



DONALD SCAGLIONE
CIRCUIT JUDGE
FIFTH JUDICIAL CIRCUIT OF FLORIDA

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HIGH PRIORITY
NOTICE

Attorneys and Parties are directed to and responsible for knowledge and application of:

5th Circuit Administrative Order
A-2021-13
Differentiated Active Civil Case Management System

and they are responsible for Notice to the Court.

Additionally, the attorneys and parties should be aware of Florida Supreme Court #AO SC20-23.

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**IN THE FIFTH JUDICIAL CIRCUIT
IN AND FOR THE STATE OF FLORIDA**

ADMINISTRATIVE ORDER: A-2021-13

**ORDER ESTABLISHING AND IMPLEMENTING
DIFFERENTIATED ACTIVE CIVIL CASE
MANAGEMENT SYSTEM ("DACMS")**

WHEREAS, the Florida Supreme Court has determined that Differentiated Active Civil Case Management ("DACMS") is needed to maximize the resolution of civil cases and have mandated same upon the presiding judges of the Circuit and County Courts of the State of Florida, and;

WHEREAS, the Florida Supreme Court recently issued AOSC20-23, *Amendment 10*, as amended further by *Amendments 11 and 12*, which required the Chief Judge in accordance with Section G thereof, to enter a local circuit-wide administrative order requiring the presiding judge(s) for each civil case within the Circuit to actively manage civil cases, and;

WHEREAS, it is in the best interest of the citizens of the Fifth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of civil cases in the civil divisions of the Circuit and County Courts, and;

WHEREAS, the implementation of a Differentiated Active Civil Case Management System is an innovative means to improve the disposition of cases in the civil divisions of the Courts of the Fifth Judicial Circuit, and;

WHEREAS, local compliance with the mandates of Florida Supreme Court AOSC20-23, *Amendment 10*, Section G, as amended in *Amendments 11 and 12*, is required, and;

WHEREAS, pursuant to the requirements of AOSC20-23, as amended; the authority prescribed by Florida Rules of Judicial Administration, Rule 2.215; for the purpose of promoting the efficient administration of justice within the Fifth Judicial Circuit; and in required compliance with administrative orders of the Florida Supreme Court,

IT IS THEREFORE,

ADMINISTRATIVELY ORDERED as follows:

1. Each presiding judge for each civil case is hereby required to actively manage civil cases in accord with this order and attachments hereto. The term "civil case" means actions to which the Florida Rules of Civil Procedure apply, as identified in Florida Rule of Civil Procedure 1.010, and actions in which the court has ordered that the action proceed under one or more of the Florida Rules of Civil Procedure pursuant to Florida Small Claims Rule 7.020(c) if the deadline for the trial date specified in Florida Small Claims Rule 7.090(d) no longer applies in the action. The term "civil case" does not include actions subject to section 51.011, Florida Statutes (summary procedures by rule or statute), post-judgment proceedings, and writs to which Florida Rule of Civil Procedure 1.630 applies.
2. Accordingly, there is hereby established within the Fifth Judicial Circuit a required **Differentiated Active Civil Case Management System ("DACMS")** applicable to all civil cases for the implementation of enhanced case management procedures and guidelines for the timely and efficient processing of civil cases and reduction in the pending backlog of civil cases.

3. It is intended that the Differentiated Active Civil Case Management System ("DACMS") be implemented uniformly within the Fifth Judicial Circuit to the extent referenced herein which allows for continued usage of existing in use civil case management order forms as may be necessary of modification for compliance with the requirements herein. (See Page 13, Paragraph 5).
4. *Unless otherwise authorized by the assigned presiding judge and also otherwise in compliance herewith and with the requirements of the Florida Supreme Court, civil cases requiring case management will proceed using a uniform case management system otherwise known as Differentiated Active Civil Case Management ("DACMS").*

A. DACMS (Differentiated Case Types):

(1) Each presiding Judge shall review cases assigned to them to differentiate each case according to type (either complex, streamlined, or general). Each civil case shall be reviewed to determine whether the case is **complex, streamlined, or general** using the following criteria:

a. **Complex:** Complex civil cases are actions that have been or may be designated by court order as complex under Florida Rule of Civil Procedure 1.201. Upon such designation, the action shall proceed as provided in the rule. Presumptive Complex cases are as follows:

