



Miami Civil Case Management Manual

January 2018

Civil Case Management Manual

January 2018

AUTHORS: Judge Jennifer D. Bailey, Circuit Civil Division and Circuit Civil Case Managers

INSIDE THIS MANUAL

1. What is Case Management?
2. Getting Started with Case Management: Intake
3. Tracking Service of Process Compliance
4. Monitoring Responses
5. Creating Case Management Plans
6. Issuing Trial Orders: When are cases at issue?

“Active Case management provides real-world solutions for the real-world problems of cost, access and delay that litigants and lawyers experience everyday” – Judge Jennifer D. Bailey, Administrative Judge, Eleventh Judicial Circuit

What is Civil Case Management?

Case management refers to the entire set of actions that a court takes to monitor and control the progress of cases, from initiation through trial or other disposition, as well as completion of all post-disposition work, to ensure that justice is administrated promptly and cost effectively.

It utilizes case flow and differentiated case management principals to identify cases based on their complexity and judicial action needed to progress the case.

Case Management teams perform case reviews through all phases of a case:

1. Intake and early assessment for case triage to identify track assignments:
 - a. Streamlined
 - b. Standard
 - c. Complex
2. Track case for compliance of service of process
3. Monitor Responses
4. Create a tailored case management plan according to time standards
5. Prepare case for trial

Phase 1: Intake

Case management begins with the Intake Phase when the case is initially filed. Here, court staff daily case filing reports to identify newly filed cases that they will then track and monitor.

Step 1: Retrieve file:

- Enter case number into Case Management System or Tracking System

Step 2: Identify case information:

- Determine relevant case information, to include the following:
 - Parties
 - Number of parties in the case
 - Names of parties in the case
 - Case number
 - Case type
 - Number of counts
 - Relief requested
 - Jury Trial Demand

Step 3: Record case information

- Review case events and pleadings in file for tracking and monitoring (tickler system) of events needed to progress case, including:
 - Summons Information
 - Service Information
 - Notice of Voluntary Dismissal
 - Voluntary Dismissal

Step 4: Assign case to a Case Track

- Assign case to one of the following three Track Assignments:
 - Standard
 - Streamlined
 - Complex

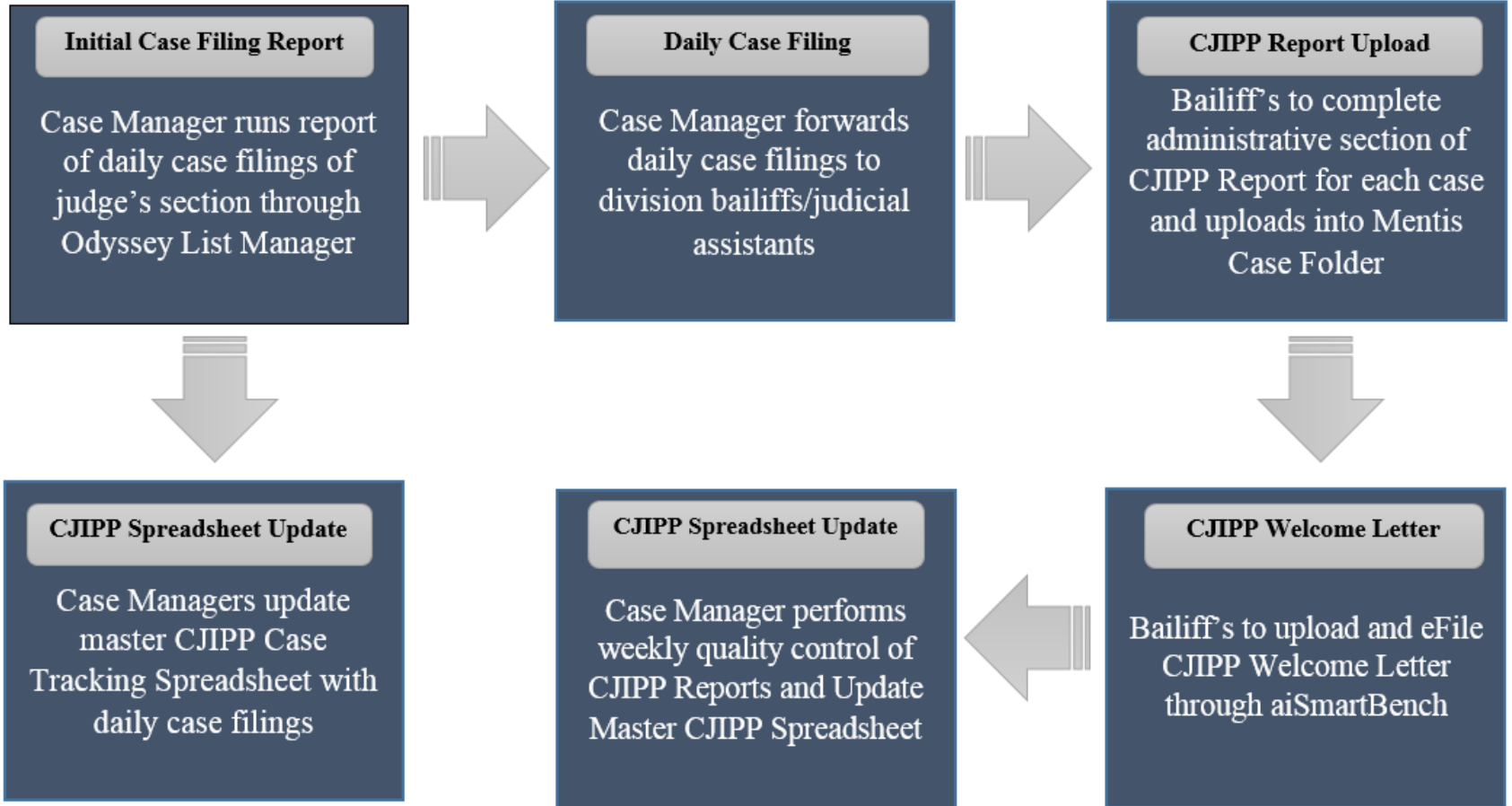
Step 5: Monitor case information and status

- Periodically review Judge’s case report to identify missing cases due to:
 - Transferred Actions

<u>Purpose:</u>	To determine compliance with Rule 1.070 of Florida Rules of Civil Procedure. Identify case characteristics to enable proactive case management
<u>Overview:</u>	<ul style="list-style-type: none"> • Review case events and pleadings for identification of case characteristics and issue to determine case track assignment and amount of judicial intervention needed • Review case events and pleadings for identification of case status
<u>Resources Used:</u>	<ul style="list-style-type: none"> • Tyler Odyssey • Mentis aiSmartBench
<u>Timeframe:</u>	Must be completed within the first 30 days of filing except if extensions granted
<u>Challenges:</u>	Creating a common information base

**Phase
1**

Intake



CIVIL JUSTICE INITIATIVE PILOT PROJECT

Eleventh Judicial Circuit/National Center for State Courts

Congratulations! Case number **XXXX-XXXXXX-CA-01** has been blind-filed to a division which is participating in a national pilot project to reduce cost and delay in civil justice.

The Circuit Civil Division of the Eleventh Circuit is fortunate to have been selected as a grant recipient to pilot the active team case management component with the goal of more efficient and effective justice, with less waste of time and money. In order to assure full statistical representation of the docket, there is no opt-out procedure.

The following is an overview of what this means for you and this case:

The rules for the pilot project do not deviate from the Florida Rules of Civil Procedure and the Florida Rules of Judicial Administration, but compliance will be monitored and enforced to ensure that there are not long periods of inactivity.

You may be contacted from time to time by court staff Case Managers, who will report to the court the status of your case. You should treat these Case Managers as an arm of the court.

Each case will receive a customized case management order based on information provided by all attorneys in your case management report(s) and conferences.

The Court will provide access to the court at periodic junctures to assure that you are not experiencing delay in moving the case forward because you are waiting for hearing dates. These will be set as Case Management Conferences under F.R.C.P. 1.200, so that all pending matters may be resolved at that time.

1. If this case is uncontested, **you must**:
 - a. Be required to file the necessary documents and motions to prosecute the case on a timely basis.
 - b. Failure to timely file necessary documents and motions will result in the issuance of an order to show cause why the case should not be dismissed. Your client will be required to attend any show cause hearing.
2. If this case is contested, **you must**:
 - a. Diligently prosecute and defend this case;
 - b. Gather your facts and witnesses promptly;
 - c. Evaluate and plan, from commencement, the most efficient and effective manner to secure the information you need and to accurately determine the length of time needed for discovery. The more information you provide, the more input you will have on the deadlines that will be set in this case;
 - d. Meet and Confer directly with opposing counsel by phone, in person, or by email before you file a motion to see if the issue(s) can be resolved or narrowed; you must certify in motions filed that a meet and confer has occurred and/or state with specificity the attempts made to meet and confer;
 - e. Promptly set motions and objections for hearing when they are filed. Failure to set motions for hearing may result in disposition by the court on the papers, without a hearing;
 - f. Counsel should use the ex-parte discovery procedures in Administrative Order 06-09 where there has been no response to discovery. The procedure may be found at:
http://www.jud11.flcourts.org/Administrative_Orders/1-06-09-Ex%20Parte%20Motion%20to%20Compel%20Discovery%20Civil%20Actions.pdf
 - g. Comply with discovery deadlines and privilege log requirements;

- h. Schedule mediation well in advance of the trial period in order to avoid unnecessary trial preparation expense; and
- i. Assume the case is going to trial during the first trial setting and prepare accordingly, as the parties are expected to comply with discovery deadlines set in the Case Management Order.

3. If this case is contested, **the court will:**

- a. Issue a customized case management order based on the information provided by all the attorneys, which will include a discovery schedule with deadlines and a projected, tentative but realistic trial date;
- b. Strictly enforce the discovery schedule and deadlines;
- c. Issue orders for Case Management Conferences, in which the clients are required to appear in person, whenever the case is not progressing according to the case management order so that counsel can explain the reason for delays; and
- d. As soon as the case is at issue, issue the trial order for a firm trial date consistent with the case management plan. Please remember, lack of preparation will not be grounds to continue a case where parties have failed to comply with the Case Management Order.

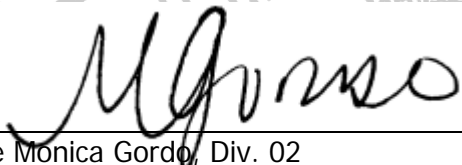
This project arose from a three year effort by the Conference of Chief Justices, the National Center for State Courts, and the Institute for the Advancement of the American Legal System to establish evidence-based best practices to reduce cost and delay in civil litigation. The report prepared as a result of this three year effort may be read in its entirety at:

<http://www.ncsc.org/sitecore/content/microsites/civil-justice-initiative/home/CCJ-Reports.aspx>

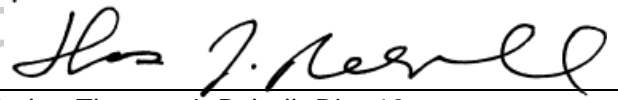
We welcome your input, suggestions, collaboration and participation in this project. We believe that by testing these innovative approaches, we will demonstrate that meaningful, timely and cost-effective justice can be delivered in state court. **Please share this communication with your clients, so they understand what they can expect from the Court and what we expect from you.**

Please email any questions to: cjipp@jud11.flcourts.org

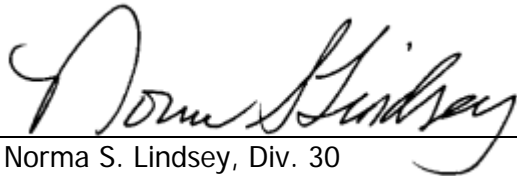
Thank you for your cooperation.



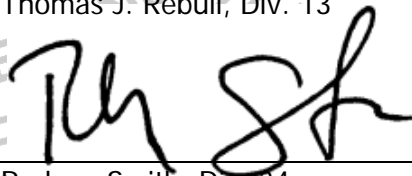
Judge Monica Gordo, Div. 02



Judge Thomas J. Rebull, Div. 13



Judge Norma S. Lindsey, Div. 30



Judge Rodney Smith, Div. 34



Judge Jennifer D. Bailey, Administrative Judge, Circuit Civil Div.

Phase 2: Service

Step 1: Retrieve File

Enter case number into Case Management System or Tracking System

Step 2: Identify the number of Parties

Determine the number of parties in the case

Step 3: Summons Review

Review file for Summons or proof of payment to issue Summons for each party in the case

Step 4: Summons Compliance

If no Summons issued:

- Prepare Order to Issue Summons

If Summons has been Issued:

- Review file for either:
 - Return of Service
 - Notice of Publication
 - Proof of Service
 - Notice of Appearance
 - Response

Step 5: Service Compliance

Verify each defendant has the following:

- Summons Issued
- Proof of Service:
 - Return of Service
 - Notice of Publication/Proof of Publication/Non Military Affidavit
 - Notice of Appearance
 - Response

Step 6: No Service Compliance after 90 days

Prepare Order to Serve (Form) for each party without either:

- Return of Service
- Notice of Publication
- Proof of Service
- Notice of Appearance
- Response

Step 7: After 120 days from Case Filing

- If after 120 days from case filing:
 - Some defendants have not been served, at least one defendant has been served
 - Prepare Order Dismissing non-served party/parties from Case (Form)
 - No party in the case has been served:
 - Prepare Order Dismissing entire Case for Lack of Service (Form)

<u>Purpose:</u>	To determine compliance with Rule 1.070 of Florida Rules of Civil Procedure. Prevents idle and abandoned cases where service has not yet been completed pursuant to the Florida Rules of Civil Procedures.
<u>Overview:</u>	<ul style="list-style-type: none"> • Review pleadings and case events for identification of proper service • Review and identify Responses in lieu of Return of Service
<u>Resources Used:</u>	<ul style="list-style-type: none"> • Tyler Odyssey • Mentis aiSmartBench
<u>Order(s) Used:</u>	<ul style="list-style-type: none"> • Order to Issue Summons • Order to Serve • Order to Dismiss for Lack of Service
<u>Timeframe:</u>	Must be completed within four months of filing except if extensions granted

**Phase
2**

Service

Summons Review

Case Manager reviews to determine if all summons have been issued

15 Days

Summons Compliance

If no summons has been issued, Case Manager prepare Order to Issue Summons in Mentis and forward to Judge's "Ready to be Signed" Folder

Service Returned Review

When summons has been issued, Case Manager to review for Service Returned

Service Compliance Order

If service has not been completed, Case Manager to prepare Order to Serve in Mentis and forward to Judge's "Ready to be Signed" Folder

90 Days

Compliance Deadlines

Case Manager tracks compliance and responsive pleadings deadlines. Case Manager to prepare Order of Dismissal for Lack of Service if service has not been completed

120 Days

CJIPP Spreadsheet Update

Case Manager to update master CJIPP Case Tracking Spreadsheet and CJIPP report on all actions taken



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER TO ISSUE SUMMONS AND PROCEED TO SERVE

This case came for review due to lack of activity since filing. Pursuant to Florida Rule of Civil Procedure 1.070 (j), service must be accomplished within 120 days of filing the complaint. Plaintiff is ordered to secure issuance of summons and service of process on the defendants named in this case. This Order serves as notice that the court will dismiss the case if Plaintiff fails to comply with these deadlines.

DONE and ORDERED in Chambers at Miami-Dade County, Florida, this XX day of XXXX, XXXX.

XXXXXXXXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER TO SERVE DEFENDANTS

The Court finds that the Plaintiff has not served the Defendant(s) within 90 days of filing of the complaint. Plaintiff is hereby placed on notice that it must complete service of process within the next 30 days, to be in compliance with the 120-day time of service required by Rule 1.070 (j), Fla. R. Civ. P. (2013). Accordingly, it is hereby:

ORDERED AND ADJUDGED that:

1. Plaintiff shall serve all Defendants by the 120-day deadline. Failure to serve in compliance with the rule may result in dismissal of unserved defendants, or dismissal of the action without prejudice.
2. If Plaintiff is unable to serve by the 120-day deadline, Plaintiff may file a motion to extend service. The motion must contain specific detail showing good cause or excusable neglect for the failure and what steps are being undertaken to serve. No extension will be granted unless a timely motion is filed which lays out the required detail, and the case or individual defendants may be dismissed for failure to serve.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this XX day of
XXXX, XXXX.

XXXXXXXX

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER OF DISMISSAL FOR LACK OF SERVICE AFTER NOTICE

After prior Notice/ Order to serve, and based upon the Court's finding that the Plaintiff has not perfected service on the Defendant within 120 days of filing as required by Florida Rule of Civil Procedure 1.070 (j), it is hereby:

ORDERED AND ADJUDGED that:

- This case is hereby dismissed without prejudice.
- Defendant is dismissed from the case without prejudice.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this XX day of
XXXX, XXXX.

XXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:

Phase 3: Responses

Step 1: Generate Report from internal database resources

Run report to capture cases with return of service on file.

Review each case to identify cases with Responses and those without.

Step 2: Identify Response Filed

Identify the type of response filed by defendant(s): Motior to Dismiss, Motion to Quash, Answer

Step 3: Review of the Responses on File

Analyze the document filed by defendant(s) to determine the next step to be taken.

Step 4: Compliance with the Rules of Civil Procedure

After 20 days of Service, if no Responses filed

- Return of Service filed: Prepare Order to Take action Based on Eligibility for Default Against Defendant
- Service by publication: Prepare Order to Take action Based on Eligibility for Default Against Defendant

If Responses filed:

- Review file for:
 - an Answer/Affirmative Defenses
 - a Crossclaim/Counterclaim
 - a Motion for Extension of Time
 - a Motion to dismiss
 - a Notice of Appearance

Step 5: Responses Compliance

Verify each defendant has the following:

- A Response, e.g.:
 - an Answer
 - a Motion for Extension of Time
 - a Motion to Dismiss
 - a Notice of Appearance

<u>Purpose:</u>	To determine compliance with Rule 1.110 of Florida Rules of Civil Procedure. Prevents idle and abandoned cases, assists in the identification of contested and uncontested cases, prevents backlog and enables proactive case management.
<u>Overview:</u>	<ul style="list-style-type: none"> • Review and identify if Responses have been filed • Review for request for entry of Defaults [Clerk vs. Judicial] • Identify and set pending Motions for hearing • Identify and set cases that are eligible for Final Hearing • Prepare cases for initial case management plan
<u>Resources Used:</u>	<ul style="list-style-type: none"> • Tyler Odyssey • Mentis aiSmartBench
<u>Order(s) Used:</u>	<ul style="list-style-type: none"> • Order to Take Action based on Eligibility for Default (Service by Publication) • Order to Take Action Based on Eligibility for Default Against Defendant • Order to Supplement Default • Order to Show Cause • Order Granting Motion for extension of Time to Respond to Complaint • Order Granting Motion for Extension of Time to Respond to Discovery Request • Order Setting Motion for Hearing • Order to file Responses • Order Setting Final Hearing
<u>Timeframe:</u>	Must be completed within four months of filing except if extensions granted
<u>Challenges:</u>	Calendarng and lack of tickler/tracking system

Phase 3A: Responses: Default

Step 1: Determine Default Eligibility

A defendant is eligible for default if none of the following are filed after 20 days of service:

- Answer filed
- Motion for Extension of Time filed
- Motion to Dismiss filed
- Other Motions (Motion to Quash, Jurisdictional, etc.)

Step 2: Review file to determine if Plaintiff has moved for entry of default

- Scenario 1: Motion for Judicial Default filed:
 - Review motion and attached documents
 - Prepare Order granting or denying Motion for Judicial Default
 - Note: If all defendants in the case are default eligible and a motion for judicial default has been filed for each: Prepare the Order Setting Case for Final Hearing
- Scenario 2: Motion for Clerk's Default filed:
 - Track and Monitor for Clerk Order
 - If granted for all defendants: Prepare the Order Setting Case for Final Hearing
 - If Denied: Prepare Order to Supplement Clerk's Default
- Scenario 3: Nothing filed by Plaintiff
 - Prepare Order to Take Action Based on Eligibility for Default Against Defendant(s).
 - Monitor and Track compliance of Order: If no compliance Prepare Order to Show Cause Why Case Should Not Be Dismissed

Note: If Notice of Appearance is filed - Case Managers to prepare Order to File a Response

Phase 3B: Responses: Motion Filed

Scenario 1: Motion for Extension: Respond to Complaint

- If a Motion for Extension of Time to Respond to Complaint has been filed
 - Case Manager to Prepare Order Granting Motion for 20 days or reasonable time requested

Scenario 2: Motion for Extension: To Respond to Discovery

- If a Motion for Extension of Time to Respond to Discovery has been filed
 - Case Manager to Prepare Order Granting Motion to Respond to Discovery for 20 days or reasonable time requested

Scenario 3: Motion to Dismiss

- If a Motion to Dismiss is filed
 - Case Manager to prepare Order Setting Motion for Hearing if matter has not been set.

Scenario 4: Non Compliance with Order Extending Time to Respond to Complaint

- If defendant(s) failed to comply with Order Granting Motion for Extension of Time to Respond
 - Case Manager to Prepare Order to Take Action for Default

Scenario 4: Subsequent Motions for Extension of Time to Respond to Complaint

- If additional Motions for Extension of Time are filed after Order Granting the Motion has been issued:
 - Case Manager to meet with Judge for review

Note: Complex/Standard Cases: Motion for Extension of Time (Discovery) - Prepare Order Setting Motion for Hearing

Phase 3C: Responses: Answer Filed/Default Entered

Scenario 1: All Defendants Defaulted

- Case Manager to set case for Final Hearing/Trial (25 days after last pleading for a date 35 days out)

Scenario 2: Answer filed with No Subsequent Case Activity

- In a Streamlined Cases:
 - Prepare Trial Order along with CJIPP Initial Case Management Order
- In Complex/Standard Cases:
 - Case Manager to set Initial Case Management Conference along with Joint Case Management Report and Procedures

Scenario 3: Answer filed with Pending Pleadings

- In a Streamlined Cases:
 - Prepare Initial Case Management Order with Proposed Trial Date/Calendar for Trial Order Review
- In Complex/Standard Cases:
 - Case Manager to set Initial Case Management Conference along with Joint Case Management Report and Procedures

**Phase
3A**

Filing of Responsive Pleading: Default Eligibility

Responsive Pleading Review*

Case Manager reviews to determine if any pleadings have been filed by defendant(s)

20 from Service Date

Default Eligibility

If after 20 days from service date defendant(s) failed to file any pleading(s) and plaintiff has not moved for entry of a default prepare Order to Take Action

Scenario 1

Motion for Judicial Default

Case Manager to review motion and supporting affidavits to determine compliance and eligibility. Case Manager to prepare Order for Judicial Default when appropriate.

Scenario 2

Show of Good Cause

Case Manager to prepare Order to Show Cause Hearing

Scenario 3

Motion for Clerk's Default

If Motion for Clerk's Default has not been entered, Case Manager to prepare Order to Supplement Default.

*Note: Notice of Appearance filed – Case Managers to prepare Order to File a Responsive Pleading

**Phase
3B**

Filing of Responsive Pleading: Motion

Responsive Pleading Review
Case Manager reviews to determine if any pleadings have been filed by defendant(s)

20 from Service Date



Motion for Extension: Respond

If a Motion for Extension of Time to Respond to Complaint has been filed: Case Manager to Prepare Order Granting Motion for 20 days or reasonable time requested

Scenario 1

Motion for Extension: Discovery (Streamlined cases only)*

If a Motion for Extension of Time to Respond to Discovery has been filed: Case Manager to Prepare Order Granting Motion to Respond to Discovery for 20 days or reasonable time requested

Scenario 2

Subsequent Motion for Extension of Time

If an additional Motion for Extension of Time is filed after Order issued: Case Manager to meet with Judge for review

Scenario 3

Non Compliance

If defendant(s) failed to comply with Order Granting Motion for Extension of Time to Respond: Case Manager to Prepare Order to Take Action for Default

Scenario 4

Motion to Dismiss

If a Motion to Dismiss is filed: Case Manager to prepare Order Setting Motion for Hearing if matter has not been set.

Scenario 5

*Note: Complex/Standard Cases: Motion for Extension of Time (Discovery) – Prepare Order Setting Motion for Hearing

**Phase
3C**

Filing of Responsive Pleading: Answer/Default

Responsive Pleading Review

Case Manager to review to determine if an Answer has been filed and/or Default has been entered for all defendants



Scenario 1

Uncontested Cases

In an uncontested case: Case Manager to set case for Final Hearing/Trial (25 days after last pleading for a date 35 days out)

Defaults/Admitted Answers

Scenario 2

**Streamlined Cases: Answer-
No Activity**

In a streamlined case if all answers filed and no further activity: Prepare Trial Order along with CJIPP Initial Case Management Order

Scenario 3

**Streamlined Case: Answer,
Affirmative Defenses, Activity**

Once a responsive pleading has been filed: Case Manager to prepare CJIPP Initial Case Management Order along with proposed trial date and case management procedures

Scenario 4

Complex/Standard Cases

Once a responsive pleading has been filed: Case Manager to set CJIPP Initial Case Management Conference along with Joint Case Management Report and Procedures

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

**ORDER TO TAKE ACTION BASED ON ELIGIBILITY
FOR DEFAULT AGAINST DEFENDANT**

The Court gives notice to the Plaintiff that the following **Defendant**, is eligible for entry of a default:

XXXX was served by publication on XXXX XX, XXXX.

Plaintiff is hereby notified that based upon the Defendant's failure to file or serve any paper in response to the complaint. The above named Defendant may eligible for entry of a default.

This Court, finds that Plaintiff has not moved for entry of a default against the above-named defendant subject to default. Accordingly, it is hereby:

ORDERED AND ADJUDGED that Plaintiff shall submit one of the following within 15 days of entry of this order:

- i. A motion for judicial default together with all supporting affidavits; proof of service attempts/nonservice, nonmilitary affidavits, affidavits of diligent search, proof of publication and a proposed default order

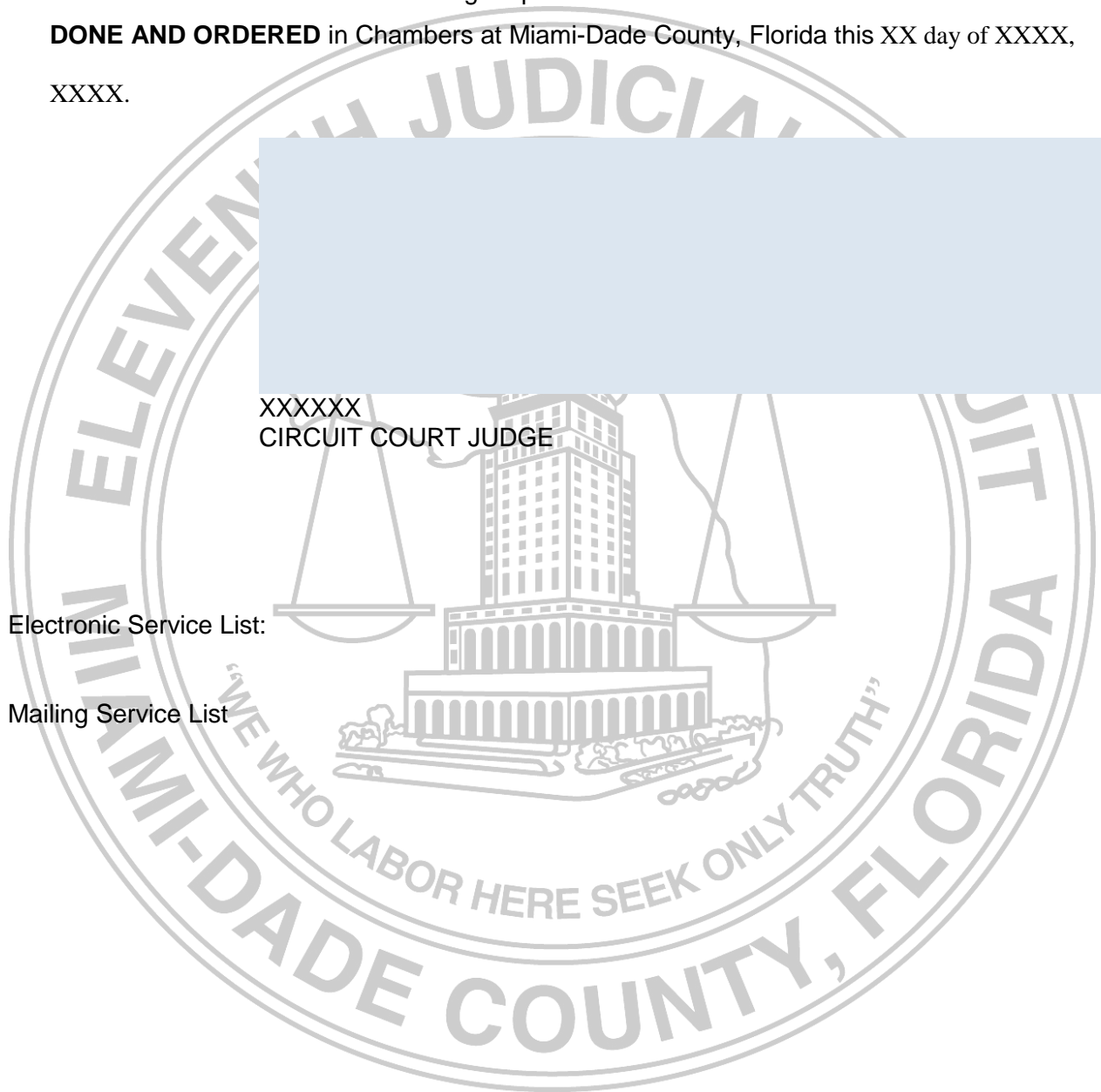
Failure to comply with this order will result in an issuance of an order to show cause requiring Plaintiff to submit a response in writing within 10 days as to why defendants should not be dismissed due to Plaintiff's lack of diligent prosecution.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this XX day of XXXX, XXXX.

XXXXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

**ORDER TO TAKE ACTION BASED ON ELIGIBILITY
FOR DEFAULT AGAINST DEFENDANT**

The Court gives notice to the Plaintiff that the following **Defendant**, is eligible for entry of a default:

XXXXX was served on XXXXX XXX, XXXX.

Plaintiff is hereby notified that based upon the Defendant's failure to file or serve any paper in response to the complaint, the above named Defendant is eligible for entry of a default.

This Court finds that Plaintiff has not moved for entry of a default against the above-named defendant subject to default. Accordingly, it is hereby:

ORDERED AND ADJUDGED that Plaintiff shall submit one of the following within 15 days of entry of this order:

- i. A motion for clerk's default;
- ii. A motion for judicial default together with all supporting affidavits; or,
- iii. A showing of good cause why default should not be entered
- iv. Upon agreement of the parties, an agreed order requiring a response from the Defendant within 15 days of the date of this order

Failure to comply with this order will result in an issuance of an order to show cause
Requiring Plaintiff to submit a response in writing within 10 days as to why defendants should
not be dismissed due to Plaintiff's lack of diligent prosecution.

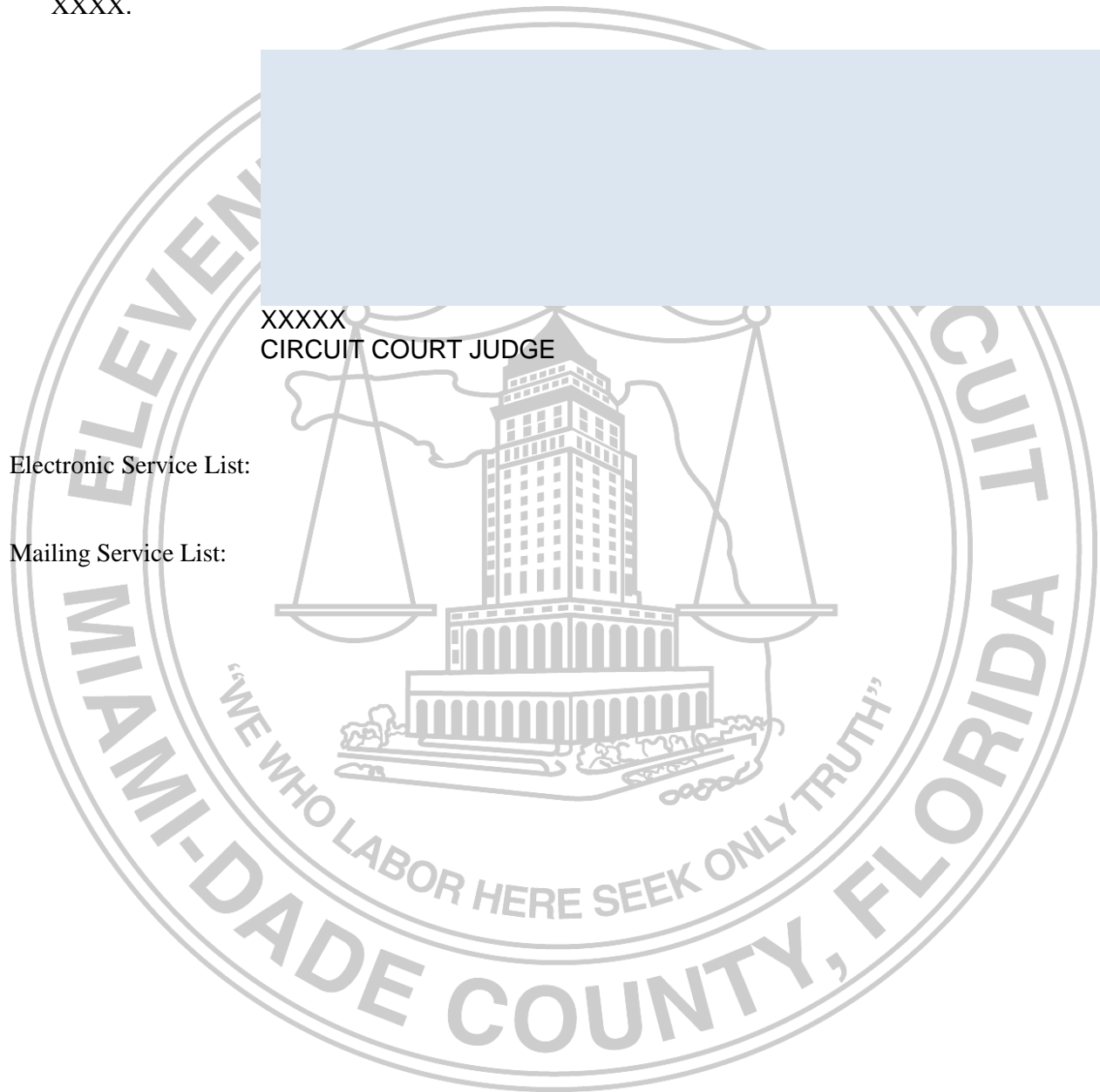
DONE AND ORDERED in Chambers at Miami-Dade County, Florida this XXX day of XXXX,
XXXX.



XXXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:



**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER TO SUPPLEMENT DEFAULT

THIS CAUSE having come on for review. Plaintiff filed a Motion for Default on XXXX XX, XXXX. The clerk has rejected the default motion due to the following reason(s):
XXXXXXX

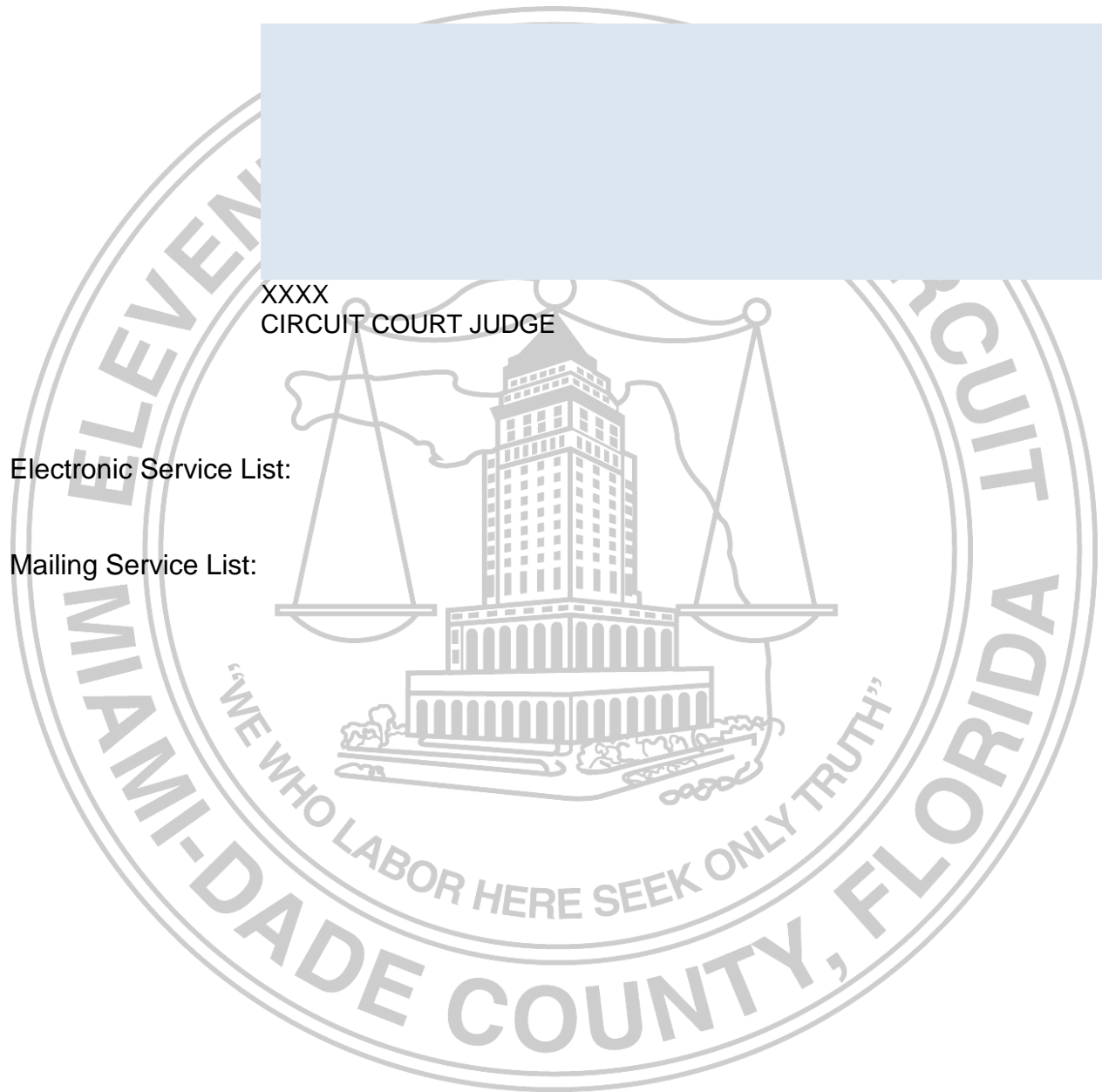
ORDERED AND ADJUDGED: Plaintiff shall file a completed default package curing the above listed issues within 7 days of this order. Plaintiff shall file all appropriate defaults on any remaining defendants who have been served and who have not been defaulted within 7 days. This case will be set for final hearing within 60 days. This hearing shall be a Summary Judgment hearing if Plaintiff timely files appropriate Motion for Summary Judgment, otherwise, Parties should be prepared to proceed with Trial. Parties shall file witness and exhibit lists 30 days in advance.

DONE AND ORDERED in chambers, at Miami-Dade County, Florida, this XX
day of XXXX, XXXX.

XXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section:

Plaintiff,

vs.

Defendant.

_____ /

ORDER TO APPEAR AND SHOW CAUSE

This cause came before the Court for XXXX you are ordered to appear before the undersigned Judge at the following date, time, and location, to show cause why you should not be held in civil contempt of court for your failure to comply with the order(s) set forth below:

Date of Hearing: XXXXX

Time of Hearing: XXXX

Location of Hearing: XXXXXXXX

Order(s): XXXXX

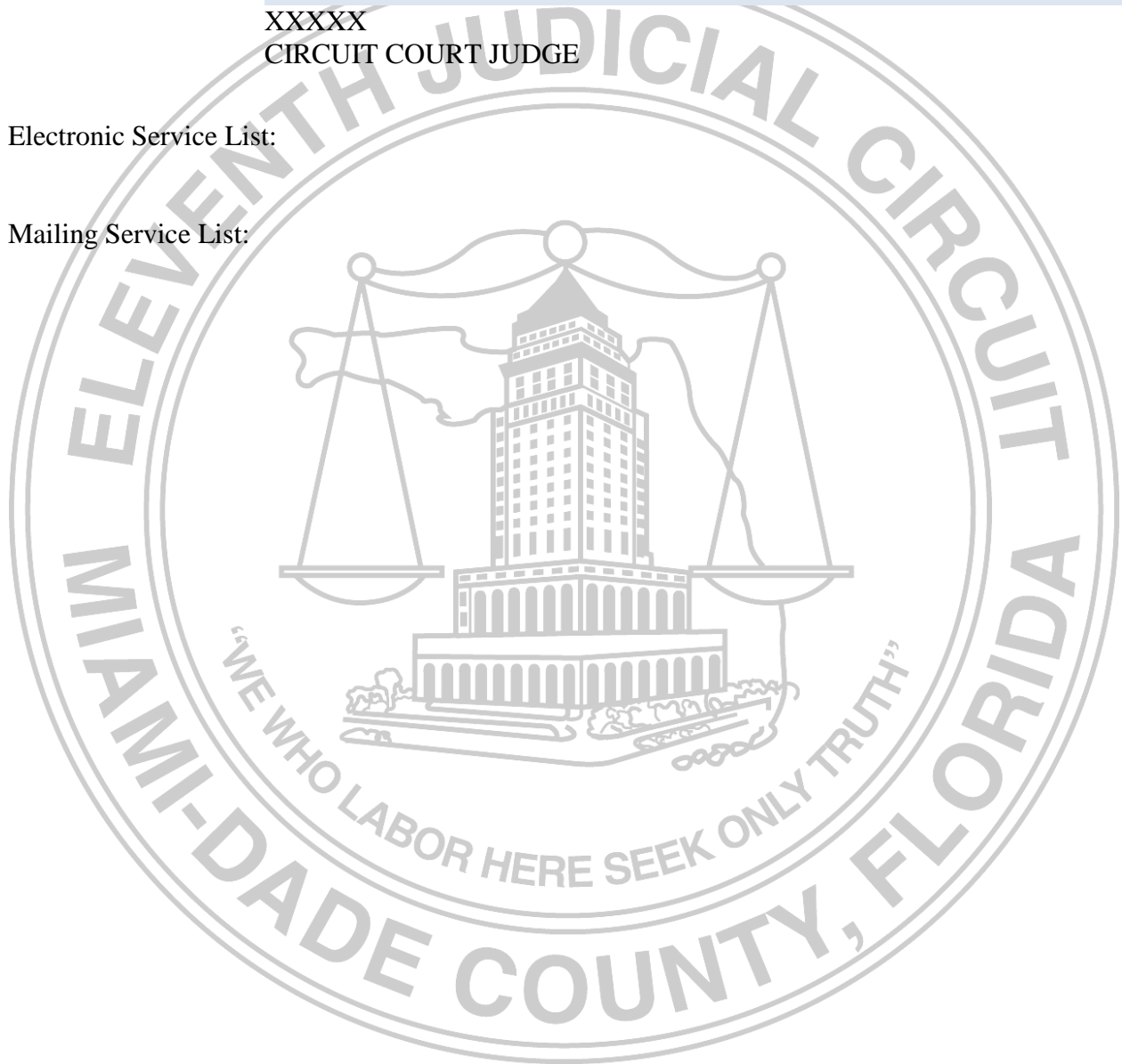
If you are found in contempt of court OR if you fail to appear it may result in the dismissal of your petition; the striking of pleadings; entry of default; imposition of fines, attorney's fees, and/or costs; the issuance of a writ of bodily attachment (order for your arrest); entry of orders regarding pending motions; and/or entry of the Final Judgment, without further notice or hearing,

DONE AND ORDERED in Miami-Dade County, Florida, this XX day of XXXX,
XXXX.

XXXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:



IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT OF
MIAMI DADE COUNTY, FLORIDA

Plaintiff,

Vs.

CASE NO.: XXXX-XXXXXX-CA-01
SECTION: XXXX

Defendant(s).

CIRCUIT CIVIL DIVISION

_____ /

ORDER GRANTING MOTION FOR EXTENSION OF TIME

THIS CAUSE having been reviewed by the Court, and the Motion filed on XXXX XX, XXXX. The Court, having considered the Motion, It is hereby:

ORDERED AND ADJUDGED THAT said Motion is:

GRANTED, movant shall file a response/answer by XXXX XX, XXXX.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this XX day of XXXX, XXXX.

XXXX
Circuit Court Judge

Copies Furnished To:

Electronic Service List:

Mailing Service List:

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

ORDER GRANTING MOTION FOR EXTENSION OF TIME TO RESPOND TO DISCOVERY

THIS CAUSE having been reviewed by the Court, and the Motion filed on XXXX was filed and the movant failed to set it for hearing. The Court, having considered the Motion, it is hereby:

ORDERED AND ADJUDGED that said Motion is:

GRANTED, movant shall file a response to discovery by XXX . Objections and privilege logs are due at the time of response. Blanket objections are disfavored. No further extensions will be granted.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this XX day of XXXX, XXXX.

XXXXX
CIRCUIT COURT JUDGE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER SETTING MOTION FOR HEARING

This Court, sua sponte, finds that the following pending motion(s) have been filed and not set for hearing:

Motion XXXX filed on XXXX

ORDERED AND ADJUDGED:

Counsel or parties are directed to appear before the Honorable XXXX in Chambers, Room XXXX at the XXXXXX, at XXXX on XXXXXXXX. **THE ABOVE MOTION(S) WILL BE HEARD DURING THIS HEARING. THIS HEARING SHALL NEITHER BE CANCELLED NOR RESCHEDULED BY ANYONE OTHER THAN THE JUDGE.** Failure of counsel or parties to appear may result in the striking of pleadings without further notice. Parties may appear by telephone but must submit request by email two (2) days prior to hearing.

DONE and ORDERED in Chambers at Miami Dade County, Florida this XX day of XXXX XXXX.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER TO FILE A RESPONSIVE PLEADING

Defendant has filed a Notice of Appearance on XXXXX and therefore has invoked the jurisdiction of the court, but failed to respond to the Complaint. Defendant shall file a response to the complaint, either by answer or motion, within XX days. No further extension shall be allowed.

If Defendant fails to respond by the deadline, Plaintiff shall file a Motion for Default which shall be set on the first available motion calendar.

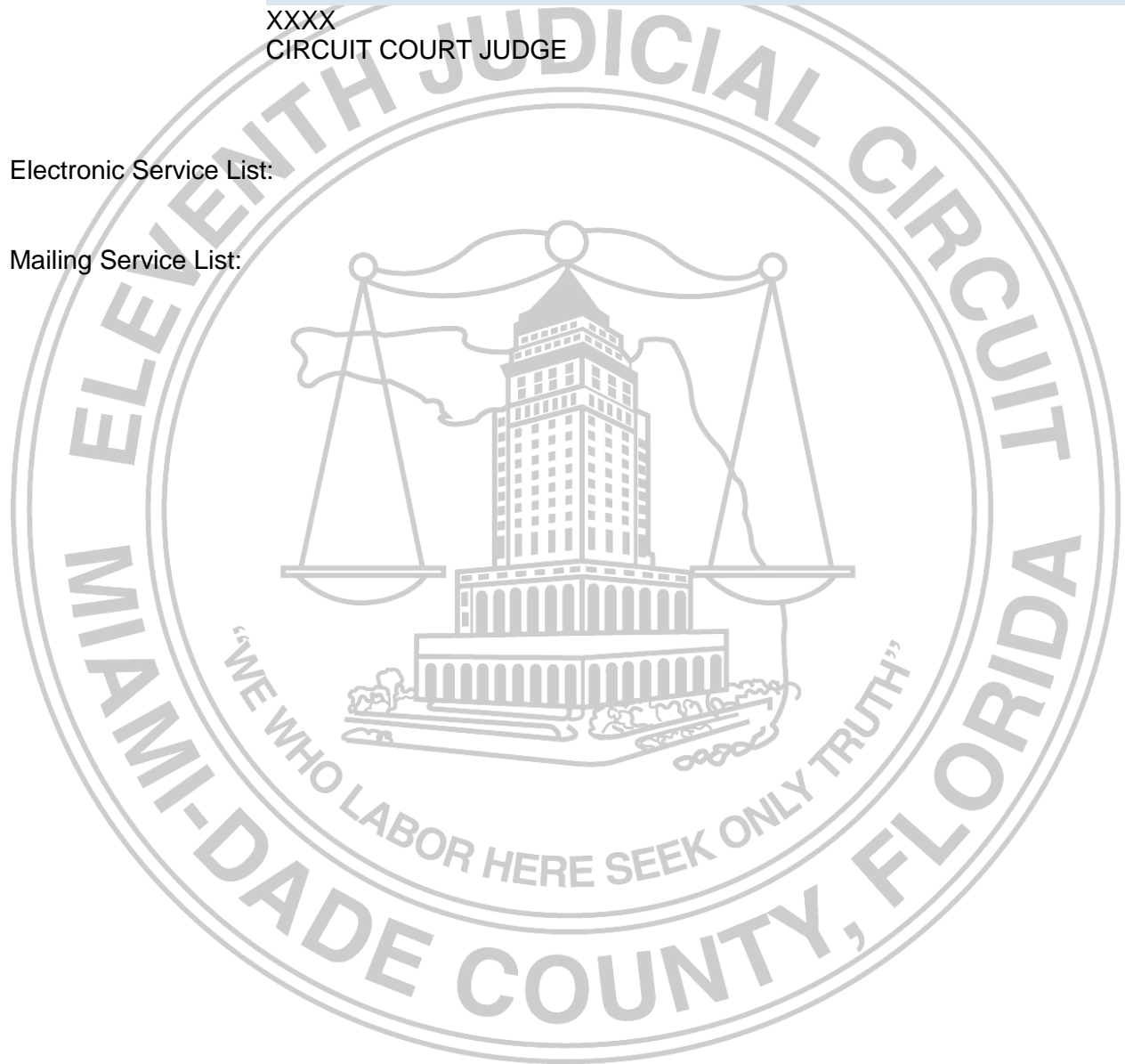
DONE AND ORDERED in Chambers, at Miami-Dade County, Florida, this XX day of
XXXX, XXXX.

XXXX
CIRCUIT COURT JUDGE

XXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:



**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER SETTING FINAL HEARING/TRIAL

THIS CAUSE, having come before the court on Plaintiff's Motion for Default, after review of the file, it is hereby

ORDERED AND ADJUDGED: Counsel/Parties are directed to appear before the Honorable XXXX , in Chambers, Room XXXXX at the XXXXXX, XXXXXX, at on XXXX XX, XXXX.

This case will be set as a summary judgement hearing if Plaintiff timely files same.

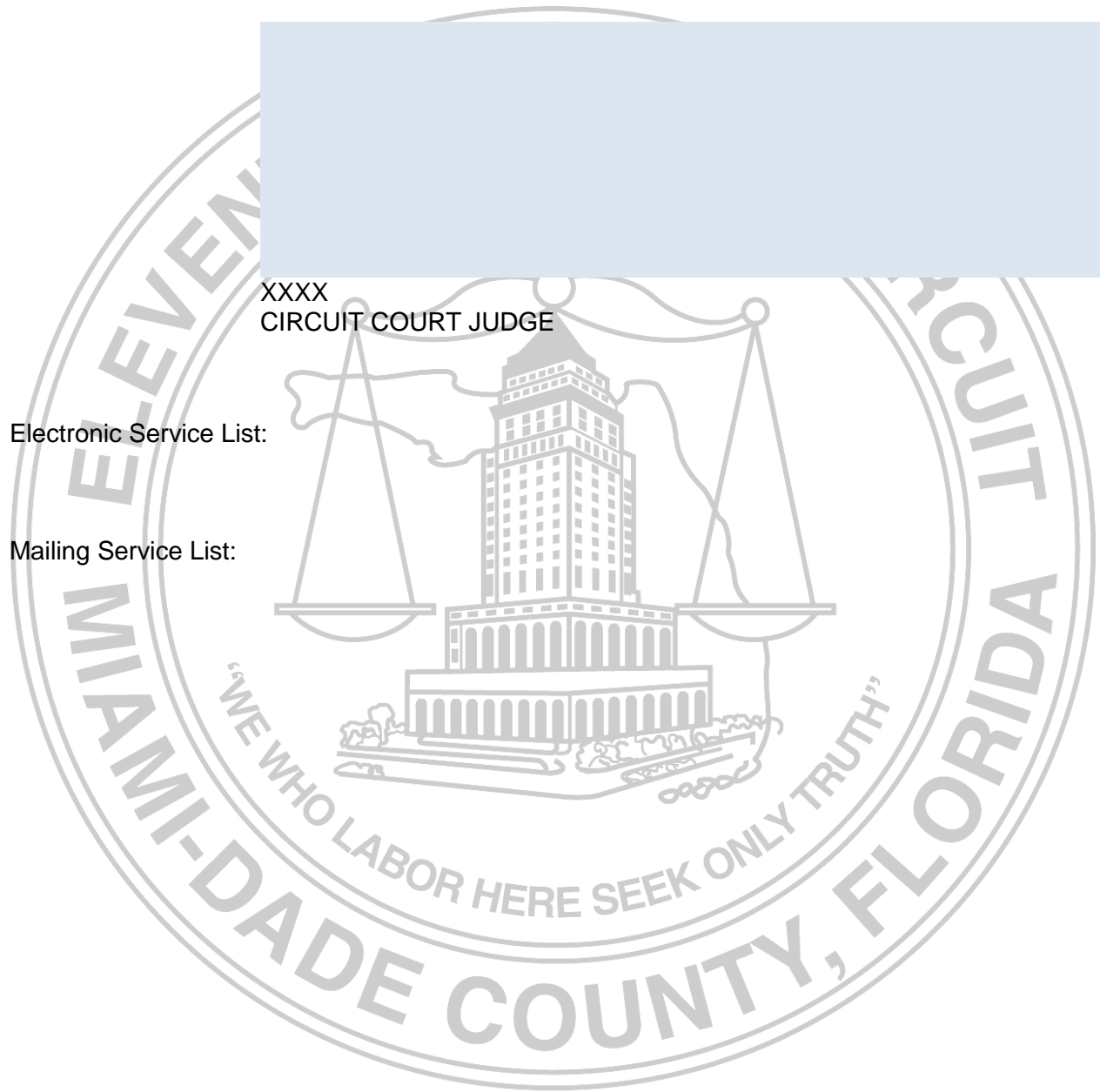
Plaintiff must submit a complete summary judgment package including all exhibits, to ecourtesy in advance of the hearing. If Plaintiff fails to timely file a summary judgment motion, parties will proceed with trial at the date and time listed above. Parties shall file witness and exhibit lists 30 days in advance, and shall appear ready to proceed. **Plaintiff shall bring the original note to the hearing if this is a foreclosure.**

DONE AND ORDERED in chambers, at Miami-Dade County, Florida, this XX day of
XXXX, XXX.

XXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:



Phase 4: Case Monitoring

The Case Management Order includes two parts: The Case Management Plan and; The Procedural Requirements.

1. The **Case Management Plan** sets forth the deadlines in which the parties should strictly comply with, including a trial period in which the case should be tried within. The parties cannot agree to extend the deadlines in the Plan and cannot agree to waive any portion of the Plan Provisions except with court approval.
2. The **Case Management Procedures**, along with the Florida Rules of Civil Procedure and the Administrative Orders of the Court, outline the procedural requirements that the parties must follow. The parties may not unilaterally extend any of the deadlines contained in the Case Management Plan except with court approval. The Deadlines may be altered by the Court only where the interests of justice so requires, upon prompt motion, notice and hearing.

