

IN THE CIRCUIT COURT OF FLORIDA, EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY

CASE NUMBER: 01-2012-CA-001346

DIVISION: J

GAINESVILLE CITIZENS CARE INC

Plaintiff

-VS-

CITY OF GAINESVILLE

Defendant

ORDER SCHEDULING PRETRIAL CONFERENCE AND JURY TRIAL
[with provisions governing disclosure of experts]

THIS ACTION is at issue according to Fla. R. Civ. P. 1.440, and is ready to be set for trial.

Therefore, it is,

ADJUDGED that:

1. Trial counsel for the parties are directed to appear before the undersigned Judge, in Chambers, Alachua County Courthouse (Family and Civil Justice Center), 201 E. University Ave., **ROOM 304**, Gainesville, Florida, on **Tuesday, December 18th, 2012, at 2:30 P.M.**, for a PRETRIAL CONFERENCE to be conducted under the provisions of Fla. R. Civ. P. 1.200. The time allotted for the conference is thirty (30) minutes.
2. This action is SET FOR TRIAL during the week of **Monday, January 7th, 2013** on the undersigned Judge's jury trial docket commencing at 9:00 A.M. or as soon thereafter as counsel may be heard. **5 DAYS** (has/have) been reserved for trial of this action. Parties and counsel are directed to appear before the undersigned judge at 9:00 A.M. on **Monday, January 7th, 2013**, unless otherwise notified.
3. Not later than sixty (60) days before the pretrial conference, each party shall file with the Clerk of this Court, and serve on opposing counsel, a complete list of all witnesses who will be called at trial, together with their last known addresses and telephone numbers.

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4. Not later than thirty (30) days prior to the Pretrial Conference, each party shall file with the Clerk of Court, and serve a copy on opposing counsel, a schedule of all exhibits and documentary evidence that the party will offer during trial.
5. ALL DISCOVERY PROCEDURES ALLOWED BY THE RULES OF CIVIL PROCEDURE SHALL BE COMPLETED NOT LATER THAN 30 DAYS PRIOR TO PRETRIAL CONFERENCE AS WELL AS THE TAKING OF ALL DEPOSITIONS FOR USE AT TRIAL.
6. Plaintiffs shall disclose the names and addresses of retained expert witnesses to be used at trial, together with said witnesses' curricula vitae and a reasonable description of said witnesses' anticipated testimony no later than **Wednesday, August 1st, 2012**.
7. Plaintiffs shall make their retained experts available for deposition at a mutually agreed upon time and place no later than **Thursday, August 30th, 2012**.
8. Defendants shall disclose the names and addresses of retained expert witnesses to be used at trial, together with said witnesses' curricula vitae and a reasonable description of said witnesses' anticipated testimony no later than **Thursday, August 30th, 2012**.
9. Defendants shall make their retained experts available for deposition at a mutually agreed upon time and place no later than **Sunday, September 30th, 2012**.
10. Plaintiffs shall disclose the names and addresses of rebuttal expert witnesses, if any, to be used at trial, together with said witnesses' curricula vitae and a reasonable description of said witnesses' anticipated testimony no later than **Monday, October 15th, 2012**; and shall make said expert(s) available for deposition no later than the close of discovery.
11. The parties will schedule this case for mediation on or before **Saturday, December 1st, 2012**.
12. No witnesses, documents, exhibits, experts or other evidence shall be called or introduced if not disclosed as required by the foregoing schedule except by consent of the parties or order of the Court.
13. Not later than ten (10) days before the Pretrial Conference, counsel shall meet personally and exhibit to each other all documentary and tangible evidence, exhibits and visual aids, and shall specifically designate all portions of depositions, intended to be offered or used at trial, and shall make a good faith effort to stipulate in writing, as to the admissibility and use thereof.

Counsel shall be fully prepared to advise the Court at Pretrial Conference of the precise objection, if any, to each of the opposing party's exhibits, depositions and jury instructions.

14. Not later than seven (7) days before the Pretrial Conference, Plaintiff(s) shall file with the Clerk of the Court, serve a copy on opposing counsel, and deliver a copy to the undersigned judge, a Pretrial Compliance setting forth the following:

- (a) A short statement of the case and the facts on which Plaintiff bases his cause of action;
- (b) An itemized statement of the special damages Plaintiff expects to prove;
- (c) If the Defendant has filed a counterclaim, Plaintiff will comply with Defendant's instructions 15(a) and 15(b);
- (d) All stipulations regarding the authenticity, admissibility and use of exhibits and visual aids;
- (e) A memorandum of law particularly applicable to this case, with copies of cited authority;
- (f) Plaintiff's proposed jury instructions and verdict form.

15. Not later than seven (7) days before the Pretrial Conference, Defendant(s) shall file with the Clerk of the Court, serve a copy on opposing counsel, and deliver a copy to the undersigned judge a Pretrial Compliance setting forth the following:

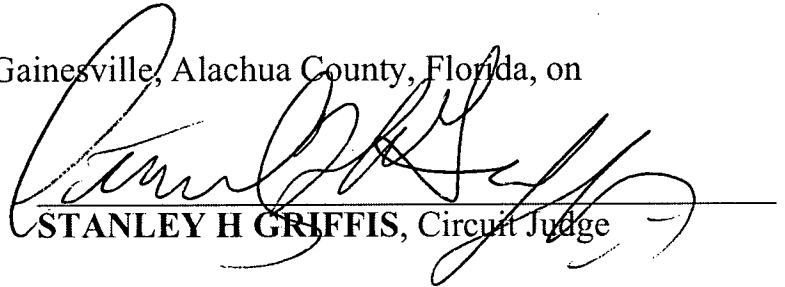
- (a) A statement of the facts constituting Plaintiff's cause of action, including damages, which Defendant will admit;
- (b) If Defendant has filed affirmative defenses, a statement of the facts on which Defendant bases such defenses;
- (c) If Defendant has filed a counterclaim or cross-claim, Defendant will comply with Plaintiff's instructions 14(a) and 14(b);
- (d) All stipulations regarding the authenticity, admissibility and use of exhibits and visual aids;
- (e) A memorandum of law particularly applicable to this case, with copies of cited authority;

(f) Defendant's proposed jury instructions and verdict form.

16. All motions must be filed and heard prior to the Pretrial Conference, including, to the extent practicable, all motions in limine and objections to depositions and exhibits.
17. Within forty-eight (48) hours immediately prior to the Pretrial Conference, trial counsel shall meet or communicate via telephone to discuss settlement. Counsel will be prepared to negotiate settlement at the Pretrial Conference, and shall have full authority to settle the case or have available at the conference a party or representative who does have authority to settle.
18. The time limits provided in this Order may be extended only for good cause shown upon timely application.
19. Each attorney of record shall notify the Court immediately in the event this case is settled.
20. During trial, the parties will be bound in all particulars by this Order and the Pretrial Order to be entered following the conference. Before being offered or used, all depositions and exhibits shall be redacted or edited according to rulings made by the Court.

21. Failure of counsel to comply with this Order shall subject counsel to such sanctions as the Court shall determine to be just and proper under the circumstances.

DONE AND ORDERED in Chambers at Gainesville, Alachua County, Florida, on
23rd day of July, 2012.



STANLEY H GRIFFIS, Circuit Judge

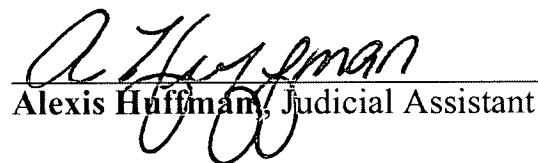
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by hand delivery or U.S. Mail on **Monday, July 23rd, 2012**, to the following:

ELIZABETH WARATUKE, ESQ.
P.O. BOX 490, STATION 46
GAINESVILLE, FL 32627

MARCY I. LAHART, ESQ.
4804 SW 45TH ST
GAINESVILLE, FL 32608

DAVID DEE, ESQ.
1300 THOMASWOOD DRIVE
TALLAHASSEE, FL 32308



Alexis Huffman, Judicial Assistant

TALKING TO JUDGES

The Code of Judicial Conduct governing behavior by judges forbids the Judges of the 8th Judicial Circuit to discuss pending cases with the public. Please do not call the Court expecting to speak with a Judge about any case. If you have a comment to make, please mail it to the **Alachua County Clerk of Court, Gainesville, Florida 32601**. If you have a question about your case, you may also contact the Clerk's office at **(352) 374-3636**. However, the Court is only allowed to consider arguments made in court and documents filed by actual parties in the case. They cannot ethically read or consider any other opinions or arguments about the case, and they cannot give legal advice. Thank you.

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 ADA Coordinator at (352) 337-6237 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.