- Class Action Cases
- Environmental/Toxic Tort/Mass Tort Litigation
- Anti-Trust/Securities Litigation
- Malpractice-Medical (or involving Wrongful Death)
- Nursing home negligence

- Other complex cases with extraordinary number of parties, witnesses, experts, and extensive or voluminous pretrial discovery issues
- Others as may be identified by the parties and/or identified and determined by the presiding judge pursuant to Florida Rule of Civil Procedure 1.201

b. **Streamlined:** Streamlined civil cases shall be identified based on criteria, including but not necessarily limited to, the following: whether the case involves only a few parties, non-complex issues related to liability and damages, few anticipated pretrial motions, limited need for discovery, few witnesses, minimal documentary evidence, and an anticipated trial length of less than two days. Presumptive streamlined cases are as follows:

- Residential and Commercial Foreclosure
- Simple, two-party Collection/Indebtedness
- Non-Jury cases
- Uncontested cases
- Others as may be identified by the parties and/or identified and determined by the presiding judge

c. **General:** Everything not designated complex or streamlined, i.e., all other civil cases.

(2) Judicial review to differentiate cases shall be assisted by the **required filing by the Plaintiff** and receipt by the presiding judge of a **Notice of Completion of Service of Process (or non-completion as may be indicated therein) and Case Status Report** as required by paragraph B of this section immediately below.

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B. Notice(s) to Court: Notice shall be filed in all civil cases as hereinabove defined and as provided below.

(1) Notice of Completion of Service of Process (or non-completion as may be indicated therein) and Case Status Report:

a. In all circuit civil cases, county civil cases, and small claims cases wherein the rules of civil procedure have been ordered invoked, the **Plaintiff** SHALL provide the presiding judge Notice that all named parties have been served with process OR have not been served in addition to other requested information. Said Notice shall be *in form substantially similar to that attached to this order.*

b. **Notice of Completion of Service of Process (or non-completion as may be indicated therein) and Case Status Report** shall be filed with the court and a copy submitted to the presiding judge by emailing the notice to the judge's judicial assistant. Judicial assistant email addresses are available on the Court's website at <https://www.circuit5.org/courts-judges>.

c. **Exception/CMO/Agreed Case Management Plan.** If a Case Management Order ("CMO") as referenced below that is in compliance herewith has been previously entered, either pursuant to entry by the presiding judge after prior review of the applicable civil case OR prior entry of a CMO adopting a stipulated Civil Case Management Plan by the parties, then the filing of a Notice of Completion of Service of Process and Case Status Report by the Plaintiff shall NOT be required.

- The parties may stipulate and agree to a CMO in compliance with the requirements herein, which must be submitted for final approval by the presiding judge. If the parties are in agreement, then a "Civil Case Management Plan" *in a form substantially similar to the attachment hereto* shall be submitted to the Court for subsequent entry of a stipulated Case Management Order ("CMO") pursuant thereto and adopting the Civil Case Management Plan.

(2) Time for Filing Notice of Completion of Service of Process and Case Status Report:

a. Cases filed on or after April 30, 2021 ("*new*" cases): No later than **ten (10) days** after the date the final defendant is served with process. If service on all defendants has NOT been completed within 120 days of filing OR within any extension of time for service of process, the Notice of Completion of Service of Process and Case Status Report must be filed within ten (10) days of the expiration of 120 days OR the date of expiration of any extension for service.

b. Cases filed before April 30, 2021 ("*existing*" cases):

i. If the 120 day time limit for Service of Process has not expired pursuant to Florida Rules of Civil Procedure, no later than **ten (10) days** after the date the final defendant is served with process. If service on all defendants has NOT been completed within 120 days of filing OR within any extension of time for service of process, the Notice of Completion of Service of Process and Case Status Report must be filed within ten (10) days of the expiration of 120 days OR the date of expiration of any extension for service.

ii. For any case filed 120 days or more prior to April 30, 2021, and for which extension of time for service of process has not been requested or the time for service pursuant to any extension has either expired or not expired, Plaintiff must file the Notice of Completion of Service and Case Status Report not later than **June 30, 2021***. (**to allow for substantially enough time for judicial review and entry of CMOs on "existing" civil cases by December 3, 2021, as administratively mandated by the Florida Supreme Court and which is anticipated to be voluminous and judicial labor intensive*).

c. Cases subject to a statutory stay or a moratorium preventing the prosecution of the case, a Notice of Completion of Service of Process and Case Status Report shall be filed by the Plaintiff within **10 days** from the lifting of the stay or moratorium.

