

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO: 12-34121(07)

COMPLEX BUSINESS LITIGATION UNIT – JUDGE STREITFELD

Margaret J. Smith, et al.,

Plaintiff(s)

Vs.

Janet A. Hooker Charitable Trust, et al.,

Defendant(s)

ORDER SETTING CASE MANAGEMENT CONFERENCE

This matter has been transferred to **JUDGE JEFFREY E. STREITFELD** of the Complex Business Litigation Unit.

The Complex Civil Division judge will hear all motions. The parties will no longer have any hearing on this matter before the previously-assigned civil division judge. All hearings shall be specially set and the parties are directed to contact the undersigned's judicial assistant to schedule hearings after determining dates of availability between counsel.

Pursuant to Rule 1.201, Fla.R.Civ.P. this court orders a **mandatory** case management conference to be held in **Room 920A**, or a courtroom to be designated, 201 S.E. 6th Street, Fort Lauderdale, Florida, on **Friday, March 1, 2013, AT 3:00 P.M.** **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 any pleadings, limiting proof or witnesses, or taking any other appropriate action.

1. All attorneys should be **thoroughly familiar** with the cause and prepared to consider and determine such matters as are set forth in Rule 1.201, Fla.R.Civ.P.
2. The Court may:
 - A. Transfer the case back to the Judge that transferred the case to the Complex Civil Division;
 - B. Set or reset the time of trial, subject to Rule 1.440(c), Fla.R.Civ.P. All counsel **shall** bring their schedules for the next twelve months to enable the court to schedule trial.
 - C. Set a Summary Jury Trial.
 - D. Send the case to Mediation and/or Arbitration;

- E. Pursue the possibilities of settlement;
- F. Require filing of Pre-Trial Stipulations;
- G. Schedule other conferences or determine other matters that may aid in the disposition of the action.

3. **Pursuant to Rule 1.201(b), at least twenty (20) days** prior to the date of the initial case management conference, attorneys for the parties as well as any parties appearing pro se shall confer and prepare a joint statement. **No later than fourteen (14) days** prior to the conference, counsel **shall** file the Joint Statement, and **deliver a courtesy copy to this Court** the following:

- A. A brief factual statement of the action, which includes the claims and defenses ;
- B. A brief statement on the theory of damages by any party seeking affirmative relief;
- C. The likelihood of settlement;
- D. The likelihood of appearance in the action of additional parties and identification of any non -parties to whom any of the parties will seek to allocate fault;
- E. The proposed limits on the time: (i) to join other parties and to amend the pleadings, (ii) to file and hear motions, (iii) to identify any non-parties whose identity is known, or otherwise describe as specifically as practicable any non-parties whose identity is not known, (iv) to disclose expert witnesses, and (v) to complete discovery;
- F. The names of the attorneys responsible for handling the action;
- G. The necessity for a protective order to facilitate discovery;
- H. Proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses, and the number and timing of motions for summary judgment or partial summary judgment;
- I. The possibility of obtaining admissions of fact and voluntary exchange of documents and electronically stored information, stipulations regarding authenticity of documents, electronically stored information, and the need for advance rulings from the court on admissibility of evidence;

- J. Suggestions on the advisability and timing of referring matters to a magistrate, master, other neutral, or mediation.
- K. A preliminary estimate of the time required for trial;
- L. Requested date or dates for conferences before trial, a final pretrial conference, and trial;
- M. A description of pertinent documents and a list of fact witnesses the parties believe to be relevant.
- N. Number of experts and fields of expertise; and
- O. Any other information that might be helpful to the court in setting further conferences and the trial date.
- P. Number of parties; number of peremptory challenges.
- Q. A statement of any concerns or procedures for the jury selection process;
- R. A statement of any need for special equipment necessary for the trial of the case, including a description of the equipment;
- S. A statement of the need for any special courtroom facilities, interpreters, etc.;
- T. A statement of any efforts to date to resolve the case, including mediation or arbitration. Be prepared to discuss names of mediators or arbitrators who counsel can agree to in the event the court orders mediation or arbitration. A list of at least five (5) certified mediators who are acceptable for mediation.
- U. Any special matters that the parties would like to bring to the attention of the court.

NOTE: STATEMENTS ARE DUE NO LATER THAN FOURTEEN (14) DAYS) PRIOR TO THE CONFERENCE.

At the conclusion of the conference, it is the intention of the Court to set the trial date. If counsel's clients or expert witnesses have any conflicts, be prepared to discuss that at the time of the conference.

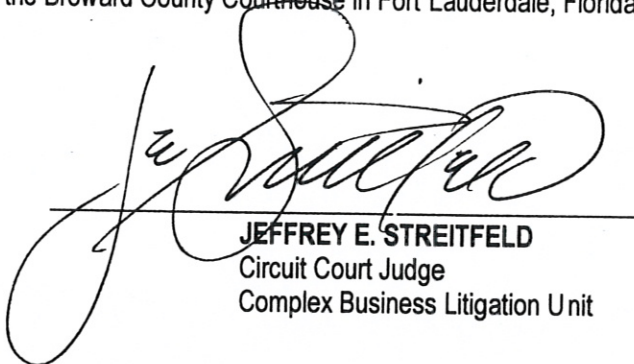
- 4. Counsel shall furnish to the Court courtesy copies of the pending motions and responses that have been set in conjunction with this case management conference.

This hearing may be canceled only if the action is settled and a final order of dismissal is issued or if the action is dismissed. All counsel have the responsibility of immediately informing the court of a settlement of the case.

COMPLIANCE WITH THIS ORDER IS MANDATORY IN ORDER TO ENABLE THE COURT TO ADEQUATELY MANAGE THE DOCKET. FAILURE TO FOLLOW THIS ORDER IN ANY RESPECT MAY RESULT IN THE IMPOSITION OF SANCTIONS.

DONE AND ORDERED in Chambers at the Broward County Courthouse in Fort Lauderdale, Florida, this 17th day

of January, 2013.



JEFFREY E. STREITFELD
Circuit Court Judge
Complex Business Litigation Unit

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 Court Administrator's ADA Coordinator at 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, telephone number 954-831-7721 within two working days of your receipt of this document. If you are hearing impaired, call (954) 831-7017 (TTY), or 1-800-955-8770 (Voice).

Copies furnished to counsel of record:
Leonard K. Samuels, Esq.