

ADMINISTRATIVE ORDER
NO. 2021-04-01

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

AMENDED ORDER GOVERNING CIVIL CASE MANAGEMENT AND RESOLUTION

WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, pursuant to the Chief Judge's constitutional and statutory responsibility for administrative supervision of the courts within the circuit and considering available resources, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the Chief Judge is required to exercise direction, *see* Fla. R. Gen. Prac. & Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, on April 13, 2021, Chief Justice Charles T. Canady issued Administrative Order No. AOSC20-23 (*Amendment 12*)¹, In Re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts, requiring Chief Judges to issue an administrative order requiring the presiding judge for each civil case² to actively manage civil cases in the manner set forth therein to maximize the resolution of cases; and

¹ Administrative Order No. AOSC20-23 terminated at 12:01 a.m. on June 21, 2021 and was replaced by Administrative Order No. AOSC21-17.

² As used in this Order, the term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c), if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action, but does not include actions subject to section 51.011, Florida Statutes, post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies. *See* Florida Rule of Civil Procedure 1.010 (stating that the Florida Rules of Civil Procedure "apply to all actions of a civil nature and all special statutory proceedings in the circuit courts and county courts except those to which the Florida Probate Rules, the Florida Family Law Rules of Procedure, or the Small Claims Rules apply."); Florida Small Claims Rule 7.020(c) (stating that "In any particular action, the court may order that action to proceed under 1 or more additional Florida Rules of Civil Procedure on application of any party or the stipulation of all parties or on the court's own motion."); Florida Small Claims Rule 7.090(d) (providing that the trial in a small claims action must be set not more than 60 days from the date of the pretrial conference except as otherwise specified); Florida Rule of Civil Procedure 1.630 (addressing actions for the issuance of writs of mandamus, prohibition, quo warranto, and habeas corpus); and section 51.011, Florida Statutes (providing a summary procedure for the resolution of certain actions when specified by statute or rule).

WHEREAS, the procedures established herein will improve the court's ability as required by Florida Rule of General Practice & Judicial Administration 2.545, to provide effective early and continuous control of case processing to ensure fair and prompt resolution of disputes consistent with the nature and complexity of the case and to respond to the growing number of commercial, business and other economic based civil filings having a direct impact on economic recovery in the circuit; and

WHEREAS, these uniform procedures also provide for effective early judicial intervention and management of complex cases consistent with Florida Rule of Civil Procedure 1.201 for managing complex litigation and will 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;

NOW, THEREFORE, I, Donald A. Myers, Jr., in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of General Practice and Judicial Administration 2.215, hereby order that, **effective immediately**, unless otherwise provided herein, to continue until further order, and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. There is established in the Ninth Judicial Circuit a program for active, differentiated case management of all civil cases, applicable to all currently filed civil cases and all newly filed civil cases in the Circuit and County Courts.

2. Each civil case shall be reviewed by the Court to determine whether it is complex, streamlined, or general. This Order does not apply to: (a) those cases assigned to Business Court pursuant to Administrative Order(s) 2019-08-02 and 2004-03-04, as may be amended; (b) any civil case designated as complex under Florida Rule of Civil Procedure 1.201; and (c) any civil case filed on or before April 29, 2021 in which the Court has entered an order setting the case for pre-trial and/or trial, in which event the dates and deadlines set forth therein shall govern the progress of the case.

a. **Complex civil cases** are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule.

b. **Streamlined civil cases** shall be identified based on the following criteria:

- i. few parties
- ii. non-complex issues related to liability and damages
- iii. few anticipated pretrial motions
- iv. limited need for discovery
- v. few witnesses
- vi. minimal documentary evidence
- vii. anticipated trial length of less than two days

viii. non-jury trial is sought by the parties

and have been identified according to the following case types and sub-types (consistent with designation on the Initial Cover Sheet required at filing):

Circuit court: Ch. 718, Condominium Association Lawsuit, Any Constitutional Challenge, Distress, Replevin, Any Foreclosure, and Any Other Real Property Actions

County court: Other Civil – Non Monetary, Any Replevin, Any Foreclosure, Personal Injury Protection (and other first party insurance claims), and Small Claims (if the rules of civil procedure have been invoked).

c. **General civil cases** are all civil cases other than complex cases and streamlined cases.

