlined civil cases—Unless otherwise determined by the presiding judge, streamlined civil cases are uncontested cases, cases not entitled to a jury trial, or cases where a jury trial is not demanded.

c. General civil cases—All other cases.

IV. Civil Case Management Procedures/Timeframes

a. A case management order shall be issued in all streamlined and general civil cases that specifies the following:

- i. Deadlines for service of complaints, service under extensions and adding new parties;
- ii. Deadlines by which fact and expert discovery shall be completed;
- iii. Deadlines to which all objections to pleadings and pretrial motions shall be resolved;
- iv. Deadline for when mediation shall have occurred;
- v. A projected trial date.

b. If a streamlined or general civil case is subject to dismissal for a lack of prosecution pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is only required if the court determines that the action should remain pending and shall be issued within 30 days after such determination.

- c. In cases subject to a statutory stay or moratorium preventing the prosecution of the case filed on or after April 30, 2021, the case management order shall be filed within 45 days after the stay or moratorium ends or within 30 days after service of complaint on the last of all named defendants, whichever is later.
- d. In cases subject to a statutory stay or moratorium preventing prosecution of the case filed before April 30, 2021, a case management order shall be issued by December 3, 2021, within 45 days after the stay or moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later.
- e. In cases not subject to a statutory stay or moratorium filed on or after April 30, 2021, the case management order shall be issued within 30 days after service of the complaint on the last of all named defendants.
- f. In cases not subject to a statutory stay or moratorium filed before April 30, 2021, the case management order shall be issued by December 3, 2021.
- g. All case management orders shall address each deadline identified in section IV(a) above and shall indicate that all deadlines will be strictly enforced by the court.
 1. Maximum periods for streamlined cases unless otherwise ordered based upon good cause are as follows:
 1. Deadlines for service of complaints, service under extensions and adding new parties—service within 120 days of filing of the complaint unless the Court grants an extension which shall not exceed 240 days from the dates of filing of the complaint;

2. Deadlines to complete fact and expert discovery—within 270 days after the complaint is filed;
3. Deadlines for all objections to pleadings and pretrial motions to be resolved—within 45 days after filing and prior to the pretrial conference;
4. Deadline for mediation to have occurred—within 270 days after the complaint is filed; and
5. Projected date of trial within 12 months of filing.

ii. Maximum periods for general cases unless otherwise ordered based upon good cause are as follows:

1. Deadlines for service of complaints, service under extensions and adding new parties—service within 120 days of filing of the complaint unless the Court grants an extension which shall not exceed 240 days from the dates of filing of the complaint;
2. Deadlines to complete fact and expert discovery—within 450 days after the complaint is filed;
3. Deadlines for all objections to pleadings and pretrial motions to be resolved within 45 days after filing and prior to the pretrial conference;
4. Deadline for mediation to have occurred—within 450 days after the complaint is filed; and
5. Projected date of trial—within 13 months of filing.

h. A Preliminary Case Management/Scheduling Order is attached hereto as Exhibit A. This order will be utilized for both general and streamlined circuit civil and county court cases and shall be used by the presiding civil judge to comply with this order.

i. Case management conferences shall be convened either by the Court or at the request of a party to the action, as necessary for the timely

resolution of pretrial issues and determination of deadlines or modification of deadlines for the pretrial process. An order Setting Case Management Conference is attached hereto as Exhibit B.

j) Case Managers are responsible to:

- i. Process the case management order for all new and pending civil cases;
- ii. Identify cases out of compliance with time standards and bring them to the attention of the presiding judge for purposes of implementing an expedited scheduling order;
- iii. Monitor all monthly reports from the Monroe County Clerk of Court regarding time standards and clearance rates.

**IN THE COUNTY/CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR MONROE COUNTY**

CASE NO: _____

Civil Division

Plaintiff(s),

v.

Defendant(s).

