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

DIFFERENTIATED CIVIL CASE MANAGEMENT ORDER
AND
ORDER ESTABLISHING MOTION PRACTICE PROCEDURES[1]
Effective January 7, 2027 for Judge Daly Civil Division Only
See SC 2023-962 and SC 2024-662

THIS MATTER having come before the Court for review of the above-styled civil case by the presiding judge, it is therefore **ORDERED** as follows:

1. The above-styled action is designated as a ☐ **Streamlined** ☐ **General** case.

2. **It is the parties responsibility to file a case management plan after service**.

3. The following deadlines shall be observed:

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 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

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

Objection to Case Differentiation	Within 30 days	Within 30 days
Filing and Service of Motions for Summary Judgment	Filing shall be any time after the expiration of 20 days from the commencement of the action. Service at least 50 days before the time fixed for the hearing, and at least 60 days before the pretrial conference, unless otherwise ordered	Filing shall be any time after the expiration of 20 days from the commencement of the action. Service at least 50 days before the time fixed for the hearing, and at least 60 days before the pretrial conference, unless otherwise ordered
Filing and Resolution of All Objections to pleadings	Within 30 days of filing	Within 30 days of filing
Filing of all pre-trial motions	At least 60 days prior to pre-trial conference, notice for hearing prior to PTC	At least 60 days prior to pre-trial conference, notice for hearing prior to PTC
Completion of Alternative Dispute Resolution	Within 270 days after the complaint is filed	Within 450 days after the complaint is filed
Deadline for Plaintiff Expert Witness Disclosures	At least 150 days before PTC	At least 150 days before PTC
Deadline for Defendant Expert Witness Disclosures	At least 120 days before PTC	At least 120 days before PTC
Deadline for Plaintiff Fact and Exhibit Lists	At least 120 days before PTC	At least 120 days before PTC
Deadline for Defendant Fact and Exhibit Lists	At least 90 days prior to PTC	At least 90 days before PTC
Conferral	Required in the 10 days before any CMC and PTC	Required in the 10 days before any CMC and PTC
Trial	12 Months	18 months

4. The deadlines established in this case management order, including actual and projected trial periods, shall be strictly enforced by the Court *unless changed by court order* pursuant to Florida Rules of Civil Procedure 1.200(e).

5. Parties may submit an agreed order to extend a deadline if the extension does not affect the ability to comply with the remaining dates in this Case Management Order. If extending an individual case management deadline may affect a subsequent deadline in this Order, parties must seek an amendment of the Order, rather than submitting a motion for extension of an individual deadline. 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.

6. **Warning as to Generative Artificial Intelligence:** An attorney must be aware of the benefits and risks of Generative Artificial Intelligence applications and must comply with Rule 4-1.1 Competency, 4-1.6 Confidentiality, Rule 4-5.1 Supervision, Rule 4-5.3 Supervision of non-lawyers. Attorneys remain responsible for all their work product. See Florida Bar Ethics Advisory Opinion 24-1, January 19, 2024 AND SUPREME COURT ADMINISTRATIVE ORDER SC-12. Requiring the signer of a filing to represent that the legal authorities identified in the filing "exist and are accurately cited".

7. **Pro-Se warning as to Generative Artificial Intelligence:** If you choose to use programs that rely on Generative Artificial Intelligence (AI) to prepare any documents, you should check them carefully before filing with the court. Generative AI-based programs are not a substitute for competent legal counsel. While they may

be useful, there is a risk that they may produce inaccurate arguments, false citations, or bad advice. As a self-represented litigant, you must do your best to check the accuracy of anything you submit to the court. You are also held to the same standards.

It is FURTHER ORDERED that to facilitate an orderly progression of this matter and better-informed decisions by the Court, all motions shall be filed with the Clerk of the Court pursuant to Rule 1.080, Fla. R. Civ. P., and handled in the following manner:

8. *Legal memorandum required*. In making any written motion or other application to the Court for the entry of an order of any kind, the moving party shall file and serve with such motion or application a legal memorandum with citations to authority in support of the relief requested. A supporting memorandum may be incorporated into the body of the motion but should be clearly titled, "Motion to/for----------and Memorandum of Law."

The following motions need not be accompanied by a memorandum of law:

a. motion for continuance;
b. motion for default addressed to the Court;
c. motion to withdraw or substitute exhibits;
d. motion for extension of time in which to complete discovery, provided good cause is set forth in the motion; and
e. motion to withdraw or substitute counsel.

9. *Timely opposing memoranda*. Each party opposing any written motion or other application shall file and serve, within twenty (20) days after being served with such motion or application, a legal memorandum with citations to authority in opposition to the relief requested. Failure to respond within the time allowed may be deemed sufficient cause for granting the motion by default or for the Court to construe that there is no objection to the motion. *If a party has no*

objection to a motion and does not intend to file a responsive memorandum, counsel should file a written notice with the Clerk of the Court so indicating.