<u>Purpose:</u>	To supervise the progress of all cases filed by managing the time and events necessary to move a case from filing through disposition by establishing reasonable timeframes for events.
<u>Overview:</u>	<ul style="list-style-type: none"> • Issue Case Management Plan based on case classification • Conduct Case Management Conference
<u>Resources Used:</u>	<ul style="list-style-type: none"> • Tyler Odyssey • Mentis aiSmartBench
<u>Order(s) Used:</u>	<ul style="list-style-type: none"> • Initial Case Management Plan • Order to Appear for Initial Case Management Conference and Setting Deadlines for Submissions • Joint Case Management Report • Order Setting Case Management Conference • Trial Order
<u>Timeframe:</u>	To be completed once a Notice of Appearance or an Answer has been filed.
<u>Challenges:</u>	Lack of tickler/tracking system, capturing statistics

Phase 4A: Issuance of Case Management Plan

Step 1: Review cases eligible for an Initial Case Management Plan.

- Run a report in Case Management System for cases with Answers filed.
- Determine case type with corresponding track assignment. (See Appendix)

Step 2: Issue Case Management Plan

- Determine deadlines for case management plan based on case type.
- If the case is classified as “Complex”, issue an “Order to Appear for Initial Case Management Conference and Setting Deadlines for Submissions” along with a “Joint Case Management Report” (See Forms __ & __)

Step 3: Initial Case Management Conference

- Schedule Case Management Conference in accordance with filed Case Management Plan.

Step 4: Issue the Complex/Joint Case Management Plan

- Following the Initial Case Management Conference, prepare the Initial Case Management Plan based upon the deadlines set forth in both the hearing and the joint case management report.

STREAMLINED CASE MANAGEMENT PLAN

<p>1. Date of First Response: (e.g. Answer, Notice of Appearance, Motion for Extension of Time, Motion to Dismiss)</p>	
<p>2. Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:</p>	
<p>3. Deadline for Initial Scheduling and Setting Depositions:</p>	
<p>4. Case Management Conference Date/Time:</p>	
<p>5. Deadline for Witness and Exhibit List:</p>	
<p>6. Deadline for Expert Disclosure: (Parties Should furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony Should be permitted at trial. Information furnished pursuant to this paragraph Should be timely filed with the Clerk of Courts)</p>	
<p>7. Deadline for Inspections/Examinations:</p>	
<p>8. Deadline for Discovery Completion (Including Depositions):</p>	
<p>9. Deadline for Dispositive Motions:</p>	
<p>10. Deadline for Jury Instructions:</p>	
<p>11. Deadline for ADR/Mediation:</p>	
<p>12. Pre-Trial Conference:</p>	
<p>13. Notice of Trial Date; ____ Week Period: (Trial Notice sent at least 35 days prior to trial)</p>	

AUTO NEGLIGENCE CASE MANAGEMENT PLAN

<p>1. Date of First Response: (e.g. Answer, Notice of Appearance, Motion for Extension of Time, Motion to Dismiss)</p>	
<p>2. Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:</p>	
<p>3. Deadline for Initial Scheduling and Setting Depositions:</p>	
<p>4. Case Management Conference Date/Time:</p>	
<p>5. Deadline for Witness and Exhibit List:</p>	
<p>6. Deadline for Expert Disclosure: (Parties Should furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony Should be permitted at trial. Information furnished pursuant to this paragraph Should be timely filed with the Clerk of Courts)</p>	
<p>7. Deadline for Inspections/Examinations:</p>	
<p>8. Deadline for Discovery Completion (Including Depositions):</p>	
<p>9. Deadline for Dispositive Motions:</p>	
<p>10. Deadline for Jury Instructions:</p>	
<p>11. Deadline for ADR/Mediation:</p>	
<p>12. Pre-Trial Conference:</p>	
<p>13. Notice of Trial Date; ____ Week Period: (Trial Notice sent at least 35 days prior to trial)</p>	

STANDARD CASE MANAGEMENT PLAN

<p>1. Date of First Response: (e.g. Answer, Notice of Appearance, Motion for Extension of Time, Motion to Dismiss)</p>	
<p>2. Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:</p>	
<p>3. Deadline for Initial Scheduling and Setting Depositions:</p>	
<p>4. Case Management Conference Date/Time:</p>	
<p>5. Deadline for Witness and Exhibit List:</p>	
<p>6. Deadline for Expert Disclosure: (Parties Should furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial. Information furnished pursuant to this paragraph should be timely filed with the Clerk of Courts)</p>	
<p>7. Deadline for Inspections/Examinations:</p>	
<p>8. Deadline for Discovery Completion (Including Depositions):</p>	
<p>9. Deadline for Dispositive Motions:</p>	
<p>10. Deadline for Jury Instructions:</p>	
<p>11. Deadline for ADR/Mediation:</p>	
<p>12. Pre-Trial Conference:</p>	
<p>13. Notice of Trial Date; ____ Week Period: (Trial Notice sent at least 35 days prior to trial)</p>	

FORECLOSURE CASE MANAGEMENT PLAN

1. Date of First Response: (e.g. Answer, Notice of Appearance, Motion for Extension of Time, Motion to Dismiss)	
2. Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:	
3. Deadline for filing, setting and resolving motions directed at pleadings:	
4. Deadline for Witness and Exhibit List:	
5. Deadline for Dispositive Motions:	
6. Deadline for Discovery Completion (Including Depositions):	
7. Notice of Trial Date; ____ Week Period: (Trial Notice sent at least 35 days prior to trial)	

COMPLEX/JOINT CASE MANAGEMENT PLAN

<p>1. Date of First Response: (e.g. Answer, Notice of Appearance, Motion for Extension of Time, Motion to Dismiss)</p>	
<p>2. Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:</p>	
<p>3. Deadline for Initial Scheduling and Setting Depositions:</p>	
<p>4. Case Management Conference Date/Time:</p>	
<p>5. Deadline for Witness and Exhibit List:</p>	
<p>6. Deadline for Expert Disclosure: (Parties Should furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony should be permitted at trial. Information furnished pursuant to this paragraph should be timely filed with the Clerk of Courts)</p>	
<p>7. Deadline for Inspections/Examinations:</p>	
<p>8. Deadline for Discovery Completion (Including Depositions):</p>	
<p>9. Deadline for Dispositive Motions:</p>	
<p>10. Deadline for Jury Instructions:</p>	
<p>11. Deadline for ADR/Mediation:</p>	
<p>12. Pre-Trial Conference:</p>	
<p>13. Notice of Trial Date; ____ Week Period: (Trial Notice sent at least 35 days prior to trial)</p>	

Phase 4B: Case Monitoring

Step 1: Case Manager to run weekly reports to check for new filings

- Case Manager to run the following MOTION reports weekly:
 - Motion to Dismiss,
 - Motion for Default (Clerk's Default vs. Judicial Default),
 - Motion for Ext. of Time,
 - Motion for Summary Judgment,
 - Motion to Strike,
 - Motion to Stay

Step 2: Setting Motions for Hearing

- If any of the above Motions have been filed and not noticed/set for hearing:
 - Case Manager to issue an Order Setting Motion for Hearing (See Form___) setting the case on the next available Motion Calendar.
 - Exceptions:
 - If a Motion for Summary Judgment has been filed, Case Manager to follow the instructions the Judge has provided to set the motion.
 - Case Manager to coordinate with the Judicial Assistant to determine which date and time is available on the Judge's Special Set Calendar

Step 3: Case Manager to run the following CLOSURE reports weekly:

- Mediator's Report,
- Stipulations,
- Voluntary Dismissals,
- Settlement Agreements,
- Default Final Judgment
- Notice of Settlements

If any of the above documents have been filed, Case Manager to prepare Judicial Order of Dismissal (see Form) based on the reason case should be closed.

Phase 4C: Setting Case Management Conferences

Step 1: Prepare “Order Setting Case for Case Management Conference” at least two weeks prior to the hearing date.

Step 2: At least seven (7) days prior, Case Manager should provide a copy (email or flag) of all motions to be heard to Judge for his/her review.

Step 3: Case Manager shall report to the Case Management Conference and take any necessary notes to assist in the monitoring of the case, and to determine if the parties are in compliance with the assigned Case Management Plan.

- If the Judge grants any of the following, Case Manager Should:
 - **Motion to Stay** - track case at the lifting of the stay and set for Status Conference to determine how to proceed with moving case forward.
 - **Motion for Extension of Time** - track the amount of time the extension was granted for and update the Case Management Plan with the new extended deadlines.
 - **Motion for Continuance** - update the Initial Case Management Plan with the new trial date, yet leave in place all prior deadlines unless the Judge issues an Order extending such deadlines in accordance with the new Trial Date.

**Phase
4A**

Issuing Initial Case Management Order

Review Cases to determine eligibility for Initial Case Management Order (ICMO)

- Case Manager to review to determine if an Answer has been filed.
- Determine track assignment based on case type.
- Issue ICMO based on track assignment.



If track assignment is:

Streamlined

1. Responsive pleading filed
2. Issue Initial Case Management Order following time guidelines.
3. Schedule Initial Case Management Conference.
4. Set for trial when case is at issue based on ICMO.

If track assignment is:

Complex/Standard Cases

1. Responsive pleading filed
2. Schedule Initial Case Management Conference.
3. Joint case management report submitted by parties.
4. Issue Initial Case Management Order based on agreed submission.
5. Set for trial when case is at issue based on ICMO.

If track assignment is:

Foreclosure

1. Responsive pleading filed
2. Issue Initial Case Management Order following time guidelines.
4. Set for trial when case is at issue based on ICMO.

If track assignment is:

Auto Negligence

1. Responsive pleading filed
2. Issue Initial Case Management Order following time guidelines.
3. Schedule Initial Case Management Conference.
4. Set for trial when case is at issue based on ICMO.

**Phase
4B**

Case Monitoring Phase

Civil Forfeiture

Review for complaint 45 days after filing.
If no complaint is filed, prepare an order to show cause why case should not be dismissed and set on motion calendar.
If filed, review for answer after 20 days. Treat case as streamlined.

Replevin

Prejudgment Writ of Replevin:
1. Set on Motion Calendar ASAP;
or
2. Have Judge review or deny ex parte based on submission.
Defendant Motion to Dissolve: Set for immediate hearing

Contract & Indebtedness

Make sure contract is attached. If contract is not attached, send out notice to supplement filing within 10 days (Rule 1.130).

Insurance

First party insurance cases with only a Notice of Appearance Filed but no responsive pleading, issue an order directing them to file a responsive pleading or case will be defaulted.

Bond Estreature

No Case Management Plan needed.
Set for final hearing 60 days after filing. This should result in an order that will close the case.
Review and make sure the case is closed.

Foreclosure

Send out Foreclosure ICMO in all cases. Schedule trials for Foreclosures within 90 days. Trial notice goes out once case is at issue, at least 35 days prior to trial.

**Phase
4C**

Case Management Conference

Schedule Case Management Conference based on timeframe specified in ICMO

- Case Manager to issue Notice of hearing.
- Attend hearings to monitor progress.
- Pending motions affecting case progress are heard.



If Continuance Granted:

Motion for Extension of Time

If a Continuance is granted, leave in place all prior deadlines unless the Judge issues an Order extending such deadlines. If a new trial date is granted, issue updated ICMO in accordance with the new Trial Date.

If Stay is granted:

Motion to Stay

Track case at the lifting of the Stay and set for Status Conference to determine how to proceed forward.

If Parties are Non-Compliant

Non-Compliance

If parties are non-compliant, an order to show cause will be issued and set for immediate hearing.

If Closing Action is filed:

Nontrial Dispositions

If parties file a Notice of Settlement, Voluntary Dismissal, Case Removal, Case Transfer or Withdrawal issue a Judicial Order of Dismissal to close the case.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01
Section: XXX

Plaintiff,

vs.

Defendant.

INITIAL CASE MANAGEMENT ORDER

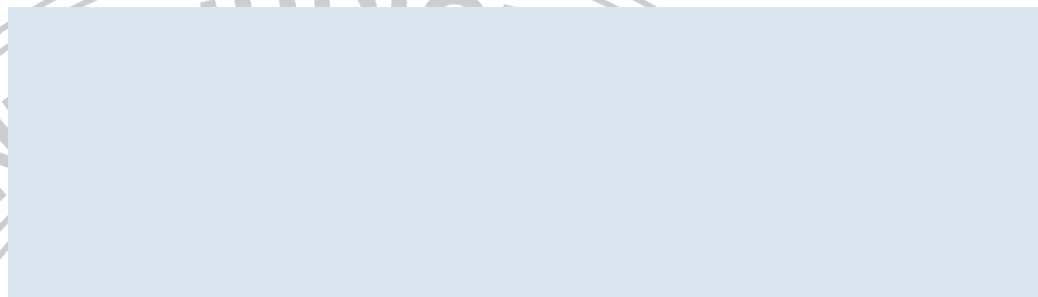
THIS CAUSE came before the Court on case management review. Based on the review of the file, and pursuant to Rule 2.545, Fla. R. Jud. Admin., the Court has established an initial case management plan, and it is hereby

ORDERED that:

1. **Case Management Plan**: The parties shall comply with the Case Management Plan (Plan) attached hereto as Exhibit A, until further order of court. The parties shall strictly comply with the Plan and should expect that the case will be tried during the trial period specified therein, without continuances. The parties cannot agree to extend the deadlines in the Plan and cannot agree to waive any portion of the Plan provisions.
2. **Procedural Requirements**: In addition to strict adherence to the Florida Rules of Civil Procedure and the Administrative Orders of the Court, the parties shall comply with the Case Management Procedures attached hereto as Exhibit B to this order. The parties may not unilaterally extend any of the deadlines contained in the Case Management

Procedures. Deadlines may be altered by the Court where the interests of justice so requires, upon prompt motion, notice and hearing.