PRELIMINARY CASE MANAGEMENT/SCHEDULING ORDER

THIS CASE having been reviewed by the Court pursuant to Rule 1.200(a), Florida Rules of Civil Procedure, and Rule 2.250, Florida Rules of Judicial Administration, with regard to the Court's obligations thereunder, and the Court being fully advised in the premises, it is hereby,

ORDERED as follows:

MEET AND CONFER TO CREATE AGREED DEADLINES FOR CASE:

Within _____ **days** of the entry of appearance of counsel, counsel are ordered to meet and confer, to discuss and stipulate to reasonable time deadlines for this scheduling order, that are agreeable to all parties, and may more closely meet the needs of the litigants, given the nature of the case and matters in controversy. The form of the order may not be generally changed without leave of Court. If all counsel are able to reach an agreement on suitable deadlines which differ from the deadlines set forth herein, counsel shall submit an Agreed Scheduling Order to the Court for entry. The Court will generally not approve agreed modifications which would put the case beyond the Florida Supreme Court's time standards, absent good cause shown. Unless and until such time as all counsel have complied with this provision, and an Agreed Scheduling Order has been entered, the deadlines set forth hereafter shall govern this case. The procedure set forth above may also be used by counsel to seek modification of the Scheduling Order as the case progresses, as may be helpful to the parties and counsel.

Counsel herein are advised that the deadlines set forth herein will not be extended solely by reason of the failure to serve process on parties, addition of new parties, claims or counterclaims to the case, pendency of motions directed to the pleadings, changes in

the trial date, or stipulations between the parties or their counsel, absent good cause shown and an order specifically extending the deadlines.

1. **PLAINTIFF ORDERED TO SERVE SCHEDULING ORDER:** Plaintiff's attorney is hereby Ordered to serve a copy of this Scheduling Order on each Defendant once service is obtained, and further, shall serve a copy on any new party to the action, within ten days of service of pleadings on that party. **PLAINTIFF IS REQUIRED TO SERVE A NOTICE OF SERVICE OF SCHEDULING ORDER FOR EACH SUCH SERVICE, WITH A COPY EMAILED TO THE COURT'S JUDICIAL ASSISTANT.** Any party not timely served with the Scheduling Order who has thereby been deprived of time to complete deadline items shall discuss this with all other counsel and seek a stipulated amendment to the deadlines, failing which the aggrieved party may seek relief from the Court.
2. **SERVICE OF COMPLAINT:** The deadline for service of the initial complaint is 120 days from filing of complaint and any requests for extensions, if granted, shall not exceed 240 days from date of filing. When a motion for leave to amend with the attached proposed amended complaint is filed, the additional period for service of the amended complaint shall begin upon entry of an order granting leave to amend.
3. **FACT WITNESSES AND EXHIBITS:** All fact witnesses and exhibits must be disclosed no later than _____ **days** from entry of this Order by the party bearing the burden of proof on the issue the witness will testify on; the party not bearing the burden of proof on that issue will have an additional _____ days thereafter to disclose witnesses, if any.
4. **EXPERT WITNESSES:** All expert witnesses must be disclosed no later than _____ **days** from entry of this Order by the party bearing the burden of proof on the issue that the expert will testify on; the party not bearing the burden of proof on that issue shall have an additional _____ days thereafter to disclose experts, if any.
5. **DISCOVERY DEADLINE:** All discovery (including obtaining rulings on discovery motions) shall be completed by no later than **270/450 days** from entry of this Order. "Completed" means responses have been received, discovery motions have been ruled on, and all discovery matters fully resolved. This discovery deadline shall not prevent the taking of depositions to perpetuate testimony and depositions of records custodians to establish evidentiary predicates for trial, however, depositions to perpetuate testimony and of record custodians must be completed prior to the Pretrial Conference, and no continuances will be granted as a result of failure to comply with this requirement.
6. **DISCOVERY DISPUTES:** All counsel are directed to meet and confer on such disputes, as set forth below, and if no agreement is achieved, counsel may be required to personally attend any hearing on such discovery dispute.