(3) Failure to file Notice of Completion of Service/Extension/Prior CMO – Case Management Conference Required.

a. For cases filed on or after April 30, 2021 ("new" cases), a **case management conference shall be scheduled** by the presiding judge **unless** a Notice of Completion of Service of Process and Case Status Report or extension of time to serve process is filed within the time periods specified above; OR a Case Management Order ("CMO") in compliance herewith has been previously entered, either pursuant to entry by the presiding judge after prior review of the applicable civil case or prior entry of a CMO adopting a stipulated Civil Case Management Plan by the parties.

b. For cases filed prior to April 30, 2021 ("existing" cases), a **case management conference shall be scheduled** by the presiding judge **unless** a Notice of Completion of Service and Case Status Report or extension of time to serve process is filed within the time periods specified above; OR a Case Management Order ("CMO") in compliance herewith has been previously entered, either pursuant to entry by the presiding judge after prior review of the applicable civil case OR prior entry of a CMO adopting a stipulated Case Management Plan by the parties, has been filed on or before **June 30, 2021**. *If either the 120 day time period within which to serve process or prior grant of extension for service has not expired as of June 30, 2021, and service of process is not yet otherwise indicated to be completed, the required Notice of Completion of Service (or non-completion as may be indicated therein) and Case Status Report shall still be filed and Case Management Conference may be deferred by the Court pending completion of service of process for later scheduling if required.*

C. DACMS CASE MANAGEMENT ORDER ("CMO")

(1) Identification of Differentiated Case Type: The Case Management Order will designate the differentiated case type either Complex, Streamlined, or General.

(2) The presiding judge shall issue a Case Management Order ("CMO") for each streamlined and general civil case that is *substantially similar in form* to the Case Management Order(s) attached hereto OR in such form in compliance with the requirements herein as may be otherwise provided for below related to already in use forms that must comply with the requirements of this order, or modified and amended to comply with this order, that *at a minimum* specifies deadlines for the following:

- a) Service of Complaints
- b) Service of Complaints under extensions
- c) Addition of new parties
- d) Completion of fact and expert discovery
- e) Objection to case differentiation
- f) All objections to pleadings
- g) Resolution of all pre-trial motions
- h) Occurrence of mediation

(3) The CMO shall also specify the projected date of trial and indicate that deadlines established by the CMO shall be strictly enforced by the Court *unless good cause be shown*. Failure to comply with deadlines may subject the parties to sanctions, including but not limited to, striking of discovery, witnesses, evidence, pleadings, imposition of attorney fees, and/or dismissal. The CMO shall also further indicate that a firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440.

(4) Completion Periods: The Case Management Order shall include maximum periods (*unless otherwise ordered based upon showing of good cause*) within which all case events must be completed. The below maximum periods are based on whether the civil case is streamlined, general, or small claims (rules invoked) and are consistent with the time standards specified in Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

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Events	Streamlined Case Completion Periods:	General Case Completion Periods
Service of Complaints	Within 120 days of filing of the complaint	Within 120 days of filing of the complaint
Service under Extensions	If extension for service granted then within 240 days from the date of filing of complaint	If extension for service granted then within 240 days from the date of filing of complaint
Addition of new parties	If extension for service granted then within 240 days from the date of filing complaint	If extension for service granted then within 240 days from the date of filing complaint
Completion of Fact and Expert Discovery	Within 270 days after the complaint is filed	Within 450 days after the complaint is filed
Objection to Case Differentiation	Within 30 days	Within 30 days
Objections to pleadings	Within 45 days of filing	Within 45 days of filing
Resolution of all pre-trial motions	Prior to pre-trial conference	Prior to pre-trial conference
Mediations	Within 270 days after the complaint is filed	Within 450 days after the complaint is filed
Trial	12 Months	18 months
Small Claims (all Rules invoked)	180 days from filing to trial and final disposition	180 days from filing to trial and final disposition

