

Florida Middle District
Federal Court System

Local Rule 3.05
Case Management

RULE 3.05 CASE MANAGEMENT

(a) As soon as practicable after the filing of any civil action, the Clerk shall designate the case for future management on one of three tracks. The Clerk will notify the Plaintiff of such designation and the Plaintiff must then serve that notice upon all other parties. However, in cases governed by Rule 4.02, the Clerk will notify the party effecting removal, as specified in Rule 4.02(b), who then must serve that notice upon all other parties. The presiding judge may thereafter direct at any time that a case be redesignated from one track to a different track.

(b) Cases shall be designated by the Clerk to their appropriate tracks as follows:

(1) The following categories of proceedings are Track One Cases:

(A) an action for review on an administrative record;

(B) a petition for habeas corpus or other proceeding to challenge a criminal conviction or sentence;

(C) an action brought without counsel by a person in custody of the United States, a state, or a state subdivision;

(D) an action to enforce or quash an administrative summons or subpoena;

(E) an action by the United States to recover benefit payments;

(F) an action by the United States to collect on a student loan guaranteed by the United States;

(G) a proceeding ancillary to proceedings in other courts; and

(H) an action to enforce an arbitration award.

(2) Track Two cases shall include all cases not designated as Track One Cases, and not within the definition of Track Three Cases as hereafter stated. Track Two Cases will normally consist of non-complex actions which will require a trial, either jury or non-jury, absent earlier settlement or disposition by summary judgment or some other means.

(3) Track Three Cases shall include those cases involving class action or anti-trust claims, securities litigation, mass disaster or other complex tort cases, or those actions presenting factual or legal issues arising from the presence of multiple parties or multiple claims portending extensive discovery procedures or numerous legal issues such that the management techniques recommended in the current edition of the Manual For Complex Litigation should be considered and applied as appropriate to the circumstances of the case. Track Three Cases shall also include any action so imminently affecting the public interest (e.g. legislative redistricting, school

desegregation, voting rights) as to warrant heightened judicial attention or expedited treatment.

(c) The following procedures shall apply depending upon the Track to which a case has been designated:

(1) Track One Cases - -

(A) Government foreclosure or recovery cases, motions to withdraw references to the Bankruptcy Court, and proceedings under 28 USC § 2255 will normally be managed by the presiding District Judge pursuant to notices or orders entered by the Judge, or by the Clerk under the Court's direction, in each such case.

(B) Other Track One cases will normally be referred at the time of filing to the Magistrate Judges for management by them in accordance with other provisions of these local rules or standing orders entered in each Division of the Court governing the duties and responsibilities of the Magistrate Judges. Such cases will then be managed by them pursuant to notices or orders entered by the Magistrate Judge, or by the Clerk under the Court's direction, in each such case.

(2) Track Two Cases - -

(A) All Rule 12, F. R. Civ. P., motions will be promptly considered by the Court and will normally be decided within sixty (60) days after receipt of the last paper directed to the motion.

(B) Counsel and any unrepresented party shall meet within 60 days after service of the complaint upon any defendant, or the first appearance of any defendant, regardless of the pendency of any undecided motions, for the purpose of preparing and filing a Case Management Report in the form prescribed below. Unless the Court orders otherwise, parties represented by counsel are permitted, but are not required, to attend the case management meeting. The Case Management Report must be filed within 14 days after the meeting. Unless otherwise ordered by the Court, a party may not seek discovery from any source before the meeting.

(C) The Case Management Report shall include:

(i) The date(s) and time(s) of the meetings of the parties and the identity of the persons present.

(ii) A date by which the parties have agreed to pre-discovery disclosures of core information, either voluntarily or as may be required by the Federal Rules of Civil Procedure or other provisions of these rules, and a detailed description of the information scheduled for disclosure.

(iii) A discovery plan which shall include a detailed description of the discovery each party intends to pursue (requests for admission, requests for production or inspection, written interrogatories, oral depositions), the time during which each form of discovery will be pursued, the proposed date for completion of discovery, and such other matters relating to discovery as the parties may agree upon (e.g., handling of confidential information, limits on the number or length of depositions, assertion of privileges).

(iv) A final date for the filing of all motions for leave to file third party claims or to join other parties and specification of a final date for the filing of any motions for summary judgment.

(v) A statement concerning the intent of the parties regarding alternative dispute resolution (settlement negotiations, court annexed arbitration under Chapter Eight or court annexed mediation under Chapter Nine of these rules), and specification of a date by which the parties will either report to the court concerning prospective settlement or apply for an order invoking arbitration or mediation.

(vi) A date by which the parties will be ready for a final pretrial conference and subsequent trial.

(vii) The signature of all counsel and all unrepresented parties either in a single document or duplicate originals.

(viii) A statement assessing the need for a preliminary pretrial conference before entry of a Case Management and Scheduling Order.

(D) Upon receipt of the Case Management Report the court will either (i) schedule a preliminary pretrial conference to further discuss the content of the report and the subjects enumerated in Rule 16, F.R.Civ.P., before the entry of a Case Management and Scheduling Order, or (ii) enter a Case Management and Scheduling Order. The Case Management and Scheduling Order will establish a discovery plan and a schedule of dates including the dates of a final pretrial conference and trial (or specify dates after which a pretrial conference or trial may be scheduled on twenty (20) days' notice).

