

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR ST. JOHNS COUNTY, FLORIDA

BRADLEY BYRD, an individual, and
ANNA BYRD, an individual,

Plaintiffs,

CASE NO.: CA25-1320
DIVISION: 59

-vs-

COSTCO WHOLESALE CORPORATION, a
foreign for profit corporation, et al.,

Defendants.

**ORDER SCHEDULING TRIAL
AND DIRECTING PRETRIAL PROCEDURES**

IMPORTANT NOTICE: Many of the disclosure and other deadlines in advance of trial are specified in the Uniform Case Management Order which can be found on the Court's website at www.circuit7.org. It is imperative that all parties review the Uniform Case Management Order in conjunction with this Order.

It appearing that this case can be set for trial, it is ORDERED as follows:

1. **TRIAL DATE AND DOCKET SOUNDING.** This case is set for trial during the two (2) week period commencing **March 15, 2027, at 8:30 a.m.**, in courtroom 316, Richard O. Watson Judicial Center, 4010 Lewis Speedway, St. Augustine, Florida. The first day of the trial period is hereinafter referred to as the "trial date." Docket sounding (calendar call) will be held in courtroom 316, Richard O. Watson Judicial Center, on **March 2, 2027, at 1:30 p.m.** Appearance at docket sounding by counsel and all unrepresented parties is mandatory. Docket sounding shall be attended by an attorney who will participate in the trial of the case. Trial counsel may appear in person or by Zoom. If trial counsel desires to attend docket sounding via Zoom, the Court and all counsel shall be notified of counsel's intention to appear by teleconference prior to the docket sounding date by filing a notice of the same. Failure to attend docket sounding may result in the dismissal of this action, striking of pleadings, the entry of a default, or other appropriate sanctions. Parties shall be prepared to try the case anytime during the designated trial term. Trial will commence immediately after jury selection, unless otherwise stated by the Court.

NO MOTIONS WILL BE HEARD AT DOCKET SOUNDING.

2. This matter is scheduled for Jury trial.

3. **PRETRIAL CONFERENCE.** No pretrial conference will be scheduled unless requested in writing at least sixty (60) days prior to the docket sounding date. Please provide a copy of your request for a pretrial conference to the Judge's Judicial Assistant so that one can be scheduled. If a pretrial conference is requested, it will be scheduled by separate order.

4. **MEDIATION.** Unless this matter has been previously mediated pursuant to a trial order or is excluded from mediation by Fla. R. Civ. P. 1.710(b), this case is hereby referred to mediation in accordance with Fla. R. Civ. P. 1.700. *et. seq.* Plaintiff's counsel (or Defendant's counsel, if Plaintiff is unrepresented), shall submit a mutually agreeable mediation order to the Court at least seventy-five (75) days prior to docket sounding. If the parties are unable to agree on a mediator and a place and time for mediation, counsel shall promptly notify the Court. Mediation shall be completed and the mediation report filed with the Court prior to docket sounding. The requirement to mediate this case cannot be waived by agreement of the parties. Failure to mediate prior to docket sounding may result in sanctions which may include dismissal. It shall be the responsibility of Plaintiff's counsel (or Defendant's counsel if Plaintiff is unrepresented) to ensure the case is timely mediated.

5. WITNESS DISCLOSURES:

(a) **EXPERT WITNESSES.** Expert witnesses shall be disclosed no later than the time established in the Uniform Case Management Order. The disclosure shall contain the names, addresses and telephone numbers of each expert witness whom the noticing party in good faith expects will testify as a witness at trial. For each expert witness listed, the noticing party shall designate the area of expertise upon which he/she will testify (i.e. "accident reconstruction," "economist," "orthopedic physician," etc.). Within one (1) day after disclosure for each retained expert, the party who has designated the retained expert shall furnish opposing counsel with two (2) alternative dates of availability of all retained expert witnesses for the purposes of taking their deposition(s).

(b) **NON-EXPERT WITNESSES.** Non-expert witnesses shall be disclosed no later than the time established in the Uniform Case Management Order. The disclosure shall contain the names and addresses of each non-expert witness whom the noticing party in good faith expects will testify as a witness at trial, including witnesses expected to be called for impeachment or rebuttal.

(c) A party may amend or supplement his/her witness list without leave of Court at any time until the deadline for the disclosure of witnesses set forth in Uniform Case Management Order. If a witness disclosure is amended or supplemented, it shall be restated in full.

(d) Absent good cause, no witness shall be permitted to testify unless the party calling that witness has complied with this Order and the Uniform Case Management Order. This Order and the Uniform Case Management Order, including the deadlines and content requirements for disclosures, shall be strictly adhered to.

6. EXHIBITS:

(a) **EVIDENTIARY EXHIBITS.** No less than sixty (60) days before the docket sounding, each party shall disclose, and specifically describe in writing, each exhibit intended to be offered at trial, including exhibits to be used for impeachment. Exhibits not disclosed timely shall not be used at trial unless good cause is shown. The parties' Joint Pretrial Statement shall contain a list of all exhibits which will be offered in evidence at trial, together with a statement of objections, if any, to exhibits offered by the opposing party. With respect to each item, the Pretrial Statement shall reflect whether or not the evidence will be stipulated into evidence, stipulated as to authenticity with objection on other grounds, or objected to in its entirety and the grounds therefore.

(b) **DEMONSTRATIVE EXHIBITS.** Demonstrative exhibits shall be shown to and initialed by opposing counsel at the attorneys' pretrial meeting. PowerPoint or similar media presentations shall be treated as demonstrative exhibits governed by this requirement. Media presentations used solely for or during opening statement shall be shown to opposing counsel before the start of trial, and media presentations used solely for or during closing argument shall be shown to opposing counsel before such argument.

7. **DISCOVERY.** Discovery deadlines are specified in the Uniform Case Management Order.

8. **CONTINUANCES.** Motions for continuance must comply with Fla. R. Civ. P. 1.460. Motions not complying with Rule 1.460 may be summarily denied. Motions to continue trials are disfavored and will rarely be granted absent a showing of good cause.

9. **EXPERT WITNESS MOTIONS.** All expert witness related motions or objections (e.g. *Daubert* motions) shall be filed and served no later than the deadline specified in the Uniform Case Management Order. A copy of all such motions shall be delivered to the Court at the same time they are filed and served. The party filing expert witness related motions or objections shall be responsible for doing that which is necessary so that hearings regarding expert witness related motions shall be noticed and heard or agreed to by the parties prior to trial. Any expert witness related motions or objections shall state with particularity the grounds upon which they are based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies. The Court may summarily rule on any expert witness related motions not timely filed or written with particularity as described above.

10. **MOTIONS IN LIMINE.** All case specific motions in limine (excluding expert witness related motions) shall be filed and served as provided in the Uniform Case Management Order. The motion shall state with particularity the grounds upon which it is based, the substantial matters of law to be argued, identify any evidence or supporting material on which the movant relies, and whether opposing counsel agrees with the relief sought. The Court may summarily rule on any motions in limine not written with particularity as described above or failing to comply with the conferral requirements in Rule 1.202. Motions in limine need to be scheduled for hearing prior to trial. Because of the Court's crowded calendar, hearing time may not be available to consider motions filed close to the deadline. The inability of a party to obtain hearing time will generally

not constitute grounds for a continuance of the trial. Boilerplate motions in limine will not be considered. *See State Farm Mutual Automobile Ins. Co. v. Davis*, 356 So.3d 392, 397 n.5 (Fla 5th DCA 2022)

11. DISPOSITIVE MOTIONS. Dispositive motions (e.g. Motions for Summary Judgment, Motions for Judgment on the Pleadings, etc.) shall be filed and served no later than the deadline specified in the Uniform Case Management Order. The party filing the dispositive motion shall be responsible for doing what is necessary so that a hearing is conducted prior to trial. Due to the Court's crowded calendar parties should not wait until the deadline to file the motions and should schedule a hearing as early as possible.

12. MOTIONS GENERALLY. The failure of a party to call up for hearing any timely filed motion(s) at least ten (10) days prior to the trial date, may constitute a waiver thereof, unless the grounds did not exist, or the party was not aware of the grounds for the motion(s) prior to the filing of such motion(s) after the exercise of reasonable diligence. Motions filed within thirty (30) days of the trial date will not be considered if predicated on matters the movant knew or should have known with the exercise of reasonable diligence at least thirty (30) days prior to the trial date. Because of busy court calendars, hearing time may not be available to consider motions filed close to the deadline. The inability of a party to obtain hearing time will generally not constitute grounds for a continuance of the trial. Failure to comply with the conferral requirements in Rule 1.202 may result in the motion(s) being summarily denied.

13. MANDATORY PRETRIAL MEETING. No later than ten (10) days prior to docket sounding (or ten (10) days prior to the pretrial conference, if one is scheduled), trial counsel and all unrepresented parties shall meet. Attendance at this meeting is mandatory. Plaintiff's attorney (or if Plaintiff is unrepresented, Defendant's attorney) shall arrange a mutually agreeable time, date and place for this meeting. If the parties are unable to agree, counsel shall promptly notify the Court in writing and the Court will set the time, date and place for the meeting.

At the pretrial meeting, the attorneys and unrepresented parties shall:

(a) Discuss and attempt to settle the case.

(b) Produce, examine and initial every evidentiary exhibit intended to be offered at trial; agree on those which can be admitted as joint exhibits, those which can be admitted without objection, and identify those to which objections will be made and the grounds for each objection noted on a separate copy of party's exhibit list. Objections not reserved or grounds not noted on the annotated exhibit lists will be deemed waived at trial. The annotated copies of the exhibit lists will be attached to and made a part of the joint pretrial statement required by this Order. Any listed exhibit not objected to will be admitted into evidence.

(c) Review the witness lists and note on a separate copy which witnesses and depositions the parties in good faith anticipate will actually be used at trial. The annotated copies of the witness lists will be attached to the joint pretrial statement required by paragraph 13 of this Order.

(d) Discuss and stipulate as to those facts which do not require proof at trial.

(e) Discuss, clarify and frame all factual issues to be tried.

(f) Identify all significant issues of law, procedure or evidence to be decided by the Court prior to or during trial.

(g) Agree upon and draft a concise but complete statement of the case to be read by the Court to the jury at the beginning of the case, if a jury trial.

(h) For witnesses who will be testifying by deposition, the party calling the witness shall designate the portions of the deposition intended to be offered. Counter-designations for that deposition testimony shall be made no later than five business days after the designations.

(i) Discuss and attempt to agree upon any other matters which will lead to a more orderly trial (e.g. copies in lieu of originals, witnesses out of turn, how depositions will be presented, the treatment of collateral source set-offs, the need to call records custodians, etc.)

Failure to attend or participate in the mandatory pretrial meeting may result in sanctions which may include striking pleadings, dismissal, or default.

14. JOINT PRETRIAL STATEMENT. Following the meeting required above, Plaintiff's attorney (or Defendant's attorney, if Plaintiff is unrepresented) shall prepare and present to opposing counsel and all unrepresented parties a proposed Joint Pretrial Statement. The statement shall be signed by all attorneys and unrepresented parties. The original shall be filed with the Clerk and one copy shall be mailed or delivered to the judge no later than docket sounding; provided, however, that if the Court schedules a pretrial conference, the joint pretrial statement shall be provided to the Court at or before the pretrial conference. To the extent the parties differ as to how portions of the joint pretrial statement should read, the differing views should be set forth in the joint pretrial statement, not by separate filing.

The joint pretrial statement shall contain the following items in the following format:

(1) A concise factual statement of the case to be read to the jury (if a jury trial), which shall include the date and place of accrual, identity of the parties, and brief general statement of each party's case or contention.

(2) A concise statement of facts which are admitted and which of those admitted facts may be read in evidence at trial as a stipulation of the parties.

(3) A list of issues raised by the pleadings that are abandoned.

(4) A list of the issues of fact to be tried (framed as they would be set in an interrogatory verdict).

(5) A list of undisposed issues of law, procedure or evidence to be determined by the Court prior to or during trial.

(6) An itemized list of special damages that each party claiming special damages expects to prove.

(7) The annotated copy of each party's list of exhibits showing objections required by this Order.

(8) The annotated copy of each party's witness list required by this Order.

(9) For any witness who will be testifying by deposition, the party offering the witness shall designate those portions of the deposition testimony it intends to present at trial. The opposing party shall identify those designated portions of the deposition testimony that is objected to and the basis for the same.

(10) An estimate of the number of days required for trial and the time requested for opening statements.

(11) Any other agreed matters.

Failure to timely submit the joint pretrial statement may result in sanctions which may include dismissal.

15. JURY INSTRUCTIONS AND VERDICT FORMS. (Applicable to jury trials only) Prior to jury selection, Plaintiff's counsel (or Defendant's attorney if Plaintiff is unrepresented by counsel) shall confer with opposing counsel and generate one joint set of proposed jury instructions for use at the charge conference. Instructions that are agreed to by all parties shall be so designated; instructions not agreed to should be labeled as the Plaintiff's or Defendant's requested instructions and included in the joint set of proposed instructions. This joint set of instructions shall be given to the Court in paper and on electronic media (e.g. email, flash drive, etc.) in Word format. Proposed verdict forms should be submitted in the same manner.

16. MARKING EXHIBITS BEFORE TRIAL. Each party shall, at least two business days before jury selection or such time as agreed by the clerk, meet with the Judge's court clerk and assist the clerk in marking all exhibits for identification in the manner directed by the clerk. Exhibits marked for identification shall be designated by letter.

17. EXTENSION OF TIME LIMITS. Extensions or modifications of deadlines or compliance dates are governed by the Uniform Case Management Order.

18. STANDARDS OF CONDUCT. Conduct that may be characterized as uncivil, abusive, hostile or obstructive impedes the fundamental goal of resolving cases fairly and efficiently and will not be tolerated. Such conduct tends to delay and deny justice. Counsel shall be familiar with the Florida Bar's Guidelines for Professional Conduct and the requirements of the undersigned judge.

19. **COURT REPORTER.** The parties shall coordinate the scheduling of a court reporter if desired. Court Reporters must meet the minimum qualifications set forth in the Seventh Judicial Circuit Administration Order G-2023-041-SC. Court reporters not meeting the minimum qualifications will not be permitted to report proceedings; however, the case will proceed as scheduled.

20. **SETTLEMENT.** If this case is settled or is dismissed prior to the trial date, the parties shall promptly notify the Court by telephone and confirm the settlement or dismissal in writing. A notice of voluntary dismissal or joint motion to dismiss shall be submitted to the Court within thirty (30) days after the Court is advised of the settlement.

DONE AND ORDERED in chambers, in St. Johns County, Florida, on 09 day of April, 2026.

4/9/2026 3:48 PM CA25-1320


e-Signed 4/9/2026 3:48 PM CA25-1320

R. LEE SMITH
CIRCUIT JUDGE

Copies to: Counsel/parties of record
Rev 1/25



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS



SOLICITUD DE ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Si usted es una persona con discapacidad que necesita una adaptación para poder participar en este procedimiento, usted tiene el derecho a que se le proporcione cierta asistencia, sin incurrir en gastos. Comuníquese con la Oficina de Administración Judicial (Court Administration), 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, con no menos de 7 días de antelación de su cita de comparecencia ante el juez, o de inmediato al recibir esta notificación si la cita de comparecencia está dentro de un plazo menos de 7 días; si usted tiene una discapacidad del habla o del oído, llame al 711.

ESTOS NUMEROS TELEFONICOS NO SON PARA OBTENER INFORMACION JUDICIAL