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(5) Issuance of CMOs/Time for Filing:

a. Complex Cases: A Case Management Order shall be issued in compliance with Florida Rules of Civil Procedure, Rule 1.200.

b. Streamlined or General Cases: If the streamlined or general civil case is:

i. Subject to dismissal for a **lack of prosecution** pursuant to Florida Rule of Civil Procedure 1.420(e), a case management order is required only if the court determines that the action should remain pending and shall be issued within 30 days after such determination.

ii. Subject to a statutory **stay or a moratorium** preventing the prosecution of the case, the Case Management Order shall be issued in a case filed:

- On or after April 30, 2021, within 45 days after the stay or the moratorium ends or within 30 days after service of the complaint on the last of all named defendants, whichever date is later; or
- Before April 30, 2021, by December 3, 2021, or within 45 days after the stay or the moratorium ends, or within 30 days after service of the complaint on the last of all named defendants, whichever date is later.
- The Case Management Order shall address each required deadline and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

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iii. Not subject to a statutory stay or a moratorium, the Case Management Order shall be issued in a case filed:

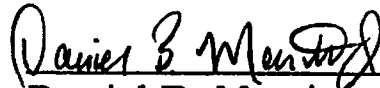
- On or after April 30, 2021, within 20 days after the filing of the Notice of Completion of Service of Process and Case Status Report, but no later than 30 days after service of the complaint on the last of all named defendants; or
- Before April 30, 2021, by December 3, 2021, as administratively mandated by the Florida Supreme Court.
- The CMO shall address each required deadline and the projected date for trial if such event has not yet occurred in the case or has not yet been specified by other court order.

c. Time for Filing CMO When Case Management Conference Required. If a Case Management Conference is required due to failure to file a Notice of Completion of Service of Process and Case Status Report or no extension of time for service of process or no previously entered Case Management Order in compliance herewith, the Case Management Order ("CMO") shall be filed within thirty (30) days of the date of Case Management Conference unless it is a case filed before April 30, 2021, in which case the Case Management Order shall be filed no later than December 3, 2021, as administratively mandated by the Florida Supreme Court.

5. **Existing in-use Civil Case Management Orders.** The undersigned is aware that presiding judges on civil dockets may already have in use various forms for CMOs, Pre-Trial Orders, and the like which address deadlines and other requirements. Such orders may be used in the discretion of the presiding judge as long as the deadlines and requirements specified herein and as set forth in and required by Florida Supreme Court AOSC20-23, *Amendment 10*, Section G, as further amended by *Amendments 11 and 12*, are complied with in any such existing form orders. Such existing in use form orders may be modified and/or amended to conform with the requirements herein so that any such form orders remaining in use as may be necessary of modification to comply herewith shall become uniform to the extent required by this administrative order and Florida Supreme Court AOSC20-23, *Amendment 10*, Section G, as further amended by *Amendments 11 and 12*. The presiding judge may wish to address additional issues in their individual CMOs, other than those required by this order, and the presiding judge shall be free to do so in their discretion.
6. It shall be noted that the forms attached hereto are intended as models. Any updates or modifications shall be posted and available for viewing on the Court's website at <http://www.circuit5.org>. It shall be the responsibility of all parties to civil cases to check the website for the most recent forms to be used in conjunction with the Differentiated Active Civil Case Management System and procedures.
7. This administrative order and time standards set forth or as may be additionally set forth or modified and approved by the Chief Judge are intended to facilitate the timely, fair and effective resolution of civil cases while ensuring the efficient use of court resources. The procedures and time standards do not supplant any existing rule, statute, or law. Nothing herein shall be construed as granting any rights not already provided for by rule, statute, or law.

8. This Order shall become effective April 30, 2021, and applies to all civil cases identified herein and within the Fifth Circuit. To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.
9. This Order may be subject to amendment, modification, revision, or rescission as the circumstances may require.
10. This Administrative Order shall become a "Standing Order" in all *new* and *existing* civil cases within the Fifth Circuit in a manner as may be determined reasonable and appropriate by the Court. All attorneys and parties to civil cases within the Fifth Circuit shall comply herewith.

DONE AND ORDERED in chambers in Brooksville, Hernando County, Florida, this 29th day of April 2021.



Daniel B. Merritt, Jr
Chief Judge
Fifth Judicial Circuit

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IN THE _____ COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY

PLAINTIFF,

Plaintiff/Name,

vs.

Case Number:

DEFENDANT,

Defendant(s)/Name(s).

_____ /

**NOTICE OF COMPLETION OF SERVICE OF PROCESS
AND CASE STATUS REPORT**

THE PLAINTIFF, hereby files the following Notice of Completion of Service of Process and Case Status Report pursuant to administrative order requirements:

1. Service of Process: (Check one)

_____ Plaintiff has completed service of process on all named defendants in the above titled action on _____ / ____ /202__,

OR

_____ Plaintiff has NOT completed service in the above referenced action and it has been 120 days since the filing of this action.

2. Please Check the case type that applies if any:

CASE TYPE	CHECK
Class Action Cases	
Environmental/Toxic Tort/Mass Tort Litigation	
Anti-Trust/ Securities Litigation	
Malpractice -Medical (or involving Wrongful Death)	
Nursing home negligence	
This case contains one or more of the following: extraordinary number of parties, experts, pretrial discovery issues	
Residential or Commercial Foreclosure	
Two Party Collections/Indebtedness	
Non-Jury	
Uncontested Cases	
Other: Describe in Paragraph 5 below	

3. For Cases filed before April 30, 2021 please answer the following questions:

For all Civil Cases:

- 1. Mediation has occurred Yes ___ No ___
- 2. Discovery has Closed Yes ___ No ___
- 3. A Case Management Order is in place Yes ___ No ___
- 4. An Order Setting Trial has been issued? Yes ___ No ___

For Small Claims Only:

- 1. The rules of Civil Procedure have been ordered invoked Yes ___ No ___

4. Stays and/or Moratoriums: A stay or moratorium upon prosecution in the above styled action was lifted on ___/___/202__

OR

A stay or moratorium upon prosecution remains in place ___ (check as appropriate)

5. Provide a short description of this case:

6. Provide printed Name, Address, Telephone, Email Address, and Signature for Counsel and Unrepresented Parties. Counsel must also include Florida Bar Number:

Date:

Name
Attorney for Plaintiff
Florida Bar Number:

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

CIVIL ACTION

Plaintiff,

Plaintiff(s)

vs.

Case No:

Case Type:

Judge:

Defendant,

Defendant(s)

_____ /

**STIPULATED CIVIL CASE MANAGEMENT PLAN
AND CASE MANAGEMENT ORDER**

The parties hereby submit the following Stipulated Civil Case Management Plan to the Court for approval:

Service of Process:

Plaintiff has completed service of process on all named defendants in the above titled action on _____ / ____ / 202_ ,

CASE TYPE ASSIGNMENT:

- _____ **Streamlined Case Type (Case resolved within 12 months);**
It is recommended that discovery and an alternative dispute resolution be completed within 270 days after the complaint is filed and a final disposition entered within 365 days after the complaint is filed

- _____ **General Case Type (Case is resolved within 18 months);**
It is recommended that discovery and an alternative dispute resolution be completed within 450 days after the complaint is filed and a final disposition entered within 540 days after the complaint is filed

- _____ **Complex Case Type (Case resolved within 2 years)**
Case likely to be declared complex per Florida Rule of Civil Procedure 1.201

