

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

CASE NO.: 12-34123(07)

COMPLEX BUSINESS LITIGATION UNIT

JUDGE JEFFREY E. STREITFELD

P&S Associates, General Partnership, et al.,

\_\_\_\_\_  
Plaintiff(s),

vs.

Michael D. Sullivan, Inc., et al.,

\_\_\_\_\_  
Defendant(s),

**ORDER RE-SETTING TRIAL, CASE MANAGEMENT CONFERENCE,  
PRE-TRIAL INSTRUCTIONS AND CALENDAR CALL**

THIS CAUSE IS SET FOR THE DOCKET COMMENCING **Monday, March 30, 2015, through June 26, 2015**, with **Calendar Call on Friday, March 13, 2015, at 9:30 a.m. in Room 920A**. Counsel shall keep themselves apprised of the status and progress of the cases they are trailing.

A **FINAL CASE MANAGMENT CONFERENCE** is set for **To Be Set** in Room\_\_\_\_\_, Broward County Courthouse, 201 SE 6<sup>th</sup> Street, Fort Lauderdale, Florida.

**THIS CAUSE** is set for Jury/Non Jury Trial before **JEFFREY E. STREITFELD** in **Courtroom To Be Announced**, Broward County Courthouse, 201 S.E. 6<sup>th</sup> Street, Fort Lauderdale, Florida. The parties and their counsel are on notice that due to the nature of the cases and the potential length of trial, cases in the Complex Civil Division are set for an approximate trial date following the completion of the preceding case. Counsel are ordered to monitor the progress of the preceding case to insure their preparation to immediately commence trial when the case is called to trial.

**CASE MANAGEMENT ORDERS SHALL CONTROL.** If there are conflicts between this Order Setting Trial and Case Management Orders entered by the Court, the provisions of the Case Management Orders shall control.

**I WITHIN TWENTY (20) DAYS FROM THE DATE OF THIS ORDER:**

### EXPERT WITNESSES DISCLOSURE

1. Parties shall furnish opposing counsel with the names and addresses, along with complete and updated curriculum vitae of all expert witnesses to be called at trial, and **all information** regarding expert testimony that is required by Rule 1.280(4)(A); and
2. Parties shall furnish opposing counsel with two (2) alternative dates of availability of all expert witnesses for the purpose of deposition and otherwise cooperate with one another in setting same in a timely manner.

### **II NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO THE COMMENCEMENT OF TRIAL, THE PARTIES SHALL FILE A JOINT PRE-TRIAL STIPULATION AND SERVE A COPY ON THE UNDERSIGNED JUDGE:**

The stipulation shall contain in separately numbered paragraphs the following:

1. Statement of the Facts: A concise, impartial statement of the facts of the case.
2. Stipulated Facts: A list of those facts that can be stipulated and require no proof at the trial.
3. Statement of Disputed Law and Fact: Those issues of law and fact that are to be tried.
4. Exhibit Lists: Each party shall separately list all exhibits they intend to introduce into evidence. Each item shall be listed by number and description on a separate schedule attached to the stipulation. Each exhibit shall be specifically described. Generic descriptions of exhibits are subject to being stricken. Counsel shall initial each other's exhibit list. All exhibits to be offered in evidence at trial shall have been made available to opposing counsel for examination and initialing. Only those exhibits listed may be offered in evidence. If any party objects to the introduction of any such exhibit, such objection must be stated in the stipulation, setting forth the grounds with specificity. Demonstrative exhibits to be used at trial must be displayed to all counsel before being shown to the jury.
5. Witness Lists: Parties shall attach and furnish counsel with a written list in alphabetical order containing the names and addresses of all witnesses ("rebuttal", "impeachment" or otherwise) intended to be called at trial. Only those witnesses listed shall be permitted to testify. All witness lists shall include a brief description of the testimony to be elicited from such witness. All expert witnesses and their specialties shall be so designated. If any party objects to any witness, such objection must be stated in the stipulation, setting forth the grounds with specificity. At trial, all parties shall be strictly limited to witnesses properly and timely disclosed.
6. Agreed Jury Instructions: Identify all agreed upon standard instructions. Attach copies of all special instructions agreed upon.
7. Disputed Jury Instructions: Instructions not agreed to by all other parties shall be identified. Copies of any proposed special instructions shall be attached to the stipulation, along with copies of supporting cases.
8. Verdict Forms: Agreed verdict forms or disputed verdict forms shall be attached.
9. Peremptory Challenges: State the number of peremptory challenges for each party.
10. Pending Motions: A list of all pending motions requiring action by the Court.
11. Trial Estimate: Estimate of the number of days of trial.

### **III NO LATER THAN FORTY-FIVE (45) DAYS prior to the scheduled commencement of the trial as set forth in this Order, the following shall be completed:**

1. Discovery shall be cut off.
2. All discovery depositions, all depositions of experts, and all depositions to preserve testimony of any witness, including experts;
3. All pre-trial motions shall have been heard or already set for hearing before the undersigned.

**IV The parties shall exchange designations for all PERPETUATED TESTIMONY. All objections shall be exchanged promptly. Any Objection which requires a ruling by the Court shall be submitted (courtesy copy to the Court) ON OR BEFORE CALENDAR CALL. A copy of the transcript and the objection and grounds for such, citing the page and line of the objection, shall accompany the transcript.**

**V ALL PENDING MOTIONS** shall be heard by the Complex Civil Division. (Contact Judge Streitfeld's office to specially set all hearings).


**VI SETTLEMENT:** Counsel shall immediately notify this Court in the event of settlement and submit a Stipulation and Order of Dismissal. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement.

**THE PARTIES ARE CAUTIONED REGARDING THE FOLLOWING POLICIES OF THE COURT:**

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 Florida Rules of Judicial Administration.
2. **NO CONTINUANCES** will be granted without written Motion and Order **prior to calendar call**; no continuances will be later granted for reasons that should have been readily apparent to counsel when this trial order was received; or because expert witnesses are unavailable for trial since their testimony may be preserved by deposition. **Continuances requested for reasons relating to failure to follow this Order will not be granted.**
3. **THE REQUIREMENTS OF THIS PRETRIAL ORDER CANNOT BE WAIVED BY STIPULATION.**

**DONE AND ORDERED** in Chambers, Broward County, Fort Lauderdale, Florida, this 15<sup>th</sup> day of July,

2014.

  
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**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 Diana Sobel, Room 470, 201 S.E. Sixth Street, Fort Lauderdale, Florida 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Copies furnished to:

Thomas M. Messana, Esq.  
Leonard K. Samuels, Esq.  
Peter G. Herman, Esq.  
Gary Woodfield, Esq.  
Jonathan Etra, Esq.  
Robert J. Hunt, Esq.  
Harry Winderman, Esq.