

**IN THE CIRCUIT COURT IN AND FOR THE SIXTH JUDICIAL
CIRCUIT IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION
CASE NO. _____**

Plaintiff(s),

Defendant(s).

ORDER SETTING TELEPHONIC FORECLOSURE NON-JURY TRIAL

The Court has reviewed the Court file and is otherwise duly advised in the premises. Therefore, it is hereby

ORDERED as follows:

The telephonic foreclosure non-jury trial of this matter shall take place:

Date:

Time:

**THE TRIAL IS TELEPHONIC AND ANY PARTY WHO WANTS TO PARTICIPATE
IN THE TRIAL IS TO CALL THE FOLLOWING CONFERENCE LINE:
(425) 436-6328 (ACCESS CODE: 480278#)**

**NOTE: PLEASE MUTE ON YOUR END, DO NOT PUT ON HOLD OR EVERYONE
WILL ONLY HEAR MUSIC.**

****PLEASE NOTE, ANY DOCUMENTS/EVIDENCE THAT YOU WISH THE JUDGE TO
CONSIDER MUST BE RECEIVED BY THE JUDGE'S OFFICE AT LEAST 5 DAYS
PRIOR TO TRIAL.****

**ALL PARTIES MUST ATTEND OTHERWISE THEY WAIVE THEIR RIGHT TO
PARTICIPATE.**

The following guidelines for Section 7 shall control the trial, exhibits and testimony of the foreclosure non-jury trial, unless otherwise specified by the Court in a separate Order. The parties shall proceed as follows:

1. **REFERRAL TO MEDIATION:**

If mediation has been requested or is being contemplated and it has not yet taken place or been scheduled, it must be completed no later than two weeks prior to the trial date. Plaintiff shall have the responsibility for setting the mediation, if necessary, and the costs incurred shall be paid

by the Plaintiff. Any further mediations shall be shared equally between the Plaintiff and the Defendant(s).

2. **DISCOVERY PROVISIONS:**

- (a) All discovery must be completed not later than 60 days prior to the trial in this matter.
- (b) Sanctions will be imposed for failure to comply with the *Florida Rules of Civil Procedure* and the *Administrative Rules of the Sixth Judicial Circuit*.
- (c) The filing of motions that are not set for immediate hearing and heard will not toll the compliance with a requirement.
- (d) “Compliance” with discovery and with the “Rules” means complete compliance. Failure to comply fully will constitute non-compliance.
- (e) Any dispositive motions shall be filed and set for hearing no later than 45 days prior to trial.

3. **EXCHANGE OF WITNESS LISTS AND EVIDENCE SCHEDULES:**

Not later than 30 days before the trial, attorneys and *pro se* parties shall serve upon each other (but NOT file) the following:

- (a) **List of All Witnesses** including known impeachment and rebuttal witnesses, which the party might call at trial. The list shall contain the name, address and telephone number of the witness and whether the witness is a liability or damage witness. Additionally, expert witnesses shall be designated as such.
- (b) **Schedule of All Exhibits** which a party may offer at trial numbered sequentially. The schedules will include all depositions to be offered in evidence at trial.
- (c) Any objections to witnesses or exhibits shall be in writing and wiled within 20 days of the trial and written responses within 10 days of the trial.

4. **REQUIREMENTS PRIOR TO TRIAL -**

- (a) **Unique Questions of Law.** Prior to trial, counsel for the parties are directed to exchange and simultaneously submit to the Court appropriate memoranda with citations to legal authority in support of any **unique** legal questions which may reasonably be anticipated to arise during the trial.
- (b) **MEETING OF ATTORNEYS AND PRO SE PARTIES.** No later than 10 (ten) working days prior to the trial, counsel who will try the case, and *pro se* parties, if any, shall meet. Attendance at this meeting is mandatory. Plaintiff’s

attorney and Defendant's attorney (or pro se Defendant) shall arrange a mutually agreeable time, date and place for this meeting.

At the meeting the attorneys and pro se parties shall:

1. Discuss and attempt to settle the case;
2. Produce, examine, and INITIAL every evidentiary exhibit intended to be offered at trial;
3. Agree upon those exhibits which can be admitted as joint exhibits;
4. Agree upon those which can be admitted without objection;
5. Identify those exhibits to which objection(s) will be made and the grounds of each objection and note the objections on a separate copy of each party's exhibit schedule;

Objections not reserved or grounds not noted on such separate schedule will be deemed waived at trial. Agreements and objections will be filed with the Court not later than 1 (one) week prior to trial.

6. Review the witness and exhibit lists and in good faith note on a separate copy which witnesses and depositions will actually be used at trial;
7. Discuss and stipulate as to those facts which will require no proof at trial;
8. Discuss, clarify and frame all factual issues of fact to be tried;
9. Identify all issues of law, procedure or evidence to be decided by the Court prior to or during trial;
10. Discuss and attempt to agree upon any other matters, which will lead to a more orderly and expeditious trial, e.g., copies in lieu of originals, witnesses out of turn, which portions and how depositions will be presented, etc.

****PLEASE NOTE: ALL EVIDENCE, INCLUDING COPIES OF AFFIDAVITS, AND PROPOSED FINAL JUDGMENTS WITH COPIES AND SELF ADDRESSED STAMPED ENVELOPES FOR ALL PARTIES ARE TO BE RECEIVED BY THE JUDGE'S OFFICE AT LEAST FIVE (5) DAYS PRIOR TO THE TRIAL DATE.****

5. **PREMARKING EXHIBITS.** Prior to trial, each party shall mark for identification all exhibits.

6. **EXPECTATIONS:** All counsel and pro se litigants are expected to be prepared and ready for trial when the matter is called for trial. Witnesses must be present and under subpoena. Failure of a party to appear at trial and be fully prepared for trial may result in either a dismissal of the action or a default being entered by the Court.
7. **NON-COMPLIANCE:** Non-compliance with any portion of this Order may result in the dismissal or striking of the case, witnesses, or exhibits, or imposition of such other sanctions as are just.
8. **SETTLEMENT:** The parties will notify the Court immediately upon settlement by emailing the Judicial Assistant at section7@jud6.org and will state in the subject line of the email the words (**URGENT – SETTLEMENT**).

ORDERED in Pinellas County, Florida, on _____, 20____.

Patricia A. Muscarella, Circuit Judge

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. For proceedings before the Courts of Pinellas County: Please contact the Human Rights Office, 400 S. Ft. Harrison Ave., Ste. 300, Clearwater, FL 33756, (727) 464-4062 (V/TDD) 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 to:

EXHIBIT 5