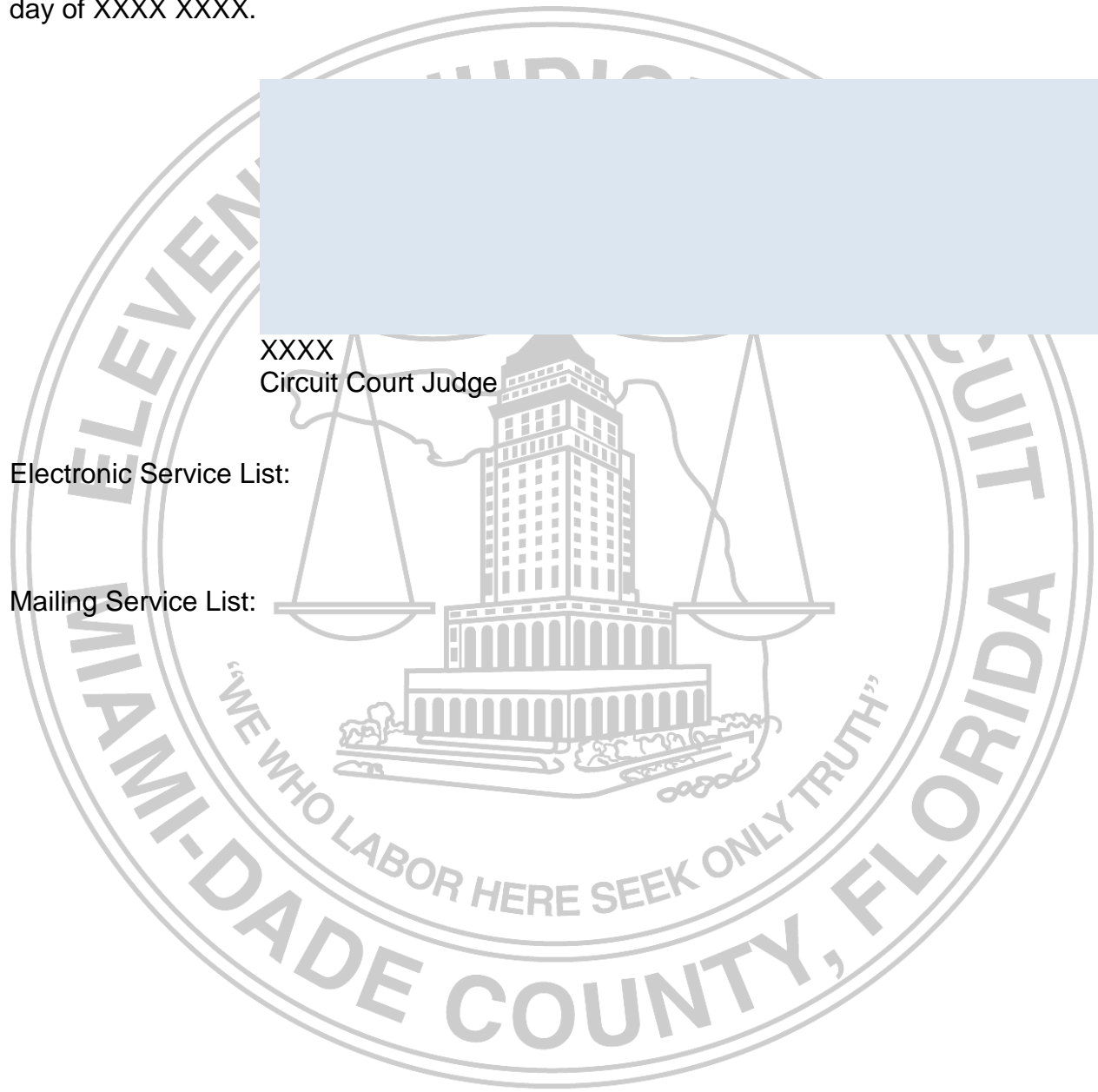
DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this XX day of XXXX XXXX.



XXXX
Circuit Court Judge

Electronic Service List:

Mailing Service List:



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXX-CA-01

Section: XXX

Plaintiff,

vs.

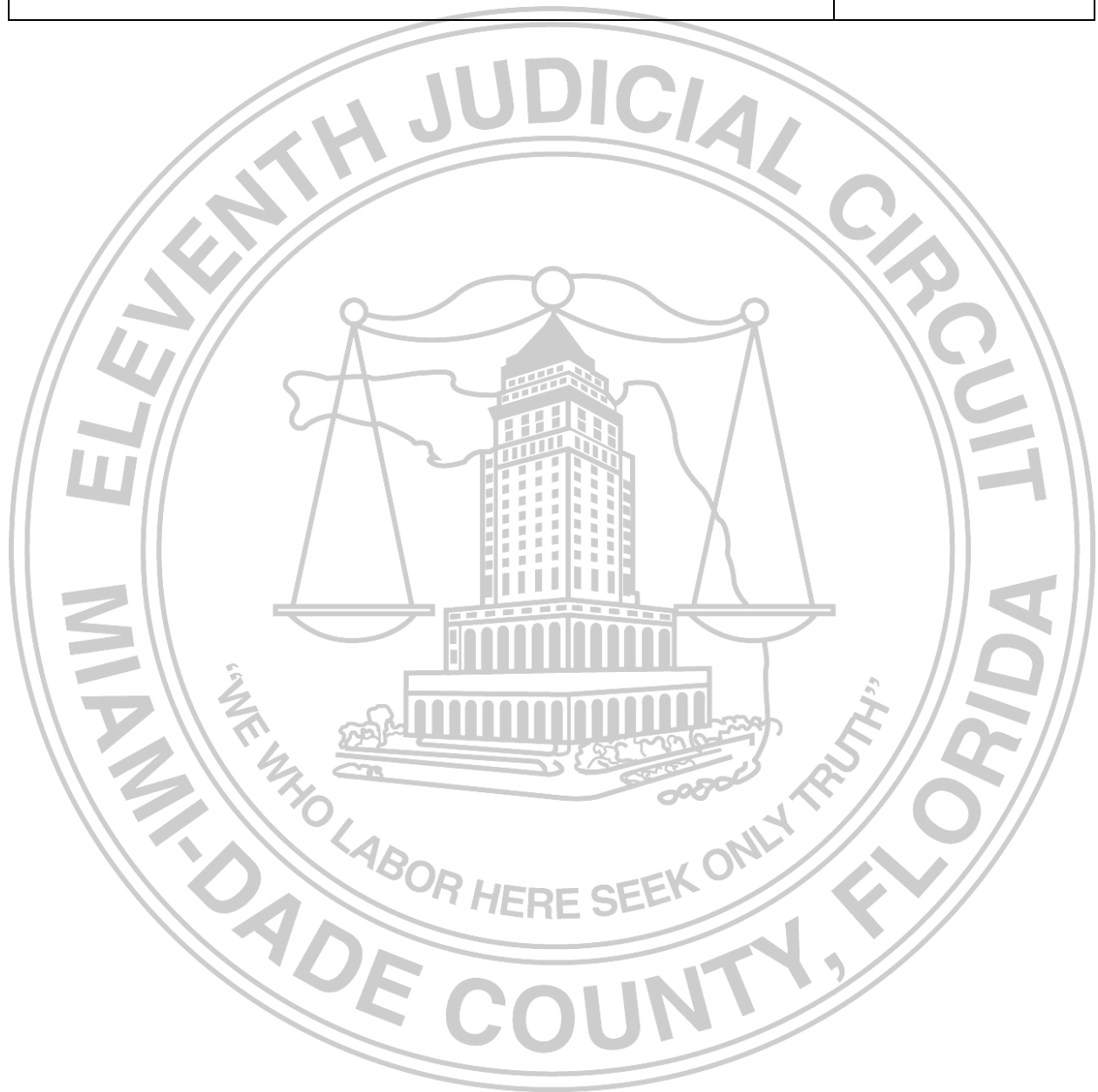
Exhibit A
(to Initial Case Management Order)

Defendant.

CASE MANAGEMENT PLAN

Date of First Response:	
Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:	
Deadline for Initial Scheduling and Setting Depositions:	
Case Management Conference Date/Time:	
Deadline for Witness and Exhibit List:	
Deadline for Expert Disclosure: (Parties shall furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony shall be permitted at trial. Information furnished pursuant to this paragraph shall be timely filed with the Clerk of Courts)	
Deadline for Inspections/Examinations:	
Deadline for Discovery Completion (Including Depositions):	
Deadline for Dispositive Motions:	
Deadline for Jury Instructions:	

Deadline for ADR/Mediation:	
Pre-Trial Conference:	
Notice of Trial Date; Week Period:	



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXX

Plaintiff,

vs.

Exhibit B
(to Initial Case Management Order)

Defendant.

CASE MANAGEMENT PROCEDURES

Motion Practice

1. **Duty to Communicate:** Prior to filing any motion, counsel have a duty to confer with each other directly in good faith, *not through staff*, to attempt to narrow or resolve issues. "In good faith" means you are professional and temperate in your communications, you return phone calls and emails in a timely manner, and you do not set unreasonable deadlines for responses.
2. **Scheduling of Hearings:** Motions filed (other than dispositive motions or those requiring testimony) must be noticed for hearing on the first available motion calendar. Motions not promptly set for hearing may be ruled upon by the Court on the papers.
3. **Compelling Discovery:** The parties are to comply with Administrative Order 06-09 when moving to compel production of propounded discovery. These motions shall be submitted via e-courtesy to the "proposed order" folder and are not be placed on calendar.
4. **Motions for Protective Order:** Motions for protective order must be filed as soon as the grounds are known. Counsel should be coordinating deposition dates for specific parties/witnesses and have a duty to confer regarding any issues that would be the subject of a motion for protective order prior to scheduling the deposition. The filing of the motion must not be delayed until immediately prior to the scheduled deposition. A motion for protective order does not automatically stay the deposition and the deposition shall proceed unless an order granting the motion is entered by the Court.

5. **Dispositive Motions**: Motions which may dispose of specific issues, portions of the case or the entire case should be filed and set for hearing as soon as possible. Parties wishing to pursue a dispositive motion should target the essential discovery promptly. Parties should confer to assure necessary discovery is scheduled to be completed and will be completed prior to a special set hearing date. Last minute cancellations are disfavored.
6. **Amendment of Pleadings**: Motions to amend should be filed so as not to affect the date of trial. Although the Court recognizes the rule of liberality with regard to amendment of pleadings, liberality declines with an approaching trial date unless the amendment involves newly discovered information not previously available. Review your pleadings for necessary amendment(s) early, not as part of last minute trial preparation.

Discovery

7. **Written Discovery shall be propounded promptly:**
 - a. **Objections**: If objections to written discovery involve the phrasing of the request or time frame of any discovery request, these objections may not be extended (even if the parties agree) and are due at the time the initial response is due. Failure to timely make these objections, constitutes a waiver. Parties shall comply with the “Duty to Communicate” above, prior to setting timely made objections for hearing.
 - b. **Documents made available for inspection and copying**: If discovery responses provide that the documents are available for inspection and copying at a mutually convenient time and place, the responding party shall immediately (within 48 hours) provide three alternative dates and times that the documents are available for inspection and copying. All of the dates shall be within ten (10) days. Failure to provide the dates and times shall constitute a failure to respond to discovery. Review shall occur within fifteen (15) days of the response, absent extraordinary circumstances. Examples of “extraordinary circumstances” include a sole practitioner in trial on another case, a medical emergency, prepaid vacation, and a death in the family.
 - c. **Privilege Logs**: Privilege logs are due at the time of the response, and may not be reserved to be provided later. Privilege logs must specifically identify the document in accordance with Rule 1.280(b)(6), Fla.R.Civ.P.

Failure to timely provide the privilege log may result in the waiver of the privilege. This procedure requires preparation of a privilege log with respect to all documents, electronically stored information, things and oral communications withheld on the basis of a claim of privilege or work product except the following: written and oral communications between a party and their counsel after commencement of the action and work product

material created after commencement of the action.

Parties are instructed that where they believe that the divulgence of the logging information would necessarily cause disclosure of the allegedly privileged information, they must identify that the item exists and that in *in camera* review by the court will be sought. The item may be described generically. However, if the Court determines that there is nothing inherent in the divulgence of the existence of the document or the logging information required that would violate privilege, the Court will impose sanctions for any *in camera* request determined to be frivolous. *In camera* requests by the party claiming the privilege must be signed by both the requesting attorney and the client, so as to assure that all are aware of the request and the consequences.

8. **Depositions:** The parties are ordered to block time now for necessary depositions to be set in this case. Depositions may commence at any time. Refer to paragraph 4 above regarding motions for protective order.

Witness and Exhibit Lists

9. **Witness and Exhibit Lists:** The parties shall timely exchange their witness and exhibit lists. The lists shall include complete proper names and addresses. If counsel chooses to list their bar address as the witness' address, counsel is deemed to have agreed to produce the witness voluntarily as they have withheld the information necessary for a witness subpoena, and counsel will be responsible for assuring that witness' presence at trial.

Mediation

10. **Mediation:** Parties must mediate by the Court's deadline. The parties are responsible for assuring that they have all the necessary information to value their position prior to mediation. If the parties fail to mediate before the mediation deadline, sanctions shall be imposed by the Court. Failure to timely mediate shall not constitute just cause for a trial continuance.

IN THE CIRCUIT COURT OF THE 11th JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01
SECTION: XXXXX

Plaintiff(s),
vs.

Defendant(s),
_____ /

**ORDER TO APPEAR FOR INITIAL CASE MANAGEMENT CONFERENCE
AND SETTING DEADLINES FOR SUBMISSIONS**
[Rule 1.200, Fla.R.Civ.P.]

An Initial Case Management Conference (**ICMC**), pursuant to Rule 1.200, Florida Rules of Civil Procedure, is scheduled in this cause on XXXXX, at XXXXX , (30 minutes reserved), in Courtroom XXXX , XXXXX, before the undersigned judge.

IT IS HEREBY ORDERED that:

1. **5 days from service of this order, Plaintiff shall** serve a copy of this order on any party or lawyer known to be involved in the case who/which is not listed on the service list below. Time is of the essence. This is a continuing obligation.
2. **Trial Counsel and their Client** and unrepresented parties, if applicable, (absent court order), shall appear in person at the ICMC set forth above. Counsel cannot waive client's appearance. All counsel shall be fully prepared to address all pending motions. In addition, they should be able to discuss the current status of the case and propose projected timeframes and discovery deadlines based on the information provided in the Joint Report, which is to be prepared and submitted pursuant to the following numbered paragraph. At the ICMC, or immediately thereafter, the Court will enter a case-specific

Case Management Order that provides pre-trial deadlines and sets the trial in this cause based on the information provided by the parties.

