

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

IN RE: STANDING ORDER FOR CASE  
MANAGEMENT FOR SUBMISSION OF  
AGREED CASE MANAGEMENT PLAN  
SCAGLIONE DIVISION

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**STANDING ORDER FOR CASE MANAGEMENT AND SUBMISSION OF  
AGREED CASE MANAGEMENT PLAN IN CIRCUIT CIVIL CASES IN  
SCAGLIONE "DS" DIVISION**

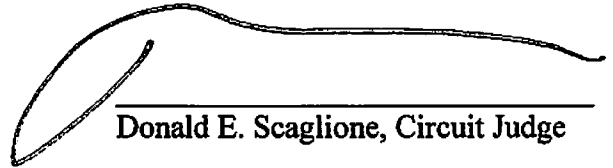
PURSUANT TO Florida Rule of Civil Procedure 1.200(a), Florida Rule of Judicial Administration 2.545, and Administrative Order A-2021-13 entered by the Chief Judge of the Circuit, the parties are informed of the following information and procedures applicable to civil cases filed in the Hernando County Circuit Court ("Circuit Civil Cases, DES Division")

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this standing order, together with a copy of Administrative Order A-2021-13 attached hereto as Exhibit "A" (collectively the "Order" and "DS" Division DCMS Order). Both Orders are located on the Circuit5.org website under the Judge Donald Scaglione webpage of the Hernando County Judiciary. One copy of the Order is to be filed with the Clerk of the Court with proof of service.
2. **CIVIL CASE MANAGEMENT SYSTEM.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases, the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in good faith and attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.

Unless all Defendants have been served and have been defaulted or dropped, an Agreed Case Management Plan must be filed on or before 130 days from the date of filing the initial complaint. A proposed Order Accepting Agreed Case Management Plan must be submitted to the assigned judge. If the parties are unable to agree on an Agreed case Management Plan by the applicable deadline, counsel for the Plaintiff will file a motion and the Court will schedule a Case Management Conference by its own Order.

If all Defendants are served and defaulted or dropped, the Plaintiff shall file the appropriate document to pursue a Default Final Judgment within 130 days from the filing of the complaint. A Final Judgment shall then be entered, or the case set for final hearing, within 20 days.

DONE AND ORDERED in Brooksville, Hernando County, Florida, this 21 day of February, 2023.



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Donald E. Scaglione, Circuit Judge

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

CASE NO:

\_\_\_\_\_ /

**DIFFERENTIATED CIVIL CASE MANAGEMENT ORDER**

Effective January 2023 for Scaglione "DS" Division Only

**NOTICE: IT IS THE PLAINTIFF'S RESPONSIBILITY TO SERVE THIS ORDER TO EACH DEFENDANT, OBTAIN PROOF OF SERVICE AND FILE PROOF OF SERVICE INTO THE COURT FILE.**

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 more fully informed, it is therefore,

The Court notes a Notice of Completion of Service of Process and Case Status Report has not been filed.

The Court further notes that the Completion and Submission of a Stipulated Case Management Plan/Order does not excuse any party from attendance at the Case Management Conference Hearing set by the Court.

Florida Rule of General Practice and Judicial Administration 2.250(a)(1)(B) states that the presumptively reasonable period of time for the resolution of a civil jury case is eighteen (18) months.

Florida Rule of General Practice and Judicial Administration 2.545(a) requires judges and lawyers to "conclude litigation as soon as it is reasonably and justly possible to do so."

THIS COURT USES COURTCALL FOR ALL TELEPHONIC HEARINGS AND ALL PARTIES MUST SET UP THEIR OWN TELEPHONIC APPEARANCE THROUGH COURTCALL. (See Courtcall.com or call 1-888-882-6878. You must also provide a motion and order to appear by phone) ALL PRO-SE PARTIES THAT WISH TO APPEAR BY PHONE MUST ALSO SET UP COURTCALL (See Courtcall.com or call 1-888-882-6878) AND CONTACT THE COURT PRIOR TO THE HEARING DATE AT bhaimes@circuit5.org TO CONFIRM WITH THE COURT YOU HAVE ARRANGED YOUR APPEARANCE.

