

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case #09-80503-CIV-RYSKAMP\VITUNAC

Joel B. Rothman

Plaintiff

vs.

The Florida Bar, et al

Defendant

ORDER OF PRETRIAL PROCEDURES

This Order has been entered upon the filing of the Complaint. Plaintiff's counsel is hereby **ORDERED** to forward to all defendants, upon receipt of a responsive pleading, a copy of this Order.

The Court directs the parties to review and comply with all Federal Rules of Civil Procedure governing pretrial procedures, and with all relevant general rules promulgated in the Southern District of Florida, including S.D. Fla. LR 26.1 and 16.1. The parties shall hold a scheduling meeting **within twenty (20) days** after the filing of the first responsive pleading by the last responding defendant, or within ninety (90) days after the filing of a complaint, whichever shall first occur, and **prepare a scheduling report** (that complies with Rule 16.1(B)(2)) and a **joint proposed Scheduling Order** (sample attached), which shall be submitted to the court. A copy of the **joint proposed Scheduling Order** shall also be submitted in Word or WordPerfect format to Ryskamp@flsd.uscourts.gov (see the Court's internet site, CM/ECF Administrative Procedures). At the aforementioned scheduling meeting the parties shall fulfill all the purposes and requirements of the discovery planning meeting required by Fed. R. Civ. P. 26(f), as amended.

FAILURE OF COUNSEL TO FILE A SCHEDULING REPORT WILL RESULT IN DISMISSAL, DEFAULT AND THE IMPOSITION OF OTHER SANCTIONS INCLUDING ATTORNEYS FEES, COSTS AND EXPENSES. See S.D. Fla, LR 16.1(M)

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 1st day of April, 2009.

/S/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

CC: Counsel of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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SAMPLE
SCHEDULING ORDER

Pursuant to Local Rule 16.1(b)(7), IT IS **ORDERED AND ADJUDGED** as follows:

1. No pretrial conference shall be held in this action, unless the parties so request or the Court determines, sua sponte, that a pretrial conference is necessary. Should a pretrial conference be set, the compliance deadlines as set forth in the remainder of this Order shall remain unaltered.
2. Counsel shall meet at least ONE MONTH prior to the beginning of the trial calendar to confer on the preparation of a pretrial stipulation.
3. The joint pretrial stipulation shall be filed on or before the date set forth in the attached Notice of Trial and shall conform to Local Rule 16.1(e). The Court will not allow unilateral pretrial stipulations.
4. In cases tried before a jury, each party shall file the proposed jury instructions at least ONE WEEK prior to the beginning of the trial calendar. Additionally, one copy of the proposed jury instructions shall be sent in Word or WordPerfect format to Ryskamp@flsd.uscourts.gov. Each jury instruction shall be typed on a separate sheet and must be supported by citation of authority. In preparing their requested jury instructions, the parties shall utilize as a guide the *Pattern Jury Instructions* for civil cases approved by the United States Eleventh Circuit, including the Directions to Counsel contained therein. At the close of the evidence, a party may file additional instructions covering matters occurring at the trial that could not reasonably be anticipated, and with the Court's permission, file untimely requests for instructions on any issue.

5. In cases tried before the Court, each party shall file the proposed findings of fact and conclusions of law at least ONE WEEK prior to the beginning of the trial calendar. Proposed conclusions of law shall be supported by citations of authority.

6. All exhibits must be pre-marked. The plaintiff and defendant shall both mark their exhibits numerically. A typewritten exhibit list setting forth the number, and description of each exhibit shall be submitted at the time of trial. The parties shall submit said exhibit list on Form AO 187, which is available from the Clerk's office. All electronically filed exhibits should be listed as one attachment unless over 5mb (100 pages).

7. A motion for continuance shall not stay the requirement for the filing of a pretrial stipulation and, unless an emergency situation arises, a motion for continuance will not be considered unless it is filed at least twenty (20) days prior to the date on which the trial calendar is scheduled to commence.

8. Non-compliance with any provision of this order may subject the offending party to sanctions or dismissal. It is the duty of all counsel to enforce the timetable set forth herein in order to insure an expeditious resolution of this cause.

9. The following timetable shall govern the pretrial procedure in this case. This schedule shall not be modified absent compelling circumstances.

* _____ Joinder of additional parties and amended pleadings

* _____ Plaintiff shall furnish opposing counsel with a written list containing the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify. Within the 14 day period following this disclosure, the plaintiff shall make its experts available for deposition by the defendant. The experts' depositions may be conducted without further order from the Court.

* _____ Defendant shall furnish opposing counsel with a written list containing the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify. Within the 14 day period following this disclosure, the defendant shall make its experts available for deposition by the plaintiff. The experts' depositions may be conducted without further order from the Court.

* _____ Parties shall furnish opposing counsel with a written list containing the names and addresses of all witnesses intended to be called at trial and only those witnesses listed shall be permitted to testify.

* _____ All discovery must be completed.

* _____ All pretrial motions and memoranda of law must be filed.
(No later than one month after the close of discovery)

*(insert a specific date -- e.g. "October 1, 2009" -- not "30 days prior to etc.")

Pretrial Stipulation required by Local Rule 16.1.E shall be filed by _____.

This case is assigned to the _____ track.

This is a _____ trial.
(*Jury or Non-Jury*)

10. Trial date and calendar call will be set by separate notice.

11. If this case is settled, counsel are directed to inform the Court promptly by calling chambers and submitting an appropriate order for dismissal, within ten (10) days of notification of settlement to the Court, pursuant to Fed. R. Civ. P. 41(a)(1).

Dated this ____ day of _____, 2009.

KENNETH L. RYSKAMP
United States District Judge

copies provided: