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| **PRE-TRIAL CHECKLIST and ORDER CONTROLLING TRIAL**  ***(Orange Division 37 – Judge John Marshall Kest)***  *(Pursuant to Fla. R. Civ. P. 1.2000 (d))* |

**CASE #:**   **P/T DATE:**

**CASE STYLE:**

**Estimate Length of Trial** days **Jury Trial:** Yes No

Attorney(s) for Plaintiff(s)

for (1) for (2)

Attorney(s) Defendant(s)

for (1) for (2) for (3) for (4)

1. Who will order the **Court Reporter** *(if any?)* Will the cost be shared/not shared?

# (circle one)

1. Is an **Interpreter** needed? Yes No If yes, will the cost be shared/not shared? *(circle one)*

1. When was the **Joint PT Stipulation** filed? If not yet filed, it will be filed by:

1. Has the **Joint Meeting of Counsel been completed?** Yes No If no, when is it scheduled? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Has Plaintiff (#1) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?** Yes No **PT Statement?** Yes No **Depo Designations / Counter Designations** (c*ase in chief)* Yes No

1. Has Plaintiff (#2) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?** Yes No **PT Statement?** Yes No **Depo Designations / Counter Designations** (c*ase in chief)* Yes No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Has Defendant (#1) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?**

Yes No

**PT Statement?** Yes No **Depo Designations / Counter Designations** (c*ase in chief)* Yes No

1. Has Defendant (#2) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?** Yes No

**PT Statement?** Yes No **Depo Designations / Counter Designations** (c*ase in chief)* Yes No

1. Has Defendant (#3) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?**

Yes No

**PT Statement?** Yes No **Depo Designations / Counter Designations** (c*ase in chief)* Yes No

1. Has Defendant (#4) filed the **Witness List?** Yes No **Exhibit List?** Yes No **Expert Witness List?**

Yes No

**PT Statement?** Yes No **Depo Designations / Counter Designations** (c*ase in chief)* Yes No

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1. **Exhibits and Demonstrative Aids:** All exhibits and demonstrative aids (including Power Point

Presentations and Trial Exhibits) must be exchanged, initialed by counsel for all parties, and tagged and marked for identification **PRIOR** to the first day of trial. Any objections must be separately noted and brought to the attention of the Court. Demonstrative aids may **NOT** be used during Opening Statement without agreement or **prior** *(before the first day of trial!)* court order. Please contact Renata Kelly-Sands (Trial Clerk) at Renata.Kelly-Sands@myorangeclerk.com for evidence tags and instructions.

1. **Mediation:** Has Mediation been held?  Yes  No When held or scheduled?

Is settlement still a possibility? Yes No Maybe

1. **Deposition Designations and Cross Designations**: Must be disclosed in writing *(citing page and line #’s)*
   * By the party offering the testimony: **30 days** prior to Pre-Trial Conference.
   * Cross designations are due: **20 days** prior to the Pre-Trial Conference
   * Objections to portions of depositions must be ruled on **PRIOR TO TRIAL** – Submit the deposition together with a chart identifying the page and line number, the objection, and leaving a place for the court to rule in chambers

1. **Stipulations – Admissions – Waivers of Custodians:**  Must be in writing if seeking Court enforcement

1. **Motions in Limine:** Filedprior to this pre-trial conference?  Yes  No -  **None**

Must be scheduled and heard no later than **one week prior** to the beginning of the trial period. You must comply with Division 37’s Standing Order on Motions in Limine, found at [www.ninthcircuit.org](http://www.ninthcircuit.org/)

1. **Trial Briefs** are not required, but if you choose to submit them, please provide hard copies to Judge Kest’s Chambers (1740) at least **three** **(3) business days** prior to trial to allow adequate time for review.