IF A VIRTUAL HEARING VIA ZOOM IS PREFERRED, PLEASE SEE ZOOM PROCEDURES FOUND ON THIS COURT'S WEBPAGE. IT IS THE PARTIES RESPONSIBILITY TO FOLLOW ALL PROCEDURES/INSTRUCTIONS FOR ZOOM HEARINGS.

**\*\*\*THE COURT REQUIRES ACKNOWLEDGMENT OF THE ABOVE BY RECEIPT OF A MOTION AND ORDER (COURTCALL), NOTICE OF ZOOM HEARING OR INVITATION TO THE COURT (ZOOM APPEARANCE), OR EMAIL (ACKNOWLEDGING PERSONAL APPEARANCE) WITHIN 5 WORKING DAYS PRIOR TO HEARING DATE.\*\*\***

All parties are directed to strictly comply with the "Order Regarding Courtesy Copies to the Presiding Judge," located on the Circuit 5 website under the Honorable Donald E. Scaglione webpage. This Includes the Parties' Requirement of Sending the Court a Courtesy Copy of Any and All Motions/Notices Filed in this Matter and the Responses/replies Thereto. Failure to provide the Court with a courtesy copy will potentially delay a ruling on said motion because the Court will not be made aware of the pending matter. Failure to comply with the motion practice procedures may result in the pending motion being stricken, granted, or denied, by default.

All parties are further directed to strictly comply with the "Administrative Order Establishing Motion Practice Procedures for the Civil Jury and Civil Non-Jury Docket for the Honorable Donald E. Scaglione Circuit Civil Division". This is also located on the Circuit 5 website under the Honorable Donald E. Scaglione webpage.

**ORDERED AND ADJUDGED** as follows:

1. The above styled action shall be designated as a Complex/General/Streamlined case type at Case Management Conference set by Separate Order.
2. At CMC Counsel or parties pro se shall be prepared to discuss with this Court the following:
  - a. All counsel are required to bring their personal calendars to the Case Management Conference.
  - b. Set or reset the time of trials.
  - c. Coordinate the progress of the action if complex litigation factors are present.
  - d. Limit, schedule, order or expedite discovery.

- e. Schedule motions in limine that do not fall under the motion practice order.
- f. Require filing of preliminary stipulations if issues can be narrowed.
- g. Schedule other conferences or determine other matters that may aid in the disposition of this action.
- h. Status of Settlement negotiations.
- i. Designation of civil cases as a complex (FRCP 1.201), streamline or general as required by the Florida Supreme Court AOSC20-23, Amendment 12 and 5th Circuit (Hernando County Administrative Order 2021-13)

**Prior to CMC, Counsel will file with the Clerk, serve opposing counsel, and deliver a copy to the undersigned Judge's Chambers not less than 48 hours before the above Case Management Conference, a written statement which shall contain the following:**

A statement of the facts that they believe supports their claim (if Plaintiff) or a statement of the facts that support the denial of the Plaintiff's claims (if Defendant).

Facts that they believe to be undisputed.

Issues of Law that should be decided by the Court.

A proposed discovery schedule and anticipated trial date.

**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 Rule 1.200, Fla. Rules of Civil Procedure, but with his own evidence, and who shall have full authority to discuss, agree and stipulate, insofar as possible, on all matters of facts and law not in issue which will simplify and expedite the trial.**

Each counsel shall be available for consultation with their respective clients as to (a) stipulations relating to admission of evidence, and (b) settlement offers; but clients shall not participate at such Conference. Failure of any party to be available for such consultation shall result in the Court striking such party's pleadings, and such other sanctions as are appropriate.

**3. The following deadlines shall be observed: (from the date of filing complaint)**

Events	Case Completion Periods:
Service of Complaints	120 Days
Service Under Extensions	240 Days
Addition of New Parties	240 Days
Completion of	270 Days Streamline

Fact & Expert Discovery	450 Days General
Objection to Case Differentiation	30 Days
Objections to Pleadings	20 Days
Resolution of All Pretrial Motions	Prior to Pretrial Hearing See Pretrial Order Issued after CMC Hearing
Mediations	270 Days Streamlined 450 Days General At least 45 Days Prior to Pretrial Hearing
Trial	12 or 18 Months Set at CMC
Deadline for Plaintiff(s) to file witness list	120 days before pretrial
Deadline for Defendant(s) to file witness list	90 days before pretrial
Deadline for filing any dispositive motions	120 days after close of fact discovery
Deadline for filing any <i>Daubert</i> motions	30 days after the close of expert discovery
Deadline to have any dispositive and <i>Daubert</i> motions heard	45 days before the pretrial Note: If not heard by this date, dispositive and <i>Daubert</i> motions will be deemed abandoned
Deadline to file Exhibit List	21 days before the pretrial conference
Date of Meeting Prior to Pretrial Conference	10 days before the pretrial
Deadline for filing: The joint final pretrial statement, Any motion in limine, Objections to depositions, Proposed jury instructions, and Verdict form	14 days before the pretrial conference Note: If not filed by this date, motions in limine will be deemed abandoned.
Date of the pretrial conference. Pretrial conference time:	To be set at CMC
Deadline to contact Court Technology if use of trial technology is contemplated	7 days before trial.

4. **The deadlines established in this Case Management Order shall be strictly enforced by the court *unless good cause can 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 and set at Case Management Conference. 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.
5. **Within five (5) days from the date of e-service, Plaintiff's counsel shall serve a copy of this Order to each self-represented party by U.S. mail, first class, postage paid, or by e-file and file a certificate signed by said counsel that service has been made as set forth herein.**
6. These deadlines are subject to change by the presiding Judge at any time to aid and assist in the closure of the case.
7. **The Completion and Submission of a Stipulated Case Management Plan/Order does not excuse any party from attendance at a Case Management Conference Hearing set by the Court.**
8. **Continuances.**

Pursuant to the Supreme Court Order and the Case Management Plan, the Court will apply a firm continuance policy allowing continuances only for good cause shown. See Supreme Court Order, p. 17 (directing chief judges to direct presiding judges to "apply a firm continuance policy allowing continuances only for good cause shown.").

- A. **Motion and Hearing Required.** Any party seeking a continuance of any deadlines in this Uniform Trial Order must file a motion. This motion falls under Motion Practice Administrative Order.
- B. **Motion Must Address Impact of Continuance on Other Deadlines.** Any motion seeking a continuance of any deadlines in this Uniform Trial Order must indicate what, if any, impact the continuance of that deadline would have on all other remaining deadlines. See Florida Rule of General Practice and Judicial Administration 2.545(e). ("All judges shall apply a firm continuance policy. Continuances should be few, good cause should be required, and all requests should be heard and resolved by a judge.

- C. All motions for continuance shall be in writing unless made at trial and, except for good cause shown, shall be signed by the party requesting the continuance.
- D. All motions for continuance in priority cases shall clearly identify such priority status and explain what effect the motion will have on the progress of the case.”).
- E. All continuance motions shall/will be signed but their respective clients.
- F. All continuance motions shall/will comply with Meet and Confer Administrative Order.

**9. Meeting Prior to Pretrial Conference.**

It is Plaintiff’s responsibility to take the lead in scheduling an agreed date and time for all counsel and any self-represented parties to meet, no later than 10 days before the pretrial conference, to:

- A. Mark all exhibits for identification;
- B. Prepare an exhibit list for the Clerk and Court (actual exhibits and documentation evidence must be available for inspection at this time);
- C. Stipulate to the admission into evidence or list specific objections, if any, to each proposed exhibit;
- D. Stipulate as to any matter of fact and law about which there is no issue to avoid unnecessary proof;
- E. Review all depositions which are to be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence;
- F. Discuss the possibility of settlement;
- G. Submit an itemized statement of special damages Plaintiff expects to prove;
- H. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, its pretrial conference and trial; and

**10. Jury Instructions & Verdict Form.**

By the deadline set forth above, jury instructions and verdict forms must be filed with the Clerk and e-mailed in Word format to the division email address in accordance with the following:

- A. Each instruction must be printed on a separate sheet of paper;
- B. Counsel must confer prior to the pretrial conference as to any agreement they can reach on the instructions and verdict forms and advise the court at the pretrial conference; and
- C. Counsel are responsible for providing to the Court hard copies of the jury instructions and verdict form. Please ensure that there are enough copies for



all jurors and alternate jurors, lawyers and any self-represented parties, the courtroom clerk, and the Court to each be given their own copy. The jurors' hard copies should not be numbered, should not have any designation as to the requesting party, and should not contain citations to supporting authority.

**11. Full Settlement Authority.**

Counsel must be prepared to negotiate settlement at the pretrial conference and have full authority to settle the case or have available at the conference a party or representative who does have full authority to settle.

**12. Availability of Witnesses.**

It is counsel's responsibility to do all things reasonable and necessary to ensure the availability of their witnesses for the entire trial period or to otherwise preserve their testimony for trial in accordance with the Florida Rules of Civil Procedure.

**13. Settlement Notification.**

Counsel must immediately notify the Court in the event of settlement and submit a stipulation for an Order of Dismissal and a Final Disposition Form. Counsel must likewise notify this Court if the parties wish to avail themselves of the Voluntary Trial Resolution provisions of Chapter 44, Florida Statutes.

**14. Jury Communication by Bailiffs.**

In accordance with Florida Rule of Civil Procedure 1.431(i), routine ex parte communication between the bailiff or other courtroom personnel and the jurors are limited to juror comfort and safety and may occur off the record. Examples of permissible ex parte communication include discussion of routine matters such as parking, location of break areas, how and when to assemble for duty, proper attire, and which items of a juror's personal property may be brought into the courthouse or jury room. Except for these types of permissible ex parte communications regarding juror comfort and safety, any other communication between bailiffs or other courtroom personnel and the jurors will be promptly reported to the court and the court will notify the parties of any matter that may be of interest to the parties.

**15. Applicability of this Order to Self-Represented Parties.**


All provisions of this order that require compliance by counsel are likewise applicable to any self-represented party.

**16. Presence of Trial Counsel Required at Pretrial Conference.**

At least one trial counsel per party must be physically present at the pretrial conference. May be by zoom, upon Court approval.

All parties are directed to strictly comply with the “Administrative Order Establishing Motion Practice Procedures for the Civil Jury and Civil Non Jury Docket for the Honorable Donald E. Scaglione Circuit Civil Division,” and the “Administrative Order Regarding Courtesy Copies to the Presiding Judge”. Both orders are located at <http://www.circuit5.org/courts-judges/hernando-county/judiciary/donald-e-scaglione/> under the “Administrative Orders/Procedures Effective January 1st, 2019” section.

**FAILURE OF EITHER PARTY TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN STRIKING OF PLEADINGS OR PARTS OF THEM, OR STAYING FURTHER PROCEEDINGS UNTIL THIS ORDER IS OBEYED, OR DISMISSING THE ACTIONS, OR RENDERING JUDGMENT BY DEFAULT AGAINST THE DISOBEDIENT PARTY.**

 **DONE AND ORDERED** in Chambers, at Brooksville, Hernando County, Florida, this day of February, 2023. Effective January 1, 2020.

  
Donald E. Scaglione, Circuit Judge

**Copy to: Court file**

**EXHIBIT "A"**

**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;

*DG mzn*

**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.

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- 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.

*DBm*



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.

<b>Events</b>	<b>Streamlined Case Completion Periods:</b>	<b>General Case Completion Periods</b>
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

**(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.

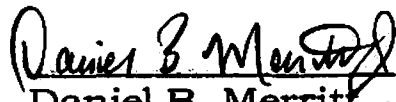
*D3m2*

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.

DBM

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 29<sup>th</sup> day of April 2021.

  
\_\_\_\_\_  
Daniel B. Merritt, Jr.  
Chief Judge  
Fifth Judicial Circuit

042621.Civil.Case.Mgmt.AO



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 | _____ |    | _____ |
| 3. A Case Management Order is in place     | Yes | _____ |    | _____ |
| 4. An Order Setting Trial has been issued? | Yes | _____ |    | _____ |

**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:**

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

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Date:

\_\_\_\_\_  
Name  
Attorney for Plaintiff  
Florida Bar Number: