

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

CASE NO.:

,

Plaintiffs,

v.

,

Defendant.

_____ /

**ORDER SETTING CASE MANAGEMENT CONFERENCE
AND MEDIATION ORDER**

THIS CAUSE, having come before the court on the Notice for Case Management Conference, and pursuant to Florida Rule of Civil Procedure 1.200(a)(2) (2013), therefore

It is ORDERED that:

1. A Case Management Conference shall be held on _____, in Courtroom 2D, Marion County Judicial Center, 110 NW First Avenue, Ocala, Florida before the Honorable Edward L. Scott.
2. However, no later than **five (5) calendar days** prior to the scheduled hearing date, and after reviewing the attached Trial Weeks Calendar, the Parties may file a stipulation regarding the desired trial term and submit a copy to the Court. Upon the filing of this stipulation, the Case Management Conference will be deemed cancelled without further order of the Court.

IT IS FURTHER ORDERED that, in accordance with the Florida Rules of Civil Procedure 1.700-1.730 (2013), this case is hereby referred to mediation. The mediation shall take place prior to any scheduled Pretrial Conference.

1. The parties shall immediately confer to select a mediator and to agree on the date, time and location of the mediation conference. Plaintiff shall have ten (10) days from the date of this order to file a "Notice of Mediation Conference" with the clerk, indicating the date/time of the mediation and the selected mediator.

2. It is preferred the parties agree upon the selection of a mediator. If the parties are unable to agree on a mediator, Plaintiff's counsel shall submit a proposed order (with appropriate blanks) and a mediator will be selected by the Court from a list of certified mediators maintained by the Court Administrator's Office.

3. THE GENERAL RULES GOVERNING MEDIATION ARE AS FOLLOWS:

- a. The personal appearance of counsel who will try the case, and their clients (a management representative if a corporate party) with full authority to enter into a full and complete compromise and settlement, is mandatory unless excused by prior order of the Court. An insured party must have a fully authorized representative (not the attorney) of the insurance company attend the mediation conference.
- b. The Court will impose sanctions against any party who fails to attend or participate in good-faith settlement negotiations. The parties shall devote such time as is necessary to settle or until an impasse is declared by the mediator.
- c. The parties shall adhere to any/all instructions of the designated mediator regarding presenting summations to the mediator prior to the scheduled mediation.

- d. All communications, discussions, representations and statements made at the conference shall be privileged settlement negotiations and nothing related to the conference shall be discoverable or admissible at trial.
- e. The parties are advised that nothing in this Order shall be construed as a continuance of any matter in this case.
- f. Parties may also request a date certain from the Judicial Assistant if it is a NON-JURY trial.

4. The mediator shall be compensated at the rate of no more than \$325.00 per hour, or such other amount as agreed to by all parties for each hour of mediation, which cost shall be borne equally by the parties unless otherwise ordered.

5. The parties are advised that any mediation completed more than one calendar year from the date of a scheduled pretrial conference shall no longer be considered as a valid mediation and the parties will be required to attend another mediation prior to this court assigning a trial date.

Dated this _____ day of _____, 2018.

EDWARD L. SCOTT
Circuit Court Judge

cc: Parties listed on e-portal