(E) It is the goal of the court that a trial will be conducted in all Track Two Cases within two years after the filing of the complaint, and that most such cases will be tried within one year after the filing of the complaint. A motion to amend any pleading or a motion for continuance of any pretrial conference, hearing, or trial is distinctly disfavored after entry of the Case Management and Scheduling Order.

(3) Track Three Cases - -

(A) The provisions of subsections (c)(2)(A),(B) and (c)(1)-(vii) of this rule shall apply to all Track Three Cases.

(B) Upon receipt of the Case Management Report, if not sooner in some cases, the Court will schedule and conduct a preliminary pretrial conference to discuss with the parties the content of the report and the subjects enumerated in Rule 16, F.R.Civ.P., before the entry of a Case Management and Scheduling Order.

(C) The Case Management and Scheduling Order will establish a discovery plan and will also schedule such additional preliminary pretrial conferences as may seem necessary as well as a final pretrial conference and trial (or specify dates after which a pretrial conference or trial may be scheduled on twenty (20) days' notice).

(D) It is the goal of the court that a trial will be conducted in all Track Three Cases within three years after the filing of the complaint, and that most such cases will be tried within two (2) years after the filing of the complaint or on an acutely accelerated schedule if the public interest requires. A motion to amend any pleading or to continue any pretrial conference, hearing or trial is severely disfavored because, in light of the need for special judicial attention, counsel should prosecute or defend a Track Three Case only if able to accommodate the scheduling demands.

(d) The disclosures required by Fed.R.Civ.P. 26 (including the initial disclosures specified in Rule 26(a)(1)) shall be made in Track Two and Track Three Cases in the time and manner required by that rule unless otherwise ordered by the Court or stipulated by the parties. If the parties stipulate not to exchange initial disclosures, the Court may order the parties to exchange similar information pursuant to Fed.R.Civ.P. 16. Track One Cases are exempt from the initial disclosures provisions of Rule 26(a)(1).

RULE 3.06 FINAL PRETRIAL PROCEDURES

(a) Final pretrial conferences may be scheduled by the Court pursuant to Rule 16(d), Fed.R.Civ.P., in any civil case on not less than twenty (20) days notice.

(b) In any case in which a final pretrial conference is scheduled by the Court (or in any case in which the Court directs the preparation and filing of a pretrial statement in accordance with this rule, but without scheduling a pretrial conference), it shall be the responsibility of counsel for all parties to meet together no later than ten (10) days before the date of the final pretrial conference (or at such other time as the Court may direct) in a good faith effort to:

- (1) discuss the possibility of settlement;
- (2) stipulate to as many facts or issues as possible;
- (3) examine all exhibits and Rule 5.04 exhibit substitutes or documents and other items of tangible evidence to be offered by any party at trial;
- (4) exchange the names and addresses of all witnesses; and
- (5) prepare a pretrial statement in accordance with subsection (c) of this rule.

(c) The pretrial statement shall be filed with the Court no later than three (3) days before the date of the final pretrial conference (or at such other time as the Court may direct), and shall contain:

- (1) the basis of federal jurisdiction;
- (2) a concise statement of the nature of the action;
- (3) a brief, general statement of each party's case;
- (4) a list of all exhibits and Rule 5.04 exhibit substitutes to be offered at trial with notation of all objections thereto;
- (5) a list of all witnesses who may be called at trial;
- (6) a list of all expert witnesses including, as to each such witness, a statement of the subject matter and a summary of the substance of his or her testimony;
- (7) in cases in which any party claims money damages, a statement of the elements of each such claim and the amount being sought with respect to each such element;
- (8) a list of all depositions to be offered in evidence at trial (as distinguished from possible use for impeachment), including a designation of the pages and lines to be offered from each deposition;

- (9) a concise statement of those facts which are admitted and will require no proof at trial, together with any reservations directed to such admissions;
- (10) a concise statement of applicable principles of law on which there is agreement;
- (11) a concise statement of those issues of fact which remain to be litigated (without incorporation by reference to prior pleadings and memoranda);
- (12) a concise statement of those issues of law which remain for determination by the Court (without incorporation by reference to prior pleadings or memoranda);
- (13) a concise statement of any disagreement as to the application of the Federal Rules of Evidence or the Federal Rules of Civil Procedure;
- (14) a list of all motions or other matters which require action by the Court; and
- (15) the signatures of counsel for all parties.

(d) If a final pretrial conference is scheduled by the Court, lead trial counsel for each party shall attend.

(e) All pleadings filed by any party prior to filing of the pretrial statement shall be deemed to be merged therein, or in any subsequent pretrial order entered by the Court. The pretrial statement and the pretrial order, if any, will control the course of the trial and may not be amended except by order of the Court in the furtherance of justice. If new evidence or witnesses are discovered after filing of the pretrial statement, the party desiring to use the same shall immediately notify opposing counsel and the Court, and such use shall be permitted only by order of the Court in the furtherance of justice.