3. **FOR CASES FILED ON OR AFTER APRIL 30, 2021:** In consultation with the presiding judges the Court has developed, for entry in each case filed on or after April 30, 2021, a Standing Case Management Plan/Order for streamlined and general civil cases (attached as Exhibit “A” and Exhibit “B” to this Order). Electronic versions of the Standing Case Management Plan/Order for streamlined and general civil cases can be found under Quick Links on the home page for the Ninth Judicial Circuit, the Miscellaneous category, and then the [Civil Case Management tab](#).

The Standing Case Management Plan/Order specifies, at a minimum, the deadlines for service of complaints, service under extensions, and adding new parties and the deadlines by which: fact and expert discovery shall be completed; all objections to pleadings and pretrial motions shall be resolved; and mediation shall have occurred. The Standing Case Management Plan/Order also specifies the projected date of trial; indicates that the deadlines established in the order will be strictly enforced by the court; and indicates that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440.

The plaintiff shall, at the outset and based on the definitions in paragraph 2 above, determine the applicable form of Standing Case Management Plan/Order (General or Streamlined). Plaintiff shall file the applicable Standing Case Management Plan/Order in the case at the same time as the civil cover sheet, complaint and summons(es). The Clerk of Court is directed not to issue summonses in any case in which the Standing Case Management Plan/Order has not been filed. The Clerk of Court shall notify the filer that the summons is not being accepted for filing until the Standing Case Management Plan/Order has been filed. Any party serving an initial pleading (complaint, third-party complaint, etc.) in the case shall serve a copy of the appropriate Standing Case Management Plan/Order together with initial service of process to each defendant.

Parties seeking to have a case designated as complex shall initially file and serve the Standing Case Management Plan/Order (General) and thereafter comply with Florida Rule of Civil Procedure Rule 1.201(a) by filing an appropriate motion to declare the case complex.

4. **FOR CASES FILED BEFORE APRIL 30, 2021:** Except as noted below, for those cases filed before April 30, 2021, the Court shall issue a Notice of Case Management Plan Requirement to the parties in each case requiring the parties to meet and confer and agree upon a case management plan that complies with the time standards as set forth in Florida Rule of General Practice and Judicial Administration 2.545(a) and (b). Parties must use the applicable proposed Agreed Case Management

Plan and Order (attached as Exhibit “C” and Exhibit “D” to this Order) and submit the completed case management plan to the presiding judge for review and approval. Electronic versions of the Agreed Case Management Plan and Order for streamlined and general civil cases can be found under Quick Links on the home page for the Ninth Judicial Circuit, the Miscellaneous category, and then the [Civil Case Management tab](#).

The case management plan shall address each deadline identified under Paragraph 3 and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order. If the parties cannot reach an agreement, they shall submit their proposed case management plans to the presiding judge who will either determine and order an appropriate plan, or set a case management conference for no later than November 15, 2021.

For “civil cases” in the small claims or county court divisions, in which all parties are self-represented, the Court shall issue, file and serve upon the parties the appropriate Case Management Plan and Order applicable to the case. The Case Management Plan and Order must address each deadline identified under Paragraph 3 and the projected date for trial and must be issued by December 3, 2021. The parties shall comply with the terms and conditions of the Case Management Plan and Order.

5. If the streamlined or general civil case is:

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

b. Subject to a statutory stay or a moratorium preventing the prosecution of the case, the case management order shall be issued in a case filed:

i. On or after April 30, 2021 - within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or

ii. Before April 30, 2021 - by December 3, 2021, within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later. The case management order shall address each deadline identified under Paragraph 3 and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

c. Not subject to a statutory stay or a moratorium, the case management order shall be issued in a case filed:

i. On or after April 30, 2021 - within 30 days after service of the complaint on the last of all named defendants; or

ii. Before April 30, 2021 - the case management order shall be issued by December 3, 2021. The case management order shall address each deadline identified under Paragraph 3 and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

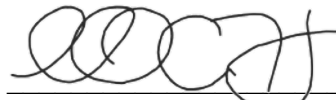
6. Consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases, the following maximum periods within which the deadlines required by Paragraph 3 of this Order and the projected date of trial shall be set in the case management order are established:

- a. Streamlined Cases – 12 months.
- b. General Cases – 18 months.

7. All judges within the Circuit are directed to strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to 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.

8. Counsel must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer's failure to prepare a case for trial or otherwise actively manage a case.

DONE AND ORDERED at Orlando, Florida, this 28th day of June, 2021.



Donald A. Myers, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

Exhibit “A”

IN THE COUNTY/CIRCUIT COURT OF
THE NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE AND OSCEOLA
COUNTY, FLORIDA

IN RE: CIVIL CASE MANAGEMENT
PLAN AND ORDER

**STANDING CASE MANAGEMENT PLAN/ORDER
(Streamlined Track)**

PURSUANT TO *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts*, Fla. Admin. Order No. [AOSC20-23 \(Amendment 12\)](#)¹ (April 13, 2021), and Ninth Judicial Circuit Court Administrative Order [No. 2021-04-01](#) (collectively the “Case Management Administrative Orders”), this case is before the Court for case management. Based on the case type of the initial filing in this case, the Case Management Administrative Orders, and pursuant to Rule 2.545, Fla. R. Gen. Prac. & Jud. Admin., the Court hereby establishes a case management plan. It is hereby

ORDERED that:

1. **COMPLIANCE WITH THIS CASE MANAGEMENT PLAN/ORDER:** The parties shall strictly comply with the terms of this Case Management Plan/Order, unless otherwise ordered by the Court. **FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF SANCTIONS.** If the parties believe that an alternate plan is required or more appropriate, then the parties shall meet, confer and agree on a plan that complies with the time standards set forth in Rule 2.250, Fla. R. Gen. Prac. & Jud. Admin. The parties may submit an agreed upon plan to the division judge for consideration, or set the matter for a case management conference.

2. **ADDITIONAL NINTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the following: (i) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court Circuit Civil Court Guidelines** ([AO 2012-03-01](#)); (ii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Courtroom Decorum Policy** ([AO 2003-07-02](#)); (iii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County**, ([AO 2017-04-01](#)) and (iv) **any division-specific guidelines that may be applicable.**

¹ Administrative Order No. AOSC20-23 terminated at 12:01 a.m. on June 21, 2021 and was replaced by Administrative Order No. AOSC21-17.

3. **MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation, and Court order in accordance with applicable law.

4. **SERVICE OF THIS ORDER WITH INITIAL PROCESS:** Pursuant to the Case Management Orders, the Plaintiff shall file a copy of this Order in the case. Any party serving an initial pleading (complaint, third-party complaint, etc.) in this case shall serve a copy of this Order together with initial service of process.

CASE MANAGEMENT PLAN – STREAMLINED TRACK

Note: All dates are to be calculated from the date of filing of the initial complaint unless otherwise noted.

| | |
|---|---|
| Deadline for Service of Process: | 120 days |
| Deadline for Service of Process extended if not accomplished within 120 days: | 150 days, failing same, all unserved defendants are dismissed without prejudice |
| Deadline for Leave to Add Parties and Amend Pleadings: | Motions must be set for hearing and heard within 60 days from service on the last defendant, or deemed abandoned and denied |
| Motions to Dismiss, Motions for More Definite Statement, Motions to Strike and any objections to the pleadings: | Must be set for hearing and heard within 45 days from filing of the motion/objection, or deemed abandoned and denied. Non-movant shall timely submit a proposed order in the event the motion/objection is deemed abandoned and denied |
| Deadline for Completion of Fact and Expert Discovery: | 275 days (additional disclosure and discovery deadlines will be established by the Uniform Order Setting Pre-Trial and Trial in the case) |
| Pre-trial Motions, including Dispositive and <i>Daubert</i> Motions | Must be filed no later than 15 days after completion of discovery and heard no later than 7 days prior to the pre-trial conference, or deemed abandoned and denied |
| Mediation/Alternative Dispute Resolution | Within 30 days after completion of the depositions of all parties, counsel shall meet and confer regarding whether an early mediation would be productive to resolution of certain issues or the entire case. A final mediation shall occur no later than 30 days after completion of all discovery |

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|-----------------------------------|--|
| Approximate Pre-Trial Conference: | 11 months <i>Actual Date to be set by Trial Order</i> |
| Approximate Trial Date: | 12 months <i>Actual date to be set by Trial Order</i> |

5. **NOTICES FOR TRIAL:** Within ten (10) days of the case being at issue as defined by Rule 1.440, Fla. R. Civ. P., the Plaintiff shall confer with opposing counsel/party regarding the anticipated length of trial and file a Notice for Trial. The Plaintiff shall forward a copy of the Notice for Trial to the Judicial Assistant at the Division email address noted on the [Ninth Circuit website](#).
6. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the [Florida Handbook on Civil Discovery Practice](#) and seek to resolve discovery issues without court intervention whenever possible.
7. **SETTLEMENT:** *The case will not be removed from the docket until all documents necessary for closure of the case are filed with the Clerk and notification has been provided to the judicial assistant. A notice of settlement is not sufficient to remove the case from the trial docket.*

DONE AND ORDERED in Orange/Osceola County, Florida.



 Chief Judge

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 in your county 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.

ORANGE COUNTY: Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303

OSCEOLA COUNTY: Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, Florida, (407) 742-2417

Exhibit “B”

IN THE COUNTY/CIRCUIT COURT OF
THE NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE AND OSCEOLA
COUNTY, FLORIDA

IN RE: CIVIL CASE MANAGEMENT
PLAN AND ORDER

**STANDING CASE MANAGEMENT PLAN/ORDER
(General Track)**

PURSUANT TO *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts*, Fla. Admin. Order No. [AOSC20-23 \(Amendment 12\)](#)¹ (April 13, 2021), and Ninth Judicial Circuit Court Administrative Order [No. 2021-04-01](#) (collectively the “Case Management Administrative Orders”), this case is before the Court for case management. Based on the case type of the initial filing in this case, the Case Management Administrative Orders, and pursuant to Rule 2.545, Fla. R. Gen. Prac. & Jud. Admin., the Court hereby establishes a case management plan. It is hereby

ORDERED that:

1. **COMPLIANCE WITH THIS CASE MANAGEMENT PLAN/ORDER:** The parties shall strictly comply with the terms of this Case Management Plan/Order, unless otherwise ordered by the Court. **FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF SANCTIONS.** If the parties believe that an alternate plan is required or more appropriate, then the parties shall meet, confer and agree on a plan that complies with the time standards set forth in Rule 2.250, Fla. R. Gen. Prac. & Jud. Admin. The parties may submit an agreed upon plan to the division judge for consideration, or set the matter for a case management conference.

2. **ADDITIONAL NINTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the following: (i) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court Circuit Civil Court Guidelines** ([AO 2012-03-01](#)); (ii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Courtroom Decorum Policy** ([AO 2003-07-02](#)) (iii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County**, ([AO2017-04-01](#)) and (iv) **any division-specific guidelines that may be applicable.**

¹ Administrative Order No. AOSC20-23 terminated at 12:01 a.m. on June 21, 2021 and was replaced by Administrative Order No. AOSC21-17.

3. **MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation, and Court order in accordance with applicable law.

4. **SERVICE OF THIS ORDER WITH INITIAL PROCESS:** Pursuant to the Case Management Orders, the Plaintiff shall file a copy of this Order in the case. Any party serving an initial pleading (complaint, third-party complaint, etc.) in this case shall serve a copy of this Order together with initial service of process.

CASE MANAGEMENT PLAN – GENERAL TRACK

Note: All dates are to be calculated from the date of filing of the initial complaint unless otherwise noted.

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|---|---|
| Deadline for Service of Process: | 120 days |
| Deadline for Service of Process extended if not accomplished within 120 days: | 150 days, failing same, all unserved defendants are dismissed without prejudice |
| Deadline for Leave to Add Parties and Amend Pleadings: | Motions must be set for hearing and heard within 90 days from service on the last defendant, or deemed abandoned and denied |
| Motions to Dismiss, Motions for More Definite Statement, Motions to Strike and any objections to the pleadings: | Must be set for hearing and heard within 60 days from filing of the motion/objection, or deemed abandoned and denied. Non-movant shall timely submit a proposed order in the event the motion/objection is deemed abandoned and denied |
| Deadline for Completion of Fact and Expert Discovery: | 450 days (additional disclosure and discovery deadlines will be established by the Uniform Order Setting Pre-Trial and Trial in the case) |
| Pre-trial Motions, including Dispositive and <i>Daubert</i> Motions | Must be filed no later than 15 days after completion of discovery and heard no later than 7 days prior to the pre-trial conference, or deemed abandoned and denied |
| Mediation/Alternative Dispute Resolution | Within 30 days after completion of the depositions of all parties, counsel shall meet and confer regarding whether an early mediation would be productive to resolution of certain issues or the entire case. A final mediation shall occur no later than 30 days after completion of all discovery |