3. **Deadlines culminating in preparation of Joint Case Management Report (“Joint Report”)** are set forth below:

a. **By XXXXXX:** All counsel in the case (and unrepresented parties, if applicable), shall each exchange, in writing, their individual case management information required for the Joint Report. (Refer to the report attached to this order.) The information should be as detailed and specific as possible, based on all the current available information. There will be no strategic benefit to delay or to fail to disclose known information. Parties who fail to comply will be deemed to have waived their right to object to the Joint Report and the Case Management Order issued by the Court.

b. **By XXXXXX:** All counsel in the case (and unrepresented parties, if applicable), shall meet and confer live or by phone to discuss their respective individual case management information in an effort to agree and narrow as many items and issues as possible and render a Joint Report. **Full meet and confer is required.** Parties who fail to comply will be deemed to have waived their right to object to the Joint Report and the Case Management Order issued by the Court.

c. **By XXXXXX:** Following meet and confer, Trial counsel for Plaintiff (or Defendant’s counsel, if Plaintiff is unrepresented) shall complete and file the resulting Joint Report, attached to this order, **and** submit a copy to the judge via e-courtesy to the Special Set folder. The Joint Report shall reflect the information, items, and issues identified by the parties and shall highlight areas of disagreement into a single document. Parties who fail to comply will be deemed to have waived their right to object to the Joint Report (if any) and the Case Management Order issued by the Court.

4. **Deadline for submission of pending motions:** **By XXXXXX,** each party shall submit to the judge via e-courtesy to the Special Set folder, copies of their respective pending motions, responses, memoranda, and replies that they have filed, if any. As

stated above, counsel must be prepared to address all pending motions. The Court may rule on the papers with regard to pending motions.

5. **Strict compliance with deadlines**: The deadlines set forth in this order cannot be extended, modified or waived by counsel or the parties.

6. **Imposition of Sanctions**: In addition to the waiver of rights set forth above, failure to comply with this order may result in the imposition of sanctions.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this XXXX day of XXXX, XXXX.



XXXXX
Circuit Court Judge

Electronic Service List:

Mailing Service List:

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

Plaintiff(s),

CASE NO.: XXXX-XXXXXX-CA-01

SECTION: XXXXX

vs.

Defendant(s),
_____ /

JOINT CASE MANAGEMENT REPORT

Important Note:

This Joint Case Management Report ("Joint Report") shall form the basis for a case-specific case management order that will be used to set deadlines for the remainder of this case. All information provided should be as detailed and specific as possible, based on all of the current information available to both parties. The Court recognizes that, as additional information is exchanged, the information provided herein may change. The purpose of this report is to generally assess the case based on current knowledge in order to plan for, and anticipate, specific case needs.

Your answers to these questions should clearly indicate the areas of disagreement, if any, between the parties.

1. Brief Factual Description of Case:
 - a. Indicate type of case. (Ex. Negligence, Breach of Contract, Medical Malpractice, etc.):
 - b. What is the relevant accrual date? (Ex. date of accident, loss, breach, etc.):
 - c. What type(s) of damages sought?
 - d. Provide a summary of pertinent facts:
2. Legal Issue(s) of Case:
3. List Current Pleadings Filed:
4. Do you anticipate the filing of:
 - a. Counter-claim(s)
 - b. Cross-claim(s)
 - c. Third party claim(s)
5. List Current Motion(s) Pending:
6. List all known fact witnesses by name. If unknown, describe the witness (Ex. FHP Trooper):
7. List all known expert witnesses by name. If unknown, indicate the anticipated areas of expert witness testimony:
8. List and describe key documents and/or evidence known as this time (Ex. Medical records, contract documents, pictures, video surveillance, etc.):
9. Please indicate the type of written discovery that you anticipate will be propounded in this case:

- a. Interrogatories
 - b. Expert Interrogatories
 - c. Update Interrogatories
 - d. Requests for Production
 - e. Requests for Admission
 - f. Non-Party Subpoenas
10. Are there issues pertaining to Electronically Stored Information?
11. As it pertains to anticipated depositions in this case,
- a. how many depositions will be taken by Plaintiff(s)?
 - b. how many depositions will be taken by Defendant(s)?
 - c. how many will be outside of the South Florida area (beyond Miami-Dade, Broward, Palm Beach and Monroe Counties)?
12. Do you anticipate inspections to be requested/required?
- a. If so, how many?
 - b. and, what type of inspections?
13. Do you anticipate the need for Comprehensive Medical Examinations?
- If so, how many?
14. Do you anticipate needing the appointment of a special magistrate?
15. Do you believe early mediation will be fruitful in this case?
16. As it pertains to the trial in this case,
- a. is it jury or non-jury?
 - b. how many days needed for trial? (6 hours is a typical trial day in this division)
17. Are you aware of any issues that may possibly delay the normal progression of this case? (Ex. Maternity leave, bankruptcy, upcoming surgeries, extended special set trial in another case, etc.)
- If so, please specify
18. Fill out the following contact information:

<u>Party</u>	<u>Attorney Name</u>	<u>Telephone #</u>	<u>Email Address</u>

Indicate which of the following applies:

- This Joint Report was prepared pursuant to the information provided by the parties, following a full meet and confer.
- This Joint Report was prepared pursuant to the information provided by the parties but there was no meet and confer.

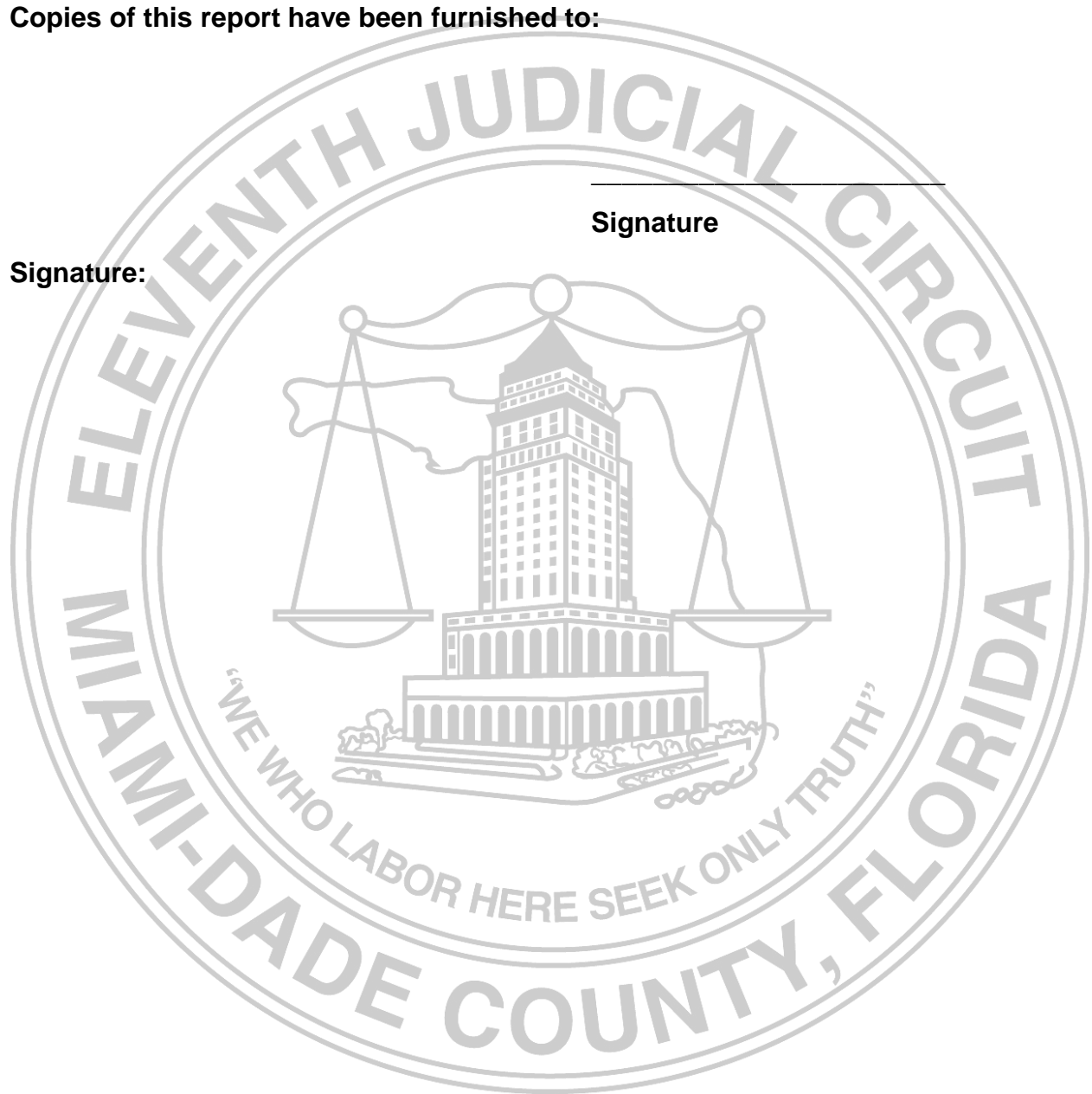
This Joint Report was prepared solely based on the undersigned's information of the case. No information was provided by any other party and no meet and confer.

None of the above – explain:

Copies of this report have been furnished to:

Signature

Signature:



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.: xxx-xxxxx-xx-xx

Section:

Plaintiff,

vs.

Defendant.

ORDER SETTING CASE MANAGEMENT CONFERENCE

This case came before the Court for docket review and it is hereby:

ORDERED AND ADJUDGED:

Counsels for the parties shall appear before the Honorable xxxxxxxx, in Chambers, Room at the Dade County Courthouse, 73 West Flagler Street, at on . **ALL PENDING MOTIONS MAY BE HEARD. THIS HEARING SHALL NEITHER BE CANCELLED NOR RESCHEDULED WITHOUT COURT ORDER. FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR DEFAULT WITHOUT FURTHER NOTICE.**

Parties may appear telephonically by submitting a written request and proposed order via e-Courtesy two (2) days prior to the hearing.

DONE and ORDERED in chambers at Miami Dade County, Florida this xx day of xxxxxx, xxxx.



CIRCUIT COURT JUDGE

Phase 5: Issuing Trial Order

Following the CMC, if case is at issue, Case Manager to set case for Trial. If Case has already been set for Trial, Case Manager to monitor case through running of weekly reports for any changes that may affect the ability to go to Trial. Case Manager should set any pending motions on the Judge’s Calendar in order to effectively keep the Case within the established Case Management Plan guidelines.

A. Case at Issue

- An action is at issue after many motions directed to the last pleading served have been disposed of or, if no such motions are served, 20 days after service of the last pleading.

B. Notice for Trial

- Any party may file and serve a notice that the action is at issue and ready to be set for trial. The notice Should include an estimate of the time required, whether the trial is to be by a jury or not.
- If the Case Manager finds the action ready to be set for trial, Case Manager Should enter an Order fixing the date for trial. Trial Should be set not less than 35 days from the service of Notice of Trial

C. Order of Default

- **Clerk’s Default:** If Clerk issues a Default, Case Manager to set case for Default Final Hearing 35 days out.
- **Judicial Default:** If a Motion for Judicial Default has been filed, Case Manager to set case for Default Final Hearing 35 days out

D. Motion for Continuance:

- Case Manager to track the filing of Motion’s for Continuance to see if they have been granted by the Judge.
- If a continuance is granted, Case Manager to issue an amended case management plan with new trial date along with new trial order when case is at issue.

<u>Purpose:</u>	To provide ease of access to the civil justice system by reducing the cost and length of case dispositions/trials.
<u>Overview:</u>	<ul style="list-style-type: none"> • Issue Trial Order when case is at issue. • Set Default Final Hearing when all parties have defaulted. • Manage roll over/continuances to make sure cases are set for trial
<u>Resources Used:</u>	<ul style="list-style-type: none"> • Tyler Odyssey • Mentis aiSmartBench
<u>Order(s) Used:</u>	<ul style="list-style-type: none"> • Jury Trial Order • Non-Jury Trial Order • Foreclosure Trial Order • Order Setting Final Hearing/Trial • Order of Dismissal
<u>Timeframe:</u>	To being at least 20 days after service of the last pleading and/or once case is at issue after all pending motion have been disposed of.
<u>Challenges:</u>	Cross coordinating dates/events

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

JURY/NON-JURY TRIAL ORDER

THIS CAUSE is set for **Jury/Non-Jury** Trial before the undersigned in a courtroom assigned for his/her use in the XXXX, XXXXXX, for the XXXXX week period commencing XXXXX, or as soon thereafter as the same may be heard.

ALL COUNSEL/PARTIES, pursuant to Fla. R. Civ. P. 1.200, are directed to appear before the undersigned Judge, at the Dade County Courthouse, for **Call of the Calendar** at XXXXX on XXXXXXX. All attorneys should be thoroughly familiar with the cause and prepared to consider and determine such matters as are set forth in Rule 1.200(b). **Failure to appear** as directed or to otherwise strictly comply with the terms of this Order may result in sanctions including, dismissing the action, striking the pleadings, limiting proof or witnesses or taking any other appropriate action. It is further

ORDERED AND ADJUDGED as follows:

1. The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the **entire trial period** or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure. See Rules 1.300 and 1.460 F.R.Civ.P. and Rule 2.085 of the Rules of Judicial Administration.

2. Pretrial Deadlines are set forth below, consistent with the Case Management Order:

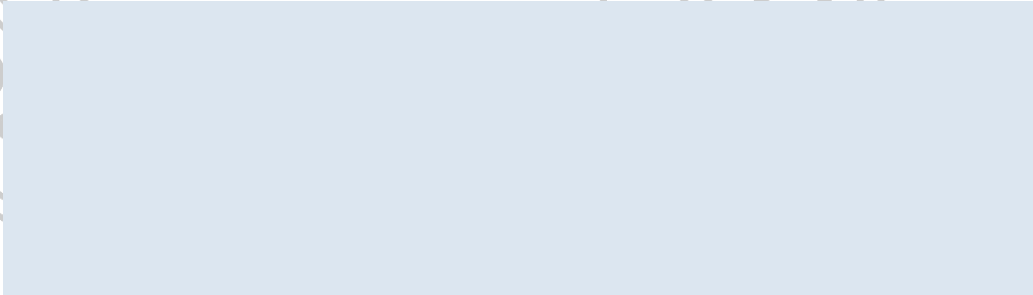
Deadline for Propounding Requests for Production, Requests to Admit and Interrogatories:	
Deadline for Initial Scheduling and Setting of Depositions:	
Case Management Conference:	

Deadline for Witness and Exhibit List:	
Deadline for Expert Disclosure: (Parties shall furnish opposing counsel with the names and addresses of all expert witnesses under Rule 1.390(a) to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5). Each party is limited to one expert per specialty. No other expert testimony shall be permitted at trial. Information furnished pursuant to this paragraph shall be timely filed with the Clerk of Courts)	
Deadline for Inspections/Examinations:	
Deadline for Discovery Completion (Including Depositions):	
Deadline for Dispositive Motions:	
Deadline for Jury Instructions:	
Deadline for ADR/Mediation:	

3. Counsel shall comply with the deadlines. Settlement does not affect this obligation until a dismissal is filed. Counsel shall also notify the court of any pending hearings that will be cancelled as a result of the settlement.

