

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,  
IN AND FOR HERNANDO COUNTY, FLORIDA

CASE NUMBER:

Petitioner,

and

Respondent.

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**ORDER SETTING CAUSE FOR  
PRE-TRIAL CONFERENCE AND NON-JURY TRIAL  
(Dissolution of Marriage)**

This cause coming on this day to be heard upon motion of one of the parties, and it appearing that the above cause is at issue and ready for trial, it is upon consideration,

**ORDERED** as follows:

1. That a pre-trial conference will be held on \_\_\_\_\_ before the undersigned Judge, Hernando County Courthouse, 20 North Main Street, in Chambers, Third Floor-Room 350, Brooksville, Florida. Each party shall be represented at the conference by the attorney who expects to conduct the actual trial, and who shall be familiar, not only with the provisions and purposes of Fla.Fam. L.R.P. 12.200, but with their own evidence, and who shall have full authority to discuss, agree, and stipulate, insofar as possible, on all matters of fact and law not in issue which will simplify and expedite the trial.

2. The parties to this cause shall be present at the pre-trial conference.

3. At least 5 days prior to said pre-trial conference, counsel shall deliver, by mail, or personally, to the undersigned judge at 20 N. Main Street, Brooksville, Florida, 34601 and a copy thereof to opposing counsel, a brief memorandum setting forth the following:

**THE MARRIAGE**

- a. The date and place of the marriage.
- b. The date and place of separation.
- c. Is marriage counseling requested by either party?

**THE CHILDREN**

- a. The names and ages of the children involved, if any.
- b. The party who presently has the majority of time-sharing with the children.
- c. The amount of child support requested and/or offered and/or being paid for the children.

- d. Whether or not the children are presently covered under any medical insurance policy.
- e. What, if any, special needs do any of the children have.
- f. Suggested time-sharing schedule for other parent.

#### **ALIMONY**

- a. The amount of alimony requested/offered/being paid.
- b. Nature of the alimony requested/offered (permanent, rehabilitative, lump sum, durational, bridge-the-gap).

#### **PERSONAL PROPERTY**

- a. A list of all personal property within the jurisdiction of this court that remains to be divided.
- b. A suggested division of said property.
- c. The value of each piece of property showing any lien or obligation against said property.
- d. Life insurance policies, if any, and whether said policies are term or whole life, and the beneficiary thereof.

#### **REAL PROPERTY**

- a. A list of all real property to be divided or otherwise disposed of and within the jurisdiction of this court.
- b. The value of each parcel of property showing any lien or obligation against said property.
- c. What interest or right of claim or equitable interest which the party claims in each parcel of property.
- d. A suggested division of the property or values in the property.

#### **ATTORNEY'S FEES AND COURT COSTS**

- a. The amount of attorney's fees and court costs claimed or offered (estimate to conclusion of trial).

#### **EXHIBITS**

- a. Counsel shall disclose to the court and to opposing counsel a schedule specifically identifying all exhibits and documentary evidence which may be used in trial, no later than 5 days before the pre-trial.
- b. Attorneys are encouraged to stipulate to admissibility of evidence listed in their respective pre-trial memos.
- c. The failure to list an exhibit shall be grounds for exclusion of that exhibit from evidence.

d. The exhibit lists shall be detailed as to each exhibit. The failure to specifically so identify shall result in exhibits being excluded from evidence.

e. Reference to "rebuttal exhibits" or "all exhibits listed in opposing party's schedule" are insufficient.

## **WITNESSES**

A. **Lay Witnesses:** Counsel shall disclose to the court and to opposing counsel a witness list of the names and addresses of all lay witnesses who may be called to testify at the trial, no later than 5 days prior to pre-trial.

1. The failure to list a witness shall be grounds for exclusion of that witness from evidence.
2. The witness lists shall be detailed as to each witness. The failure to specifically so identify shall result in witnesses being excluded from evidence.
3. Reference to "rebuttal witness" or "all witnesses listed in opposing party's schedule" are insufficient.

B. **Expert Witnesses:** Counsel shall disclose to the court and to opposing counsel the names and addresses of all expert witnesses who may be called to testify at the trial, five days prior to pre-trial. In general, each party shall be limited to one expert per specialty unless otherwise ordered by the Court.

1. No expert shall be permitted to vary testimony from their depositions based on subsequently supplied information or data unless:
  - A. Opposing counsel is advised of the new opinions; and
  - B. The trial expert is made available for an update deposition prior to trial.

4. Conclude the memorandum by setting forth any requests for preliminary rulings on questions of law and citations in regard thereto. Also give the estimated time for trial.

5. Should either party desire the trial of this cause to be reported, it shall be the responsibility of counsel for that party to insure the presence of a qualified reporter for that purpose at the time of trial. Counsel are encouraged to stipulate to designation of a reporter at or prior to the pre-trial conference.

6. Unless extended by order of the court, all discovery shall be completed no later than 5 days prior to pre-trial.

7. If the parenting plan is in issue, the parties shall confer prior to the trial to review their proposed parenting plans and to attempt to agree on those parts of the plan that are not controverted. The parties shall advise the court of those parts of the plan which are in dispute and which are agreed to. Each party must submit a proposed parenting plan no later than 10 days before the trial.

8. Failure to attend the pre-trial conference may result in sanctions.

9. It is the Court's intent that this matter be mediated prior to the date of trial. If mediation has not already occurred, or in the Court's discretion, this matter will be referred to mediation.

**THE COURT WILL SCHEDULE A DATE AND TIME FOR TRIAL AT THE PRE-TRIAL CONFERENCE. ATTORNEYS SHALL BRING THEIR CALENDARS TO THE PRE-TRIAL CONFERENCE TO CONFIRM THE TRIAL DATE AND TIME BEFORE LEAVING.**

**DONE AND ORDERED** in chambers at Brooksville, Hernando County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2014.

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**THOMAS R. EINEMAN**  
**CIRCUIT JUDGE**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was sent by U.S. Mail on this \_\_\_\_ day of \_\_\_\_\_, 2014, to the following:

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Judicial Assistant