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|-----------------------------------|--|
| Approximate Pre-Trial Conference: | 17 months <i>Actual Date to be set by Trial Order</i> |
| Approximate Trial Date: | 18 months <i>Actual date to be set by Trial Order</i> |

5. **NOTICES FOR TRIAL:** Within ten (10) days of the case being at issue as defined by Rule 1.440, Fla. R. Civ. P., the Plaintiff shall confer with opposing counsel/party regarding the anticipated length of trial and file a Notice for Trial. The Plaintiff shall forward a copy of the Notice for Trial to the Judicial Assistant at the Division email address noted on the [Ninth Circuit website](#).
6. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the [Florida Handbook on Civil Discovery Practice](#) and seek to resolve discovery issues without court intervention whenever possible.
7. **SETTLEMENT:** *The case will not be removed from the docket until all documents necessary for closure of the case are filed with the Clerk and notification has been provided to the judicial assistant. A notice of settlement is not sufficient to remove the case from the trial docket.*

DONE AND ORDERED in Orange/Osceola County, Florida.



 Chief Judge

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 in your county 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.

ORANGE COUNTY: Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303

OSCEOLA COUNTY: Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, Florida, (407) 742-2417

Exhibit “C”

IN THE COUNTY/CIRCUIT COURT OF
THE NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE/OSCEOLA
COUNTY, FLORIDA

Case No.:

Plaintiff(s)

vs.

Defendant(s). _____/

**AGREED CASE MANAGEMENT PLAN AND ORDER
(Streamlined Track¹)**

The parties hereby submit the following Agreed Case Management Plan to the Court for approval:

Note: All dates are to be calculated from the date of the Order Approving Case Management Plan unless otherwise noted.

| DEADLINE OR EVENT | AGREED DATE |
|--|---|
| Deadline for Service of Process: | 120 days |
| Deadline for Service of Process extended if not accomplished within 120 days: | 150 days, failing same, all unserved defendants are dismissed without prejudice |

¹This Case Management Plan (Streamlined Track) applies to the following case types and sub-types, as designated on the Initial Cover Sheet required at filing, to be resolved within 12 months per Rule 2.250, Fla. R. Gen. Prac. & Jud. Admin.:

Circuit court: Ch. 718, Condominium Association Lawsuit, Any Constitutional Challenge, Distress, Replevin, Any Foreclosure, and Any Other Real Property Actions

County court: Other Civil – Non Monetary, Any Replevin, Any Foreclosure, Personal Injury Protection (and other first party insurance claims), and Small Claims (if the rules of civil procedure have been invoked).

| | |
|--|--|
| Deadline for Leave to Add Parties and Amend Pleadings: | Motions must be set for hearing and heard within _____ days from the earlier of the date of this Agreed Case Management Plan or service on the last defendant, or deemed abandoned and denied |
| Motions to Dismiss, Motions for More Definite Statement, Motions to Strike and any objections to the pleadings: | Must be set for hearing and heard within _____ days from filing of the motion/objection, or (if previously filed) within _____ days from the date of this Agreed Case Management Plan, or deemed abandoned and denied. Non-movant shall timely submit a proposed order in the event the motion/objection is deemed abandoned and denied |
| Deadline for Completion of Fact and Expert Discovery: | _____ days from the date of this Agreed Case Management Plan (additional disclosure and discovery deadlines will be established by the Uniform Order Setting Pre-Trial and Trial in the case) |
| Pre-trial Motions, including Dispositive and <i>Daubert</i> Motions | Must be filed no later than _____ days after completion of discovery and heard no later than 7 days prior to the pre-trial conference, or deemed abandoned and denied |
| Mediation/Alternative Dispute Resolution | Within 30 days from the date of this Agreed Case Management Plan, or after completion of the depositions of all parties (whichever is later), counsel shall meet and confer regarding whether an early mediation would be productive to resolution of certain issues or the entire case. A final mediation shall occur no later than 30 days after completion of all discovery |
| Approximate Pre-Trial Conference: Actual Date to be set by trial order | Approximately 3-4 weeks prior to the trial date |
| Approximate Trial Date: Actual Date to be set by trial order | 12 months from the date of this Case Management Plan |

Date: _____

Signature of Counsel and Unrepresented Parties. Counsel must state FL Bar number. Unrepresented parties must include email address for service.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

