

**IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
FOR HILLSBOROUGH COUNTY, FLORIDA
CIRCUIT CIVIL DIVISION**

Plaintiff(s),

v.

Case No:

Division:

Defendant(s).

Amended
Differentiated Case Management Order
(General & Extended Circuit Civil Cases)

THIS CAUSE comes before the Court after {select one} [] a hearing held on _____ or [] a stipulation of the parties seeking the entry of an Amended Differentiated Case Management Order (“**Amended DCM Order**”) governing this case. Although Florida Supreme Court Administrative Order AOSC21-17, Amendment 2 (the “**Supreme Court Order**”) and the Thirteenth Judicial Circuit’s Administrative Order S-2021-060 (the “**Case Management Plan**”) require the entry of a Differentiated Case Management (“**DCM**”) Order containing a projected trial date within the time standards established by Florida Rule of General Practice and Judicial Administration 2.250, this rule recognizes that under appropriate circumstances the time standards may be modified.

In entering this Amended DCM Order, the Court finds that the following good cause has been established meriting a reasonable delay in the presumptive time standard set forth in Rule 2.250(a)(1)(B):

[] For the reasons identified in the Uniform Stipulated Motion Establishing Good Cause for Entry of Amended Differentiated Case Management Order; or

[] For the following reasons:

Accordingly, it is now

ORDERED, and ADJUDGED that:

1. Counsel and any self-represented parties may seek to enlarge or modify the deadlines set forth herein only by filing a motion and setting it for hearing.
2. A projected trial date must be included in the DCM Order for Existing Cases because it is required by the Supreme Court Order. However, a projected trial date does not set the case for trial. A firm trial date will be set *only* through entry of a Uniform Order Setting Trial & Pretrial (Revised April 30, 2021). The Uniform Order Setting Trial & Pretrial (April 30, 2021) can be located on the division judge’s web page under the “Forms” tab. Each division’s trial weeks are published on the division judge’s web page under the “Schedule” tab. The Uniform Order Setting Trial & Pretrial (Revised April 30, 2021) may be entered in any one of the following ways:
 - A. By the Court, for the division’s published trial week(s) for the projected trial month. This may be done by the Court at any time, with or without a hearing and with or without notice;

B. After submission of the order by the parties via the Statewide Portal, for the division's published trial week(s) for the projected trial month; or

C. After a hearing set by either the parties or the Court.

While the Uniform Order Setting Trial & Pretrial (Revised April 30, 2021) may be entered in any one of those ways, it is ultimately the Plaintiff's responsibility to ensure that the Uniform Order Setting Trial & Pretrial (Revised April 30, 2021) is submitted to the Court for entry by the deadline.

3. If the projected trial date below falls outside the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B), it is because the Court has found good cause for such a variation from those standards in this case as set forth above. This good cause includes but is not limited to the period of time that the case was pending prior to the entry of this Order, the status of discovery, and the necessity of affording the parties and their counsel adequate notice and an opportunity to prepare their case prior to setting the case for trial, among other relevant factors.
4. Counsel and any self-represented parties are DIRECTED to review and comply with all provisions of the Thirteenth Circuit's Administrative Order S-2021-014.
5. In furtherance of the prompt administration of justice, a certificate of conferral pursuant to paragraph 11.A. of the Thirteenth Circuit's Administrative Order S-2021-014 shall be included in the body of every applicable motion.
 - A. Counsel and any self-represented parties should review paragraph 11.A. prior to filing any motion and should anticipate that a hearing set on a motion that lacks such a certification will be canceled and the motion denied without a hearing for failure to comply with this requirement; and

B. When a certificate of conferral is required under paragraph 11.A., the certificate should be substantially in the following form:

“I certify that prior to filing this motion, I attempted to resolve the matter by discussing the relief requested in this motion by [date and method of communication (select one of the following: in person, telephone, or video conference)] with the opposing party or counsel and [the opposing party or counsel did not agree to that the motion could be resolved without the necessity of a hearing] OR [the opposing party or counsel did not respond and (describe with particularity all of the efforts undertaken to accomplish dialogue with the opposing party or opposing party’s counsel prior to filing the motion)].”

6. Discovery Provisions

A. Fact Discovery:

- i. All discovery must be served in time for a timely response to be received prior to the completion of fact discovery;
- ii. All non-expert witness depositions must occur prior to the completion of fact discovery; and
- iii. Failure to timely complete discovery by this deadline may result in sanctions, including but not limited to striking pleadings, entering judgment or a default, exclusion of evidence, or any other sanctions or combination of sanctions deemed appropriate.

B. Expert Discovery:

- i. Expert disclosure must occur by the deadline indicated below; and

- ii. Contemporaneous with disclosure of each expert, the disclosing counsel must provide to all other parties:
 - a. No fewer than five proposed deposition dates, all of which must be prior to the deadline to complete expert discovery; and
 - b. For each expert;
 - (1) Identify the expert's area of expertise;
 - (2) Identify the subject matter on which the expert is expected to testify;
 - (3) Summarize the substance of the facts and opinions to which the expert is expected to testify; and
 - (4) Summarize the grounds for each opinion. The court may preclude an expert from testifying outside of the disclosed opinions.
- iii. All expert witness depositions must be conducted prior to the deadline for completion of expert discovery.
- iv. It is the responsibility of counsel to select experts who:
 - a. Are prepared to make themselves available for deposition within the expert discovery period;
 - b. Are prepared to respond promptly to requests for deposition dates; and
 - c. If an expert cannot be deposed prior to the deadline for completion of expert discovery

despite timely and reasonable efforts of opposing counsel to secure deposition dates, that expert's testimony may be excluded at trial.

7. Alternative Dispute Resolution

- A. This case is referred to summary, non-binding arbitration unless it is an Exempt Case, as defined in paragraph 7(b) below. By the deadline set forth in the chart below, Plaintiff must submit an order of referral to non-binding arbitration, located at <https://www.fljud13.org> under "Forms" → "Circuit-Civil Division" → "Order Referring Parties to Non-Binding Arbitration".
- B. Collections, foreclosure, and eminent domain case are exempted from the requirement to attend non-binding arbitration. Collections, foreclosure, and eminent domain cases (the "**Exempt Cases**") are referred to mediation.
- C. For cases that are referred to non-binding arbitration, nothing in this Order prevents the parties from agreeing to also attend mediation either before or after the non-binding arbitration. However, attending a mediation will not alter the obligation established in this order to attend non-binding arbitration.
- D. The following deadlines are set forth in the chart below:
 - i. Deadline to upload the order of referral to non-binding arbitration (or mediation, for Exempt Cases) through the Statewide Portal; and
 - ii. Deadline to conduct the arbitration proceeding (or mediation, for Exempt Cases).
- E. Failure to conduct the arbitration proceeding (or mediation, for Exempt Cases) by the deadline in the chart below may result in the case being stricken from the trial docket and continued.

F. As a reminder, non-binding arbitration should be conducted as a summary proceeding pursuant to Section 44.103(4), Florida Statutes (“The hearing shall be conducted informally. Presentation of testimony shall be kept to a minimum, and matters shall be presented to the arbitrator(s) primarily through the statements and arguments of counsel [and presentation of exhibits].”).

The deadlines set forth below are ESTABLISHED and will GOVERN this case. Counsel and any self-represented parties are DIRECTED to review, calendar, and abide by them:

<p>Deadline for service of complaint.</p> <p>[Default is 120 days after filing of complaint; see Rule 1.070(j), Fla. R. Civ. P. If 120 days have passed since the complaint was filed and the Court has not granted additional time for service, indicate “Deadline Expired.”]</p>	
<p>Deadline for adding parties.</p> <p>[Default is 150 days after filing of complaint; subject to Rule 1.210, Fla. R. Civ. P. If 150 days have passed since the complaint was filed and the Court has not granted additional time to add parties, indicate “Deadline Expired.”]</p>	
<p>Deadline for completion of fact discovery, in compliance with paragraph 6 above.</p> <p>[Select deadline.]</p>	
<p>Deadline for filing motion to compel.</p>	

<p>[Default is 14 days after completion of fact discovery.]</p>	
<p>Plaintiff’s expert disclosure deadline, in compliance with paragraph 6 above.</p> <p>[Default is 30 days after completion of fact discovery.]</p>	
<p>Defendant’s expert disclosure deadline, in compliance with paragraph 6 above</p> <p>[Default is 30 days after disclosure of Plaintiff’s expert.]</p>	
<p>Rebuttal expert disclosure deadline, in compliance with paragraph 6 above.</p> <p>[Default is 14 days after disclosure of Defendant’s expert.]</p>	
<p>Deadline for completion of compulsory medical exam, if applicable and requested (“CME”).</p> <p>[Default is 90 days after disclosure of Plaintiff’s expert; subject to Rule 1.360(1)(A), Fla. R. Civ. P.]</p>	
<p>Deadline for Plaintiff to upload order of referral to non-binding arbitration (or mediation, for Exempt Cases).</p> <p>[Default is 3 months after the close of fact discovery.]</p>	
<p>Deadline to upload Uniform Order Setting Trial & Pretrial (Revised April 30, 2021).</p> <p>[Default is 4 months after close of fact discovery. Plaintiff’s counsel must take the lead in preparing the Uniform Order Setting Trial & Pretrial (Revised April 30, 2021), selecting the division’s trial week(s) for the</p>	

<p>month and year of the projected trial term unless all parties agree to a different trial week. Pretrial time must be reserved in JAWS and the Uniform Order Setting Trial & Pretrial must be uploaded for the judge's signature through the Statewide Portal.]</p>	
<p>Deadline for completion of expert discovery. [Default is 5 months after close of fact discovery.]</p>	
<p>Deadline for completion of non-binding arbitration (or mediation, for Exempt Cases). [Default is 6 months after close of fact discovery.]</p>	
<p>Month and year of the projected trial term. [Default is 9 months after the close of fact discovery; the trial week will be set in a Uniform Order Setting Trial & Pretrial (Revised April 30, 2021) at a later date; see Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B)]</p>	

8. **Amendments to DCM Order.** The deadlines set forth above are amendments to the deadlines established in the original DCM Order entered in this case. All other provisions of the original DCM Order govern this case and will be strictly enforced by the Court.

DONE and ORDERED in Chambers in Tampa, Florida on the date imprinted below.

CIRCUIT JUDGE