1. **Judicial Notice:** Please follow the Evidence Code, Section 90.201-90.207, Florida Statutes

1. **Witness Disclosure:** Parties will be expected to disclose the next day’s witnesses at the end of each day

1. **Expert Opinions:** Are not admissible if not expressed in deposition or in an expert report *(unless no report was created and no deposition was taken)*

1. **Audio/video equipment** **for trial** – if you intend to use any, please contact the Ninth Circuit’s Technology Support department at [http://www.ninthcircuit.org/services/technology-support or call 407-836-0522](http://www.ninthcircuit.org/services/technology-support%20or%20call%20407-836-0522) before the day of trial. **Do not wait until trial to test equipment.**

1. **Time Estimates: *Voir Dire: Opening Statement: Closing Argument***

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|  | *(to include rebuttal)* |
| Plaintiff (1) \_\_\_\_\_\_\_\_\_min/hr | \_\_\_\_\_\_\_\_\_\_\_ min/hr \_\_\_\_\_\_\_\_\_\_\_ min/hr |
| Plaintiff (2) \_\_\_\_\_\_\_\_\_min/hr | \_\_\_\_\_\_\_\_\_\_\_ min/hr \_\_\_\_\_\_\_\_\_\_\_ min/hr |
| Def (1) \_\_\_\_\_\_\_\_\_ min/hr | \_\_\_\_\_\_\_\_\_\_\_ min/hr \_\_\_\_\_\_\_\_\_\_\_ min/hr |
| Def (2) \_\_\_\_\_\_\_\_\_ min/hr | \_\_\_\_\_\_\_\_\_\_\_ min/hr \_\_\_\_\_\_\_\_\_\_\_ min/hr |
| Def (3) \_\_\_\_\_\_\_\_\_ min/hr | \_\_\_\_\_\_\_\_\_\_\_ min/hr \_\_\_\_\_\_\_\_\_\_\_ min/hr |
| Def (4) \_\_\_\_\_\_\_\_\_ min/hr | \_\_\_\_\_\_\_\_\_\_\_ min/hr \_\_\_\_\_\_\_\_\_\_\_ min/hr |

1. When is the **Rule of Sequestration** invoked?  Before *voir dire*  Before opening  Not invoked

1. **Jury Instructions** and **Verdict Forms** - File the originals with the Clerk and provide a copy in **MS Word** *(in Times New Roman font – 14 pt. double spaced)* -to the Judge – either via USB flash delivered to the Court or via email to Diane Iacone, JA, at ctjadi1@ocnjcc.org
   * + Submitted/received no later than 3 business days **prior** to the first day of trial
     + Early Substantive Jury Instructions, including the law, to be given prior to opening statements?
     + Final Jury Instructions will be given before closing argument.
     + Jurors will be permitted to take notes and ask questions of witnesses *(See F.S. 40.50 and Rule 1.452)*

1. **Venire** – Number requested? Number of alternates requested?

Peremptory Challenges for Plaintiff \_\_\_\_\_ for Defendant \_\_\_\_\_

1. Please be familiar with Judge Carsten’s **Guidelines, Procedures and Expectations for Division 37** and the **Amended Ninth Judicial Circuit Courtroom Decorum Policy**, both of which can be found on Judge Kest’s page at [**www.ninthcircuit.org**](http://www.ninthcircuit.org/)

1. Are there any **Pending Motions, Special Provisions or Concerns?**

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***I have read and acknowledge the foregoing. I understand that I must notify the Court immediately upon settlement of the case.***

Attorney Signature(s)

for for for for for for

# DO NOT WRITE BELOW THIS LINE – FOR COURT USE ONLY

**Venire Request**: \_\_\_\_\_\_\_\_\_ - **Number of Alternates:**

**Tentative date set for trial: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ #\_\_\_\_\_\_\_\_\_ You are on Standby for an earlier call: Check with Counsel ahead of you on the trial list or contact Diane Iacone at ctjadi1@ocnjcc.org All trial dates (unless otherwise noted on the trial order) start at 9:00 a.m. in Orange Courtroom 18C.**

**DONE AND ORDERED** this day of , 2020 .

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**JOHN MARSHALL KEST**

Circuit Judge