ORDER APPROVING AGREED CASE MANAGEMENT PLAN

THE COURT, having reviewed the preceding Agreed Case Management Plan (Streamlined Track), and finding it to be satisfactory, it is hereby **ORDERED** that:

1. **COMPLIANCE WITH THIS AGREED CASE MANAGEMENT PLAN:** The parties shall strictly comply with the terms of this Agreed Case Management Plan, unless otherwise ordered by the Court. **FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF SANCTIONS.**

2. **ADDITIONAL NINTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the following: (i) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court Circuit Civil Court Guidelines** ([AO 2012-03-01](#)); (ii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Courtroom Decorum Policy** ([AO 2003-07-02](#)); (iii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County**, ([AO2017-04-01](#)) and (iv) [any division-specific guidelines that may be applicable](#).

3. **MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation, and Court order in accordance with applicable law.

4. **NOTICES FOR TRIAL:** Within ten (10) days of the case being at issue as defined by Rule 1.440, Fla. R. Civ. P., or within ten (10) days from the date of this Order if the case has been at issue longer than ten (10) days, the Plaintiff shall confer with opposing counsel/party regarding the anticipated length of trial and file a Notice for Trial. The Plaintiff shall forward a copy of the Notice for Trial to the Judicial Assistant at the Division email address noted on the [Ninth Circuit website](#).

5. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the [Florida Handbook on Civil Discovery Practice](#) and seek to resolve discovery issues without court intervention whenever possible.

6. **SERVICE OF THIS ORDER:** Counsel is ordered to promptly serve and file proof with the Clerk, no more than five (5) business days from the date of this Order that all *pro se* parties, subsequently named or appearing herein, have been served copies of this Order. In the event a party is unrepresented and has not designated an email address for purposes of electronic service, counsel for Plaintiff shall be responsible for serving this CMO and all future orders of the Court via a non-electronic means (U.S. mail, Federal Express or the equivalent) and shall file a Certificate of Service with the Court indicating who was served, the date of service, and the method of service (including any address or email used) within three (3) business days. If Plaintiff is unrepresented, Counsel for the Defendant shall have this same obligation. If all parties are unrepresented, the Plaintiff shall provide stamped addressed envelopes to the Court with submission of this and any other proposed Order.

7. **SETTLEMENT:** *The case will not be removed from the docket until all documents necessary for closure of the case are filed with the Clerk and notification has been provided to the judicial assistant. A notice of settlement is not sufficient to remove the case from the trial docket.*

DONE AND ORDERED in Orange/Osceola County, Florida, this _____ day of _____, 20____.

Circuit/County Judge

A true and correct copy of the foregoing was distributed to all parties by filing and service via the ePortal to all attorney(s)/interested parties identified on the ePortal Electronic Service List.

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 in your county 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.

**ORANGE COUNTY: Human Resources, Orange County Courthouse,
425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303**

**OSCEOLA COUNTY: Court Administration, Osceola County
Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, Florida,
(407) 742-2417**

REV 06/11/2021

Exhibit “D”

IN THE COUNTY/CIRCUIT COURT OF
THE NINTH JUDICIAL CIRCUIT, IN
AND FOR ORANGE/OSCEOLA
COUNTY, FLORIDA

Case No.:

Plaintiff(s)

vs.

Defendant(s).

_____ /

**AGREED CASE MANAGEMENT PLAN AND ORDER
(General Track¹)**

The parties hereby submit the following Agreed Case Management Plan to the Court for approval:

Note: All dates are to be calculated from the date of the Order Approving Case Management Plan unless otherwise noted.

| DEADLINE OR EVENT | AGREED DATE |
|--|---|
| Deadline for Service of Process: | 120 days |
| Deadline for Service of Process extended if not accomplished within 120 days: | 150 days, failing same, all unserved defendants are dismissed without prejudice |
| Deadline for Leave to Add Parties and Amend Pleadings: | Motions must be set for hearing and heard within _____ days from the earlier of the date of this Agreed Case Management Plan or service on the last defendant, or deemed abandoned and denied |
| Motions to Dismiss, Motions for More Definite Statement, Motions to Strike and any objections to the pleadings: | Must be set for hearing and heard within _____ days from filing of the motion/objection, or (if previously filed) |

¹This Case Management Plan (General Track) applies to all cases not designated as complex or streamlined under Ninth Circuit Administrative Order No. 2021-04-01.

