In Re: The Marriage of

Petitioner Name**,**

Petitioner,

and

Respondent Name**,**

Respondent.

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IN THE CIRCUIT COURT OF

THE EIGHTEENTH JUDICIAL CIRCUIT

IN AND FOR BREVARD COUNTY

STATE OF FLORIDA

Case No. **05-**Year**-DR-**Number**-XXXX-XX**

**ORDER SETTING PRETRIAL CONFERENCE**

**AND NONJURY TRIAL**

 **THIS CAUSE** came before the Court on July 15, 2017 for Pretrial and/or Case Management Conference and the following persons appeared at said hearing: Counsel for the Petitioner and Counsel for the Respondent, and the Court having been advised in the premises.

 It is hereby **ORDERED** and**ADJUDGED** as follows:

**Case Management Conference**. Case Management Conference shall be held before this Court at the Brevard County Courthouse located at 51 South Nieman Avenue, Melbourne, FL 32901 atTimeonDate**. The parties or their counsel may appear by telephone and may waive Case Management Conference by written stipulation.**

**Mediation**. The parties shall mediate the remaining issues in this case in accordance with the following:

1. The mediation shall be completed prior to the date of the Case Management Conference/ Pretrial Conference set herein.
2. Counsel for the parties shall promptly confer with respect to the selection of a mediator who satisfies the criteria set forth in Rule 12.741(b)(6)(A), Florida Family Law Rules.
3. If the parties cannot agree as to a mediator within 10 days from the date of this Order, the Petitioner or their counsel shall so notify the Court and, upon being so notified, the Court shall appoint a certified mediator selected by rotation or by such other procedure as may have been adopted by administrative order of the Chief Judge of the Eighteenth Judicial Circuit, in accordance with Rule 12.741(b)(6)(B), Florida Family Law Rules.
4. If the parties’ combined gross annual income does not exceed $100,000.00, they may agree for mediation shall be conducted by a Mediator assigned by the Family Mediation Program;
	1. Within 15 days from making said agreement, the parties or, if represented, their counsel shall contact the Family Mediation Program by telephone at (321) 690-6834 to commence making arrangements for the mediation and shall participate in a conference call as directed by the Family Mediation Program to coordinate the mediation; and,
	2. The parties shall comply with all the terms and provisions of Eighteenth Judicial Circuit **Administrative Order 16-30-B**.
5. Only the parties and their attorneys, if any, may attend the mediation.  Any third parties allowed in the session will be at the discretion of the Mediator and with the approval of the parties. **In accordance with Rule 12.407, Florida Family Law Rules, children under the age of 18 shall not be brought to mediation.**
6. Discovery is not stayed or suspended by the mediation process.

**Nonjury Trial**. This cause is hereby set for Non-Jury trial before the Honorable David E. Silverman at the Melbourne Courthouse, 51 S. Nieman Avenue, Melbourne, Florida 32901, commencing atTimeonDate**. The parties and their attorneys, if any, are directed to appear in person at the said time and place for trial.**

**Calendar**. The parties should consult the Court’s calendar, a link to which may be found on the Calendar page of ***davidsilverman.com***. If more than one case is set for this time, counsel and self-represented litigants shall be in contact with attorneys, if any, in the preceding case, and shall be ready for trial immediately after the disposition of that case.

**Court Reporter**. Any party desiring the services of a Court Reporter must make advance arrangements with the Reporter.

**Pretrial Conference**. Pretrial Conference shall be held before this Court at the Brevard County Courthouse located at 51 South Nieman Avenue, Melbourne, FL 32901 atTimeonDate**.** If the parties have exchanged witness lists and exhibits, the parties or their counsel: 1) may appear by telephone at the Pretrial Conference; or, 2) may waive Pretrial Conference by written stipulation confirming the exchange of witness lists and exhibits.

**Discovery Motions**. At the Pretrial Conference the Court shall address outstanding discovery motions provided they are properly noticed for hearing at that proceeding

**Pretrial Statement**. If not transmitted by email prior to the Pretrial Conference each party shall furnish to the other at the Pretrial Conference a Pretrial Statement including:

1. A list identifying by name and address, each person that party intends to call as a witness at the trial;

2. A list identifying each document, photograph, and recording (video, audio and/or digital) that party intends to introduce into evidence at the trial; and.

3. A statement of the issues to be tried and that party’s position with respect to each issue.

**Late Disclosure**. The name and address of any witness and a copy of any document not disclosed on the Pretrial Statement shall, upon its discovery, be immediately be emailed to the other party or counsel. The disclosing party or their counsel shall promptly file and serve a notice attaching any late-disclosed document and stating the substance of the expected testimony of any late-disclosed witness.

**Disclosure Deadlines**. Notwithstanding any other provision of this Order, the parties and their counsel shall comply with the following obligations and deadlines:

1. Discovery in this case shall be concluded at least **10** **days** prior to the trial date;
2. Copies of trial exhibits shall be furnished to the other party at least **10 days** prior to the trial date.
3. Expert witnesses shall be disclosed at least **20** **days** prior to trial; and
4. Attorney’s fees affidavits shall be filed with copies emailed to the other counsel at least **48 hours** prior to trial.

**Any document or witness not timely disclosed in accordance with this Order may be excluded from evidence at the trial.**

**Parenting Plan**. If not previously filed each party shall file a parenting plan within 15 days of this order.

. **Evidentiary Stipulations**. Pursuant to the parties’ stipulation at the Pretrial and/or Case Management Conference, at the trial of the case:

1. Custodians of business records shall not be required to testify with respect to documents disclosed on the Pretrial Statement and with copies furnished timely, provided they do not contain an expert opinion.
2. Copies may be introduced in lieu of originals.
3. Witnesses may be called out of order.

**Telephone Appearance**. Any party or counsel appearing by telephone for Case Management Conference and/or Pretrial Conference shall file and serve a Notice of Telephone Appearance – Family as set forth on form linked to the Filings page of ***davidsilverman.com*** and shall and provide a copy to the Court by email, at least **24 hours** prior to the proceeding.

 **DONE and ORDERED** in Chambers, Melbourne, Brevard County, Florida, on July 15, 2017.

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David E. Silverman

Acting Circuit Judge

Copies furnished by eservice to eportal recipients