Case Deadlines and Events

DEADLINE OR EVENT	AGREED DATE
Service of Complaints	
Service Under Extensions	
Motions to Add Parties or to Amend Pleadings	
Objection to Case Differentiation (Maximum time set by A-2021-13)	
Objections to Pleadings: (Maximum time is set by A-2021-13)	
Completion of Fact and Expert Discovery	
Resolution of all Pretrial Motions	
<p>Completion of Alternative Dispute Resolution (ADR) Mediation or Non-Binding Arbitration</p> <p>Mediation is mandatory unless the parties agree to or the Court orders another form of ADR. If early mediation (prior to completion of discovery) is selected and it does not result in settlement or disposition of this entire action, the parties are required to schedule and attend another mediation at least 45 days prior to the Pre-Trial Conference. Discovery should be substantially complete prior to arbitration.</p> <p style="text-align: right;">Deadline</p> <p style="text-align: right;">Type of ADR</p>	<p>Notice of Mediation must be filed 2 months prior to deadline, or it will be set by/with the courts program</p>

Trial Information:

Estimated Date the Case Will Be Prepared to Go to Trial (If counsel and unrepresented parties do not agree on the estimated date on which the case will be prepared to go to trial, the Court may on its own motion set the case for trial)	
Estimated Length of Trial (specify the number of trial days):	
Identification of Jury or Non-Jury Trial	Jury Non-Jury

The above-referenced schedule of deadlines will be strictly adhered to by the parties unless a change is otherwise agreed to by the parties and approved by the Court. The Court will consider a request to approve changes to these deadlines *upon a showing of good cause* by either party based on matters arising from an emergency nature or unavailability. However, once the Stipulated Civil Case Management Plan has been approved by the Court, procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. Failure to comply with deadlines may subject the parties to sanctions, including but not limited to, striking of discovery, witnesses, evidence, pleadings, imposition of attorney fees, and/or dismissal.

Date: / / 202

Signature, address and telephone number of Counsel and Unrepresented Parties. Counsel must state FL Bar number:

_____	_____
_____	_____
_____	_____
_____	_____

ORDER APPROVING STIPULATED CIVIL CASE MANAGEMENT PLAN

THE COURT having reviewed the Stipulated Civil Case Management Plan submitted by the parties and finding it to be satisfactory, **IT IS THEREFORE,**

ORDERED and **ADJUDGED** that the Stipulated Civil Case Management Plan is hereby **APPROVED AND ALL PARTIES SHALL ABIDE BY THE TERMS HEREIN.**

DONE AND ORDERED in _____, _____ County, Florida on this ___ day of _____, 202__.

Hon.
Circuit Judge

CERTIFICATE OF SERVICE

Pursuant to Rule 1.080 of the Florida Rules of Civil Procedure, conformed copies have been mailed this ___ day of _____ to the following:

By: Judicial Assistant

Stip.CMPandOrder

IN THE _____ COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR _____ COUNTY

PLAINTIFF,
Plaintiff,

vs.

Case Number:

DEFENDANT,
Defendant(s).

_____ /

DIFFERENTIATED CIVIL CASE MANAGEMENT ORDER

THIS MATTER having come before the Court for review of the above styled civil case by the presiding judge, either sua sponte OR upon the filing by the Plaintiff of a Notice of Completion of Service of Process and Case Status Report, and the Court being otherwise being more fully informed,

IT IS THEREFORE,

ORDERED and ADJUDGED as follows:

1. The above styled action is designated as a Complex/General/Streamlined case type. (circle one).
2. The following deadlines shall be observed:

Events	Case Completion Periods:
Service of Complaints	Days
Service under extensions	Days
Addition of new parties	Days
Completion of Fact and Expert Discovery	Days
Objection to Case Differentiation	Days
Objections to pleadings	Days
Resolution of all pretrial motions	Days

Mediations	Months
Trial	12 or 18 Months

3. The deadlines established in this Case Management Order shall be strictly enforced by the court *unless good cause be shown*. A firm trial date will be ordered by the presiding judge when the case is at issue pursuant to Florida Rule of Civil Procedure 1.440. Procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. Failure to comply with deadlines may subject the parties to sanctions, including but not limited to, striking of discovery, witnesses, evidence, pleadings, imposition of attorney fees, and/or dismissal.

DONE and ORDERED in chambers in _____, _____ County, Florida this ___ day of _____, 2021.

Judge

civil.case.mgmt.order