

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 14-62166-Civ-Brannon

WILLIAM REICHLE, and
DENISE REICHLE,

Plaintiff(s),

vs.

PFL VI, LLC, and TPG
HOSPITALITY, INC.

Defendant(s).

ORDER SETTING TRIAL BEFORE U.S. MAGISTRATE JUDGE
AND AMENDED PRETRIAL SCHEDULING ORDER

THIS CAUSE is before the Court by Order (DE 14) referring this case to the undersigned for all further proceedings. The Court held a status conference on February 12, 2015. Being fully advised in the premises, the Court ORDERS as follows:

1. Trial: This case shall be **reset for a 5-day jury trial before U.S. Magistrate Judge Dave Lee Brannon, commencing at 9:30 a.m. on Monday, January 11, 2016.** A Status Conference will be held at 1:30 p.m. on Wednesday, January 6, 2016, at U.S. District Court, 701 Clematis Street, Fourth Floor, Courtroom 3, West Palm Beach, Florida. All counsel must appear in person at the status conference.

2. Pretrial Discovery and Conference: Pretrial discovery shall be conducted in accordance with S.D. Fla. L.R. 16.1 and 26.1, and the Federal Rules of Civil Procedure. The parties shall also review and abide by this Court's standing discovery procedure, which has been set forth by separate order (DE 17). No pretrial conference shall be held in this action, unless the

parties so request or the Court determines, *sua sponte*, that a pretrial conference is necessary. Should a pretrial conference be set, the deadlines set forth in this Order shall remain unaltered.

3. Pretrial Stipulation: Counsel must meet at least 45 days before trial to confer on the preparation of a Joint Pretrial Stipulation. The Joint Pretrial Stipulation shall be filed by the date set forth below and shall conform to S.D. Fla. L.R. 16.1(e). The Court will not accept unilateral pretrial stipulations, and will *sua sponte* strike any such submissions. Should any of the parties fail to cooperate in preparing the Joint Pretrial Stipulation, all other parties shall file a certification with the Court stating the circumstances. Upon receipt of such certification, the Court will issue an order requiring the non-cooperating party or parties to show cause why such party or parties (and their respective attorneys) should not be held in contempt for failure to comply with the Court's order. The pretrial disclosures and objections required under Fed. R. Civ. P. 26(a)(3) should be served, but not filed with the Clerk's Office, as the same information is required to be attached to the parties' Joint Pretrial Stipulation.

4. Proposed Voir Dire Questions: At least one week prior to trial, the parties shall submit their proposed voir dire questions in Word format via email to brannon@flsd.uscourts.gov.

5. Proposed Jury Instructions and Verdict Form: The parties shall prepare A SINGLE JOINT SET of proposed jury instructions (if this is a jury trial) and verdict form, though the parties need not agree on the proposed language of each instruction or question on the verdict form. Where the parties do agree on a proposed instruction or question, that instruction or question shall be set forth in Times New Roman 14 point typeface. Instructions and questions proposed only by the Plaintiff(s) to which the Defendant(s) object shall be italicized. Instructions and questions proposed only by Defendant(s) to which Plaintiff(s) object shall be

bold-faced. Each jury instruction shall be typed on a separate page and, except for Eleventh Circuit Pattern instructions clearly identified as such, must be supported by citations to authority. In preparing the requested jury instructions, the parties shall use as a guide the Pattern Jury Instructions for civil cases approved by the Eleventh Circuit, including the directions to counsel contained therein. A copy of the proposed jury instructions and verdict form shall be submitted to the Court in Word format on a USB flash drive or similar data storage device at the status conference.

6. Witness and Exhibit Lists: On the day of the status conference, counsel shall submit to the Court five typed lists of proposed witnesses and exhibits. All exhibits must be pre-marked in accordance with the exhibit list. The exhibit list shall set forth the number, or letter, and description of each exhibit. The exhibit list shall conform to the requirements of Form AO 187, which is available from the Clerk's office.

7. Motions to Continue Trial: A Motion to Continue Trial shall not stay the requirement for the filing of a Pretrial Stipulation and, unless an emergency situation arises, such Motion will not be considered unless it is filed at least 20 days before the trial is scheduled to commence.

8. Modified Pretrial Schedule: The parties shall adhere to the following amended pretrial schedule, which shall not be modified absent compelling circumstances.

April 10, 2015 Joinder of Additional Parties and Amend Pleadings.

April 27, 2015 Any motions for class certification shall be filed.

May 11, 2015 Plaintiff shall provide opposing counsel with a written list with the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify. Parties shall furnish opposing counsel with expert reports or summaries of their expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2). Within the 30 day period

following this disclosure (on or before June 10, 2015), Plaintiff shall make its experts available for deposition by Defendant. The experts' depositions may be conducted without further Court order.

June 10, 2015 Defendant shall provide opposing counsel with a written list with the names and addresses of all expert witnesses intended to be called at trial and only those expert witnesses listed shall be permitted to testify. Parties shall furnish opposing counsel with expert reports or summaries of their expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2). Within the 30 day period following this disclosure (on or before July 10, 2015), the defendant shall make its experts available for deposition by the plaintiff. The experts' depositions may be conducted without further Court order.

Note: The above provisions pertaining to expert witnesses do not apply to treating physicians, psychologists or other health providers.

July 10, 2015 All discovery shall be completed.

August 11, 2015 All Pretrial Motions, including summary judgment motions and *Daubert* motions, and Motions *in limine* shall be filed.

December 11, 2015 Joint Pretrial Stipulation shall be filed. Designations of deposition testimony shall be made. Parties shall furnish opposing counsel with a written list containing the names and addresses of all witnesses intended to be called at trial and only those witnesses listed shall be permitted to testify.

December 28, 2015 Objections to designations of deposition testimony shall be filed. Late designations shall not be admissible absent exigent circumstances.

January 4, 2016 Jury Instructions or Proposed Findings of Fact and Conclusions of Law shall be filed.

January 6, 2016 Status Conference.

9. Mediation/Settlement Conference: The parties shall abide by the Order of Referral to Mediation (DE 10), with the following exception. Any request to have a settlement conference in lieu of mediation shall be directed to the chambers of U.S. Magistrate Judge William Matthewman by calling (561) 803-3440 within 30 days of this Order with at least three

proposed conference dates. U.S. Magistrate Judge Matthewman will thereafter issue an order setting forth the date, time, place, and procedures for the settlement conference.

10. Notice of Settlement: If the case is settled, counsel shall promptly inform the Court by calling the undersigned's chambers at (561) 803-3470 and, within 10 days of notification of settlement to the Court, submit an appropriate Motion and proposed order for dismissal, pursuant to Fed. R. Civ. P. 41(a). The parties shall attend all hearings and abide by all deadlines unless and until an order of dismissal is filed.

11. Non-compliance with This Order: Non-compliance with any provision of this Order may subject the offending party to sanctions or dismissal. It is the duty of all counsel to enforce the timetable set forth herein in order to ensure an expeditious resolution of this cause.

DONE and ORDERED in Chambers at West Palm Beach in the Southern District of Florida, this 12th day of February, 2015.



DAVE LEE BRANNON
U.S. MAGISTRATE JUDGE