7. MOTION PRACTICE AND PROCEDURE:

- a. GENERAL MOTION FILING DEADLINE:** All motions, (excluding discovery motions which are controlled by paragraph 4, above) shall be filed no later than _____ days after the discovery deadline. Any motion filed after that date will be deemed untimely and may be thereupon denied.
- b. GENERAL MOTION HEARING DEADLINE:** Timely filed motions shall be scheduled and heard no later than _____ days after the discovery deadline. Any motions not heard by that date may be denied as untimely.
- c. MOTIONS DIRECTED TO THE PLEADINGS:** All motions directed to the pleadings shall be accompanied by a notice of hearing that sets any such motion for hearing to be held within _____ days of the date of filing of the motion. Any party unable to secure hearing time to comply herewith is directed to call the Court's Judicial Assistant immediately so that hearing time can be made available. The parties are advised that the Court's Trial Order will summarily deny all motions directed to the pleadings that have been filed without being set for hearing as required above. These requirements may be excused only upon good cause shown, upon motion of any party and order of the Court.
- d. MOTION SETTING: Open Motion Calendar:** Motions of 30 minutes or less may be scheduled on the court's Open Motion calendar. Please refer to the Sixteenth Judicial Circuit's website for scheduling procedures of the presiding Judge. No evidentiary motions are permitted on the open motion calendar.
- e. REMOTE HEARING PROCEDURES:** Please refer to the Sixteenth Judicial Circuit website for the presiding Judge's instructions.
- f. MOTION PROCEDURE:** Motions shall be filed with the Clerk before hearing time is reserved. A courtesy copy of all motions and memoranda in response may be mailed or delivered (no facsimiles) to the Judge's Chambers for delivery at least 5 days before the hearing for all telephonic hearings, or a courtesy copy shall otherwise be brought to the hearing for the court's use. Should the Court find that there is no motion in the Court file at the time of the hearing, the hearing may be cancelled.
Motions must be set for hearing within _____ days of filing, except as limited in paragraph (a), above. Oral argument shall be deemed waived on motions not heard within 90 days of filing. *Allstate Ins. Co. v. Montgomery Ward*, 538 So.2d 974 (Fla. 5th DCA 1989),
- g. ALL MOTIONS AND DEPOSITION DATES TO BE CLEARED:** Counsel shall not schedule a motion hearing or a deposition on a date or time that has not been cleared on all other counsel's calendar(s). The lawyer setting the hearing has the responsibility to determine if any other lawyer wishes to appear telephonically, and if so, the matter may only be set on the

afternoon telephonic docket. If counsel are unable to agree on dates or times for hearings or depositions, the moving party shall set the dispute for hearing by motion on a time and date provided by the Court's Judicial Assistant. All counsel may be required to personally attend such hearings with their calendars, and no telephonic appearance will be permitted, absent leave of Court.

h. **MEET AND CONFER REQUIREMENT:** Counsel shall meet and confer regarding all disputed issues before setting a hearing to resolve those issues on motion. Failure to comply with this requirement may result in removal of motions from the docket, rescheduling of motions by the Court, denial of motions, or sanctions, as appropriate.

i. **EMERGENCY MOTIONS:** An emergency motion is based on an immediate threat to life, limb or property. The Court will set aside all other pending matters to address bona fide emergencies. Scheduling conflicts between counsel, last minute attempts to modify deadlines, and similar issues are not "emergencies" and may not be styled as such to obtain expedited relief from the Court. Counsel are directed to meet and confer regarding such issues and either submit a stipulation and agreed order, or to schedule such matters for hearing on the Court's regular motion calendar.

8. **MEDIATION REQUIREMENT:** The Court requires mediation in all civil cases, unless otherwise ordered. This order shall constitute a referral to mediation by the Court pursuant to Fl.R.Civ.Pro. 1.700(a), and the rules, procedures and other requirements set forth in Rules 1.700-1.730, are applicable, including the imposition of sanctions, which includes attorney's fees and costs, inter alia, regarding all mediations conducted in or regarding this case. The parties will complete mediation of this case with 270/450 days after the complaint has been filed. Previous, unsuccessful attempts at mediation may not be deemed a sufficient basis to be excused from this mediation requirement. Plaintiff's counsel is directed to coordinate the mediation with all other counsel. All parties are ordered to appear in person for the mediation, and a claims adjuster with full settlement authority is also ordered to appear in person in cases where any portion of the defense is being conducted by an insurance carrier. Failure to comply with this requirement may be sanctioned by the Court as appropriate. If no mediation report showing compliance herewith is in the Court file at the Pretrial Conference, the Court may impose appropriate sanctions, including case dismissal or striking of pleadings.

9. **MOTIONS IN LIMINE:** These motions must typically be filed and heard as set forth above. The Court will hear motions in limine after these deadlines only upon a showing that the factual basis for the motion could not have been reasonably known by counsel before the general motion deadline.

