

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)
2. Is an **Interpreter** needed? Yes No If yes, will the cost be shared/not shared? (circle one)
3. When was the **Joint PT Stipulation** filed? If not yet filed, it will be filed by:
4. Has the **Joint Meeting of Counsel** been completed? Yes No If no, when is it scheduled?
5. 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 (case in chief)** Yes No
6. 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 (case in chief)** Yes No
7. 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 (case in chief)** Yes No
8. 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 (case in chief)** Yes No

9. 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 (case in chief)** Yes No

10. 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 (case in chief)** Yes No

11. **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.

12. **Mediation:** Has Mediation been held? Yes No When held or scheduled? _____

Is settlement still a possibility? Yes No Maybe

13. **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

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

15. **Motions in Limine:** Filed prior 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

16. **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.

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

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

19. **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*)

20. **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](tel:407-836-0522) before the day of trial. **Do not wait until trial to test equipment.**

| 21. Time Estimates: | <i>Voir Dire:</i> | <i>Opening Statement:</i> | <i>Closing Argument</i> <i>(to include rebuttal)</i> |
|---------------------|-------------------|---------------------------|---|
| 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 |

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

23. **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*)

24. **Venire** – Number requested? _____ Number of alternates requested? _____
 Peremptory Challenges for Plaintiff _____ for Defendant _____

25. 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

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

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_.

JOHN MARSHALL KEST
Circuit Judge