4. The above deadlines govern this case. Deadlines are not extended in the event of a continuance unless specifically amended by the Court in a revised case management plan or trial order.

DONE AND ORDERED in Chambers, at Miami, Dade County, Florida, on this XX day of XXXX, XXXX.



XXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI DADE COUNTY, FLORIDA**

Plaintiff	Defendant	Case No.

**FORECLOSURE UNIFORM ORDER
SETTING CAUSE FOR NON-JURY TRIAL, and
TRIAL INSTRUCTIONS**

ATTORNEY TRYING CASE MUST APPEAR. If unrepresented, the party must appear. FAILURE TO APPEAR WILL RESULT IN STRIKING OF PLEADINGS, AND DISMISSAL OF CASE OR ENTRY OF DEFAULT. THE COURT ALSO HEREBY NOTICES THE TIME OF TRIAL.

THIS CAUSE is set for Non-Jury Trial before **XXXX** in Room **XXXXXX** of **XXXXXXX** commencing **XXXXX** at **XXXXXX** or as soon thereafter as the same may be heard.

NO MOTIONS FOR CONTINUANCE WILL BE HEARD AT TRIAL

Plaintiff is directed to immediately locate the original Note and bring it to trial. Failure to timely do so will not be grounds for continuance. If the Note was previously filed, it is essential that Plaintiff investigate its status and request any file with sufficient time in advance of trial.

All attorneys should be thoroughly familiar with the cause and prepared to consider and determine such matters as are set forth in Rule 1.200, Fla. R. Civ. P. (2010). Accordingly, said notice further constitutes your notice of pretrial and case management conference. **Failure to appear as directed or to otherwise strictly comply with the terms of this Order may result in sanctions including dismissing the action, striking the pleadings, limiting proof or witnesses, or taking any other appropriate action.** It is further

ORDERED AND ADJUDGED as follows:

The parties shall do all things reasonable and necessary to assure the availability of their witnesses for the **entire** trial period or to otherwise preserve their testimony for trial as provided by the Florida Rules of Civil Procedure. See Rule 1.300.

1. The following shall be done no later than **THIRTY (30) days** prior to trial date set forth above:

(a) Parties shall furnish opposing counsel with the names and addresses of all expert witnesses to be called at trial and all information regarding expert testimony that is required by Rule 1.280(b)(5)(A). Each party is limited to one expert per specialty. No

other expert testimony shall be permitted at trial. Information furnished pursuant to this paragraph shall be timely filed with the Clerk of the Court.

(b) All exhibits to be offered in evidence at trial shall be made available to opposing counsel for examination and initialing.

2. The following shall be done no later than **FIFTEEN (15) days** prior to the trial date set forth above:

(a) Parties shall furnish opposing counsel with a written list containing the individual proper names and addresses of all non-expert witnesses (impeachment, rebuttal or otherwise) intended to be called at trial and only those witnesses listed shall be permitted to testify. A written list identifying all exhibits intended to be offered shall also be furnished to opposing counsel and only those exhibits may be offered in evidence. Copies of witness and exhibit lists shall be timely filed with the Clerk of the Court.

(b) All pre-trial motions, depositions noticed for use at trial and/or discovery matters or proceedings related thereto shall have been completed. **Attorneys are admonished to undertake, initiate, and/or complete all discovery in such a manner as to comply with the time limitations set forth herein. No further discovery procedures or depositions for preservation of testimony shall be allowed without specific leave of Court or Court-approved written agreement of counsel.**

(c) Counsel shall meet with a view toward exhausting all efforts to reach a settlement.

3. Counsel shall immediately notify this Court in the event of settlement and submit a Stipulation for and Order of Dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement.
4. In the event the Trial of this matter is continued, then each time limitation and provision contained above shall apply as to the new trial date.

DONE AND ORDERED this XXX day of XXXX, XXXX.

XXXX
Circuit Court Judge

Electronic Service List:

Mailing Service List:

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: XXXX-XXXXXX-CA-01

Section: XXXX

Plaintiff,

vs.

Defendant.

_____ /

ORDER SETTING FINAL HEARING/TRIAL

THIS CAUSE, having come before the court on Plaintiff's Motion for Default, after review of the file, it is hereby

ORDERED AND ADJUDGED: Counsel/Parties are directed to appear before the Honorable XXXX , in Chambers, Room XXXXX at the XXXXXX, XXXXXX, at on XXXX XX, XXXX.

This case will be set as a summary judgement hearing if Plaintiff timely files same.

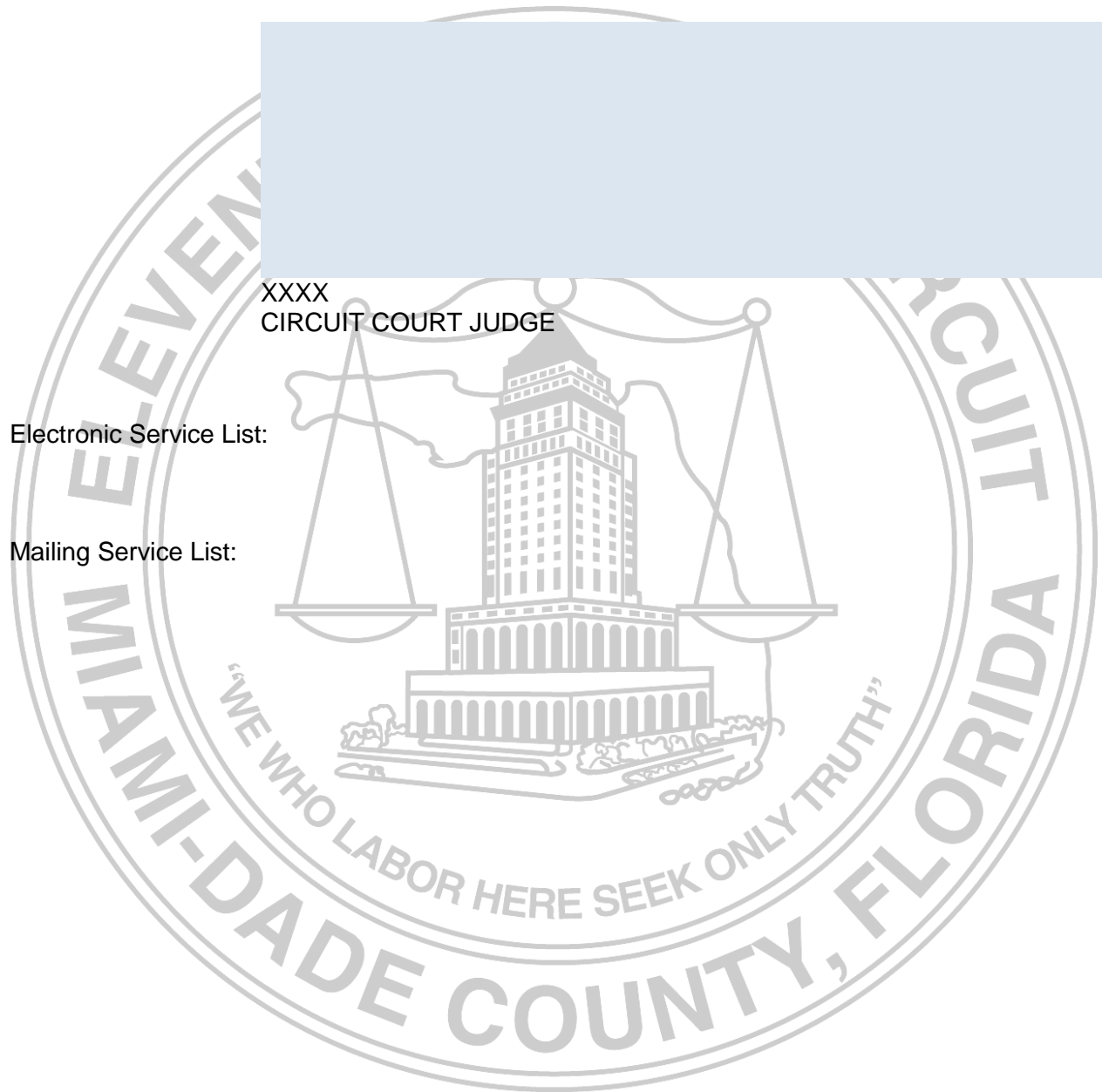
Plaintiff must submit a complete summary judgment package including all exhibits, to ecourtesy in advance of the hearing. If Plaintiff fails to timely file a summary judgment motion, parties will proceed with trial at the date and time listed above. Parties shall file witness and exhibit lists 30 days in advance, and shall appear ready to proceed. **Plaintiff shall bring the original note to the hearing if this is a foreclosure.**

DONE AND ORDERED in chambers, at Miami-Dade County, Florida, this XX day of
XXXX, XXX.

XXXX
CIRCUIT COURT JUDGE

Electronic Service List:

Mailing Service List:



**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.: xxxx-xxxxx-xx-xx

Section: CA 30

Plaintiff,

vs.

Defendant.

_____ /

ORDER OF DISMISSAL

THIS CAUSE, having come before the court, and the court having been fully advised on the matter, it is hereby,

ORDERED AND ADJUDGED that this case be and the same is hereby DISMISSED

WITH Prejudice

WITHOUT Prejudice

for the following reason:

Settlement – The court retains jurisdiction to enforce the settlement agreement

Voluntary Dismissal

Lack of Prosecution

Failure to comply with Court Order and failure to show cause

Failure to timely secure counsel or file motion of intent to proceed

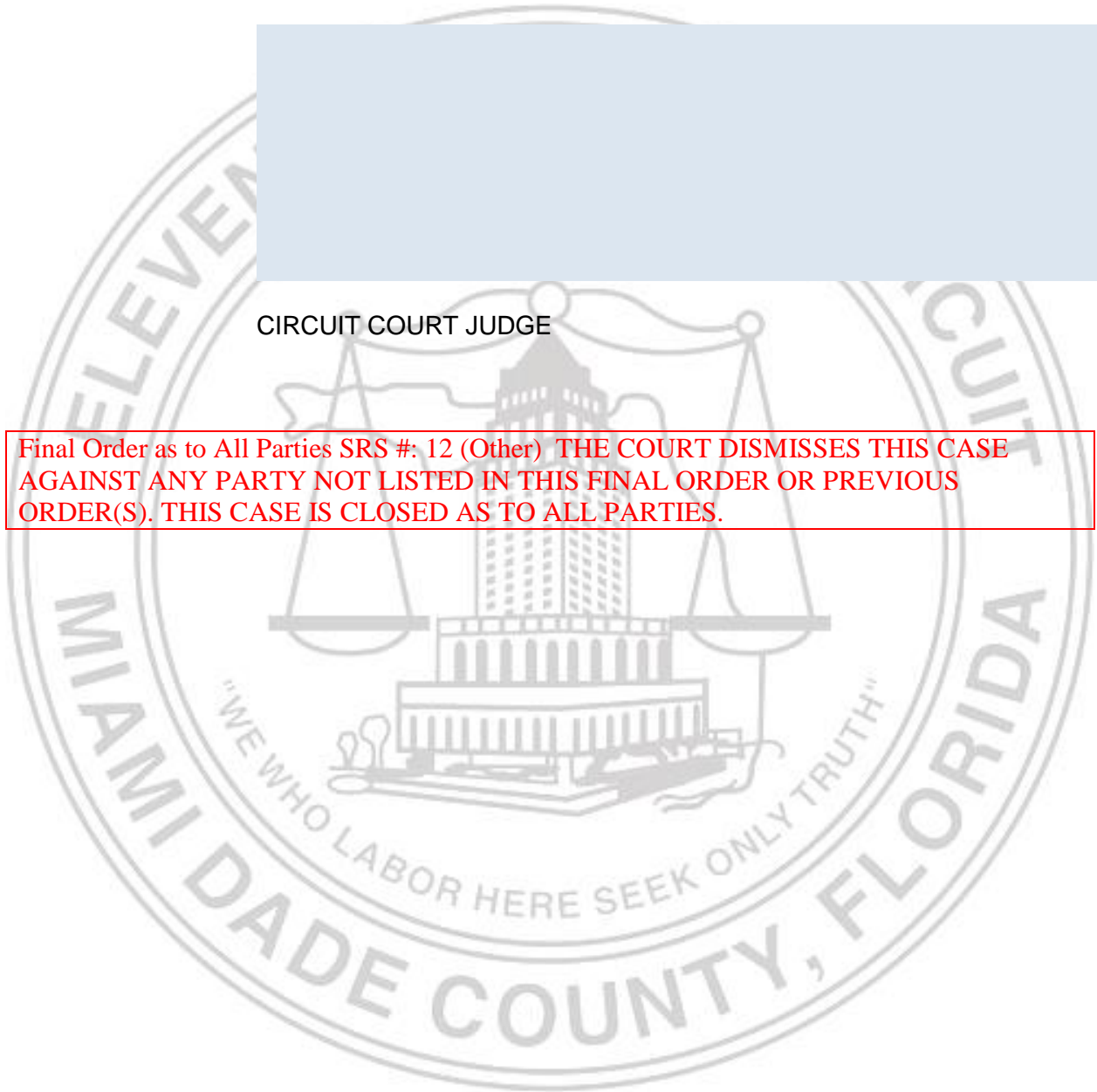
Judicial labor complete

Other:

DONE AND ORDERED, in Chambers at Miami-Dade County, Florida this xx day of xxxxxx,
xxxx.

CIRCUIT COURT JUDGE

Final Order as to All Parties SRS #: 12 (Other) THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.



NOTES