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| | within ____ days from the date of this Agreed Case Management Plan, or deemed abandoned and denied. Non-movant shall timely submit a proposed order in the event the motion/objection is deemed abandoned and denied |
| Deadline for Completion of Fact and Expert Discovery: | _____ days from the date of this Agreed Case Management Plan (additional disclosure and discovery deadlines will be established by the Uniform Order Setting Pre-Trial and Trial in the case) |
| Pre-trial Motions, including Dispositive and <i>Daubert</i> Motions | Must be filed no later than _____ days after completion of discovery and heard no later than 7 days prior to the pre-trial conference, or deemed abandoned and denied |
| Mediation/Alternative Dispute Resolution | Within 30 days from the date of this Agreed Case Management Plan, or after completion of the depositions of all parties (whichever is later), counsel shall meet and confer regarding whether an early mediation would be productive to resolution of certain issues or the entire case. A final mediation shall occur no later than 30 days after completion of all discovery |
| Approximate Pre-Trial Conference: Actual Date to be set by trial order | Approximately 3-4 weeks prior to the trial date |
| Approximate Trial Date: Actual Date to be set by trial order | 18 months from the date of this Case Management Plan |

Date: _____

Signature of Counsel and Unrepresented Parties. Counsel must state FL Bar number. Unrepresented parties must include email address for service.

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

ORDER APPROVING AGREED CASE MANAGEMENT PLAN

THE COURT, having reviewed the preceding Agreed Case Management Plan (General Track), and finding it to be satisfactory, it is hereby **ORDERED** that:

1. **COMPLIANCE WITH THIS AGREED CASE MANAGEMENT PLAN:** The parties shall strictly comply with the terms of this Agreed Case Management Plan, unless otherwise ordered by the Court. FAILURE TO COMPLY WITH ALL REQUIREMENTS OF THIS ORDER WILL RESULT IN THE IMPOSITION OF SANCTIONS.
2. **ADDITIONAL NINTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the following: (i) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court Circuit Civil Court Guidelines** ([AO 2012-03-01](#)); (ii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Courtroom Decorum Policy** ([AO 2003-07-02](#)); (iii) **Amended Administrative Order Establishing the Ninth Judicial Circuit Court County Civil Court Guidelines, Orange County**, ([AO2017-04-01](#)) and (iv) **any division-specific guidelines that may be applicable**.
3. **MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation, and Court order in accordance with applicable law.
4. **NOTICES FOR TRIAL:** Within ten (10) days of the case being at issue as defined by Rule 1.440, Fla. R. Civ. P., or within ten (10) days from the date of this Order if the case has been at issue longer than 10 (ten) days, the Plaintiff shall confer with opposing counsel/party regarding the anticipated length of trial and file a Notice for Trial. The Plaintiff shall forward a copy of the Notice for Trial to the Judicial Assistant at the Division email address noted on the [Ninth Circuit website](#).
5. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the [Florida Handbook on Civil Discovery Practice](#) and seek to resolve discovery issues without court intervention whenever possible.
6. **SERVICE OF THIS ORDER:** Counsel is ordered to promptly serve and file proof with the Clerk, no more than five (5) business days from the date of this Order that all *pro se* parties, subsequently named or appearing herein, have been served copies of this Order. In the event a party is unrepresented and has not designated an email address for purposes of electronic service, counsel for Plaintiff shall be responsible for serving this CMO and all future orders of the Court via a non-electronic means (U.S. mail, Federal Express or the equivalent) and shall file a Certificate of

Service with the Court indicating who was served, the date of service, and the method of service (including any address or email used) within three (3) business days. If Plaintiff is unrepresented, Counsel for the Defendant shall have this same obligation. If all parties are unrepresented, the Plaintiff shall provide stamped addressed envelopes to the Court with submission of this and any other proposed Order.

7. **SETTLEMENT:** *The case will not be removed from the docket until all documents necessary for closure of the case are filed with the Clerk and notification has been provided to the judicial assistant. A notice of settlement is not sufficient to remove the case from the trial docket.*

DONE AND ORDERED in Orange/Osceola County, Florida, this _____ day of _____, 20____.

Circuit/County Judge

A true and correct copy of the foregoing was distributed to all parties by filing and service via the ePortal to all attorney(s)/interested parties identified on the ePortal Electronic Service List.

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 in your county 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.

ORANGE COUNTY: Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303

OSCEOLA COUNTY: Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, Florida, (407) 742-2417