10. **TRIAL SETTING AND PRETRIAL CONFERENCE.** Counsel are advised that this Order is not a Trial Order, but is a Scheduling Order to enforce compliance with time standards set forth below. By Separate Trial Order, this case will be set for

trial no less than ____ days after expiration of the General Motion Hearing Deadlines. Counsel are directed to be fully prepared for trial by this date. Counsel shall notify the Court immediately, if trial of this cause is anticipated to be longer than **5 days**, by serving and filing a Notice of Anticipated Lengthy Trial estimating the number of trial days, and delivering a copy of same to the Judge's Chambers.

11. PROJECTED DATE OF TRIAL: The projected date of trial is _____ A firm trial date will be ordered by the presiding judge when the case is at issue.

12. CASE MANAGEMENT AND OVER TIME STANDARDS CASES: The court will regularly review the case for case management purposes. An Order Setting Case Management Conference may issue if either of the parties fail to progress the case as required by this scheduling order. A failure to progress may result in dismissal without prejudice on the court's own motion, or such other sanctions or remedies as may be appropriate. Counsel are advised that discovery will not be reopened, and continuance of the trial date will not be granted for cases that have exceeded these time standards:

12 months from the filing to disposition for non-jury cases; or
18 months from the filing to disposition for jury cases or;

absent a showing of extraordinary circumstances that justify such a request.

13. SETTLEMENT: Counsel shall file a fully signed, written stipulation and proposed order of dismissal before any settled case will be taken off the Court's docket.

DONE and ORDERED in Chambers at Key West, Monroe County, Florida, this _____ day of _____, 20_____.

COUNTY/CIRCUIT JUDGE

IN THE COUNTY/CIRCUIT COURT OF THE 16th JUDICIAL CIRCUIT
IN AND FOR MONROE COUNTY, FLORIDA

CASE NO:
CIVIL DIVISION

Plaintiff(s),

v

Defendant(s)

ORDER SETTING CASE MANAGEMENT CONFERENCE

ALL PARTIES are directed to appear at a Case Management Conference ("CMC"), pursuant to Rule 1.200(a), Florida Rules of Civil Procedure, and Rule 2.545, Florida Rules of Judicial Administration. The parties shall be prepared to report on such matters set forth in Rule 1.200(a)(1)-(13), including, but not limited to:

1. Pleading status
2. Summary Judgment status,
3. Discovery status,
4. Possibility of Settlement, and
5. Trial status.

The CMC shall be held on _____, at _____ a.m./p.m. for 15 minutes at _____
ALL PARTIES ARE REQUIRED TO

APPEAR IN PERSON If the party is represented by an attorney, appearance shall be made by an attorney with knowledge of the case. Any party seeking affirmative relief must appear. The purpose of this conference is to determine the status of the case and the next appropriate step in case management.

The CMC may be cancelled or continued upon a showing of any of the following action being taken at least five (5) days before the CMC:

- a. Scheduling the case for final hearing with the Judge's judicial assistant.
- b. Filing a "Notice of Ready for Trial" and obtaining pretrial and trial dates from the Judge's judicial assistant.
- c. Filing, scheduling, and noticing for hearing a dispositive motion for summary judgment to be heard prior to the CMC, or filing a motion for continuance of the CMC if there are no hearing times available prior to the CMC;
- d. Filing a Notice of Voluntary Dismissal.
- e. Obtaining an Order of Dismissal of the case.
- f. Filing a Joint Scheduling Stipulation for the timely progression of the case and obtaining an Order approving the Stipulation, or
- g. Filing a motion setting forth "good cause" for cancellation or continuation of the CMC and submitting a copy of the motion to the Judge with a proposed order

***IMPORTANT: Requests to cancel or continue the CMC, filed within the five (5) day period before the CMC, will not be considered by the court.**

FAILURE TO APPEAR AT THE CMC MAY RESULT IN DISMISSAL OF THE CASE, STRIKING OF PLEADINGS, LIMITING PROOF OR WITNESSES, OR SUCH OTHER APPROPRIATE ACTION BY THE COURT. See Fla. R. Civ. P. 1.200(c)

DONE and ORDERED at _____ Monroe County, Florida, this
____ day of _____, 20____

COUNTY/CIRCUIT JUDGE

cc

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 Cheryl Alfonso, 302 Fleming Street, Key West, Florida, 33040, (305)292-3423, 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.