

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO: _____
COUNTY CIVIL DIVISION: RE

Plaintiff (s)

vs

Defendant (s)

PRETRIAL CONFERENCE ORDER AND NOTICE OF TRIAL

1. PLAINTIFF:

_____ appeared _____ by self _____ by agent or attorney _____
_____ failed to appear
_____ granted ___ days to file amended Statement of Claim
_____ advised of probable need for expert testimony from _____

2. DEFENDANT:

_____ appeared _____ by self _____ by agent or attorney _____
_____ failed to appear
_____ denies liability and damages
_____ admits liability but denies damages
_____ granted days to file a counterclaim or 3d party claim
_____ advised of probable need for expert testimony from _____

3. ISSUES FOR TRIAL:

_____ Liability and damages _____ Liability only (Parties agree on amount of damages)
_____ Damages only (Parties agree on Liability)

4. WITNESSES: (total) _____ Plaintiff _____ Defendant _____ Parties advised of availability of
subpoena power
_____ Witnesses may appear telephonically
_____ Other:

5. EXHIBITS, DOCUMENTS, AND TANGIBLE EVIDENCE:

Number of estimated exhibits: Plaintiff _____ Defendant _____

____ Parties instructed that they must, within _____ days of the date of this order, furnish copies of all documents, exhibits or tangible evidence that they intend to use at trial to the other party in this case.

DISCOVERY MAY BE HAD IN ACCORDANCE WITH SMALL CLAIMS RULE 7.020.

6. STIPULATION OR OTHER:

7. NOTICE OF NON-JURY TRIAL

This case is set for Non-Jury Trial (Final Hearing), on _____, 20____, at _____ o'clock ____ M., at Palm Beach County Courthouse, 205 North Dixie Highway, Courtroom 4C, West Palm Beach, FL, 33401, before The Honorable Nancy Perez.

TIME ESTIMATED FOR TRIAL _____

Service of this Order and Notice accepted by:

Plaintiff (s): _____
Telephone: _____
Attorney for Plaintiff: _____
Telephone: _____

Defendant (s): _____
Telephone: _____
Attorney for Defendant: _____
Telephone: _____

Done and Ordered in Chambers, West Palm Beach, Palm Beach County, Florida, this ____ day of _____, 20_____.

Nancy Perez
County Court Judge

IMPORTANT: PLEASE READ THE ATTACHED "NOTICE FOLLOWING PRETRIAL CONFERENCE" FOR INFORMATION ON PREPARING FOR YOUR TRIAL

Notice Following Pretrial Conference

IMPORTANT: PLEASE READ CAREFULLY!

YOU HAVE NOW ATTENDED A PRETRIAL CONFERENCE ON A SMALL CLAIMS ACTION. THIS WILL BE THE ONLY NOTICE YOU WILL RECEIVE CONCERNING YOUR TRIAL DATE AND WHAT YOU NEED TO DO TO PREPARE FOR YOUR TRIAL. DO NOT LOSE THIS ORDER AND NOTICE OF TRIAL. YOU ARE NOW SCHEDULED FOR A TRIAL AS LISTED ON THE REVERSE SIDE OF THIS PAPER. MAKE SURE YOU ARE AWARE OF ALL OF THE FOLLOWING:

1. **NON-JURY TRIAL-** You are now scheduled for a non-jury trial before a county court judge.
2. **TRIAL DATE-** Do not forget your trial date. Failure to come to court on the given date at the right time may result in the dismissal of your case or a final judgment being entered against you.
3. **EXCHANGE OF DOCUMENTS AND INFORMATION-** If the judge told you to submit any documents or give any information to the other party (such as a list of your witnesses' names and addresses), **DO IT**. Failure to do this as directed by the judge may cause court sanctions against you such as extra court costs, contempt of court, or delays.
4. **COUNTERCLAIMS-** If you are the plaintiff and you have been given a written notice that a counterclaim has been filed against you in this lawsuit. This means that you are now being sued by the defendant. Also, if at the pretrial conference the judge allowed the defendant a certain number of days to file a counterclaim, the defendant must file that counterclaim within that number of days from the date of this pretrial conference order. If the defendant does that, the defendant has a claim now pending against you. If, at the time of the trial, the counterclaim has been properly filed, there are 2 lawsuits being considered by the judge at the same time: the plaintiff's suit against the defendant and the defendant's suit against the plaintiff. In the event that both claims are settled by the parties, both parties should notify the Clerk of the County Court, Civil Division, **IN WRITING**, of the settlement. Only after both the plaintiff and the defendant have notified the clerk in writing of the settlement is it not necessary for the parties to appear in court. Settlement of one claim, either the plaintiff's claim against the defendant or the defendant's claim against the plaintiff, has no effect as to the other claim, and that remaining claim will proceed to trial on the trial date listed on the pretrial conference order
5. **THIRD-PARTY COMPLAINTS-** If you are the defendant and you believe that the plaintiff may win the suit against you, but, if the plaintiff does, someone else should pay you so you can pay the plaintiff, then you must file a third party complaint against that person and serve that person with notice of your claim. Once served, that person must appear in court as you have to answer your complaint against that person. This must be done prior to trial within the time allowed you by the judge.
6. **TRIAL PREPARATION-** Bring all witnesses and all documents and all other evidence you plan to use at the trial. There is only one trial! Have everything ready and be on time. If the judge advised you at the pretrial conference hearing that you needed something for the trial, such as an expert witness (an automobile mechanic, an automobile body worker, a carpenter, a

painter, etc.) or a particular document (a note, a lease, receipts, statements, etc.), make sure that you have that necessary person or evidence at the trial. **Written estimates of repairs are usually not acceptable as evidence** in court unless both parties agree that the written estimates are proper for the judge to consider or unless the person who wrote the estimates is present to testify as to how that person arrived at the amounts on the estimates and that those amounts are reasonable in that particular line of business.

7. **COURT REPORTER AND APPEALS-** Your non-jury trial will not be recorded. If you wish a record of the proceedings, you must either arrange for a tape recorder to record the hearing and the tape left with the court or a court reporter is necessary. To obtain a court reporter you may wish to consult listings in the Yellow Pages of the phone book. The court has no official court reporter and will not provide one at the time of trial. Appeals to a higher court because you are not satisfied with the outcome of the trial are governed by special rules. One of these rules requires that the appellate court have a complete record of the trial to review for errors. If you do not have a court reporter or other means of preserving the record at your trial, your chances for success on appeal will be severely limited.
8. **SETTLEMENT-** If all parties agree on settlement of all claims before trial, each party must notify the judge immediately so that the allotted trial time may be reassigned to someone else. Immediately thereafter, the parties must, in writing, notify the clerk of the settlement, and the court will thereafter dismiss the case. The mailing address is: **Clerk of the County Court, Civil Division, Room 2.2200, 205 North Dixie Highway, West Palm Beach, FL 33401.**
9. **ADDRESS CHANGES-** All changes in mailing addresses must be furnished in writing to the clerk and to the opposing party.
10. **TELEPHONIC TESTIMONY-** If the court has given prior approval witnesses may appear telephonically. Each party shall be prepared to provide a number for the witness to be called from the court room. . The party calling the witness must be prepared to pay the cost of placing any toll calls. This may be provided for by the witness accepting collect calling charges or by the use of any third party billing method that results in direct billing to the party calling the witness. The witness must be available when the call is placed. It shall not be grounds for continuance that the witness was not available when called, that the number called was “busy” or that the call could not be completed for any reason.
11. **ADDITIONAL PROBLEMS-** For anything you do not understand about the above information and for any additional questions you may have concerning the preparation of your case for trial, please contact the Clerk of the County Court, Civil Division, in person or by telephone **(561) 355-2500**. The clerk is not authorized to practice law and therefore cannot give you legal advice on how to prove your case. However, the clerk can be of assistance to you in questions of procedure. If you need legal advice, please contact an attorney of your choice. If you know of none, call the **Palm Beach County Bar Association, Lawyer Referral Service, for assistance, (561) 687-3266.**