10. *Replies.* If upon receipt of an opposing memorandum, counsel determines further argument of his client's position is required, counsel shall file a reply within five (5) days of the receipt of opposing memorandum.

11. *Discovery motions accompanied by good faith certification*. Before filing a motion to compel pursuant to Rule 1.380, Fla. R. Civ. P., or a motion for protective order pursuant to Rule 1.280(c), counsel shall confer and correspond with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised, and shall certify to the Court at the time of filing the motion that s/he has conferred with opposing counsel and has been unable to resolve the dispute and **shall** attach to the motion a copy of the correspondence with opposing counsel of the good faith effort to resolve the discovery dispute. Conferral to the Court means communication by telephone, video chat or in person discussions. E-mails, especially unanswered, alone will not suffice. The failure to comply with this paragraph may result in the Court entering an order striking, without prejudice, the discovery motion.

12. *Content of discovery motions*. Except for motions grounded upon a complete failure to respond to discovery, discovery motions shall: (1) quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed; (2) quote in full the objection and grounds given therefore; and (3) state (with citations to authority) the reasons such objection should be overruled or sustained. If there is an allegation in the motion to compel of a complete failure to respond or object to discovery and there has been no request for an extension of time, then the Court may enter an *ex parte* order compelling discovery. See, ***Waters v. American General Corporation***, 770 So. 2d 1275 (Fla. 4th DCA 2000).

13. *Oral argument.* Motions and other applications will ordinarily be determined by the Court on the basis of motion papers and legal memoranda unless a hearing is required by rule or law. (For example, under Rule 1.510, *Fla. R. Civ. P.,* **summary judgment motions must be set for hearing.** This would not, however, extinguish the requirement that the motion be accompanied by and responded to with memoranda taking into consideration the time frame under Rule 1.510, *Fla. R. Civ. P.,* for filing supporting and opposing affidavits, etc.)

The Court may permit oral argument upon the written request of any interested party or upon the Court's own motion. Requests for oral argument must accompany the motion or opposing legal memorandum and must estimate the time required for argument. When a request for hearing is granted, counsel for the requesting party will be asked to coordinate the calendars of the Court and counsel. The Court, on its own, may schedule the hearing.

14. *Page limitation.* Absent prior permission of the Court, no party shall file a legal memorandum in excess of fifteen (15) pages in length.

15. *Motions to be filed with the Clerk.* All original pleadings and papers shall be filed with the Clerk of the Court.

16. *Form of motions.* All applications to the Court requesting relief in any form, or citing authorities or presenting argument with respect to any matter awaiting decision, shall be made in writing in accordance with this order and in appropriate form pursuant to the *Florida Rules of Civil Procedure*, and unless invited or directed by the Court, should not be addressed or presented to the Court in the form of a letter or the like.

17. *Time calculations*. All time calculations herein shall be subject to Rule 1.090, *Fla. R. Civ. P.*

18. *In limine motions.* Unless oral argument is requested and granted, or otherwise ordered by the Court, in limine motions will be resolved without a hearing. All motions in limine

must be filed no later than 30 days before the start of the pretrial hearing or the Court may deny the motion as being untimely.

19. *Emergency motions*. Motions of an emergency nature may be considered and determined by the Court at any time in its discretion.

20. *Proposed Orders.* Each party shall submit a proposed order to the Court.

21. *Case Management Schedule and Conferral*. An order setting case management conference, pretrial conference and trial date will be issued by the Court. Requests for changes to dates set due to conflicts should be filed within 10 days of discovery of a conflict. Prior to filing any motion, prior to the case management conference, and prior to the pretrial conference, counsel shall confer and correspond with counsel for the opposing party in a good faith effort to discuss timing, delays, issues, and resolve by agreement any issues raised, and shall certify to the Court at the time of filing the motion that s/he has conferred with opposing counsel. Conferral to the Court means communication by telephone, video chat or in person discussions. E-mails, especially unanswered, alone should not suffice to show conferral attempts. The burden being on the Plaintiff to initiate conferral.

FAILURE OF EITHER PARTY TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN SANCTIONS, INCLUDING BUT NOT LIMITED TO THE STRIKING/DENIAL OF THE MOTION(S) OR PARTS OF THEM, OR STAYING FURTHER PROCEEDINGS UNTIL THIS ORDER IS COMPLIED WITH, OR DISMISSAL/DEFAULT JUDGMENT BEING ENTERED AGAINST THE NONCOMPLIANT PARTY.

DONE AND ORDERED in Bushnell, Sumter County, Florida on the 10th day of November, 2026.

Erin C Daly

Erin Daly
Circuit Judge