

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 21-60515-CIV-MORENO

PRESTIGE INSURANCE GROUP and
ULISES CICCARELLI,

Plaintiffs,

vs.

ALLSTATE INSURANCE COMPANY,

Defendant.

SCHEDULING ORDER SETTING TRIAL

THIS COURT issues this order in accordance with Local Rule 16.1. The parties shall comply with the following deadlines.

Selection of a mediator to be completed no later than:	June 1, 2022
Deadline to join additional parties or to amend pleadings:	June 15, 2022
In the unlikely event that experts are needed, disclosure of experts' names <u>and</u> their reports are required at least 30 days before the discovery deadline. Deadline to complete all discovery (including expert discovery):	August 19, 2022
Deadline for the filing of all motions for summary judgment:	September 2, 2022
Deadline for the filing of pretrial motions (including motions <i>in limine</i> and <i>Daubert</i> motions):	October 19, 2022
Mediation to be completed no later than:	October 19, 2022
Plaintiffs' witness and exhibit lists:	November 30, 2022
Defendant's witness and exhibit lists:	December 2, 2022
Pretrial stipulations to be filed by:	December 6, 2022

Calendar Call at 2:00 p.m., Wilkie D. Ferguson U.S. Courthouse, Courtroom 12-2, 400 North Miami Avenue, Miami, FL 33128:	December 13, 2022
Trial set for the two-week period commencing:	December 19, 2022

Pursuant to Federal Rule of Civil Procedure 40, this action is at issue. It is **ADJUDGED** that the parties shall comply with the following trial management procedures:

(1) **Pretrial Conference** – The Pretrial Conference allowed under Federal Rule of Civil Procedure 16(a) and required by Local Rule 16.1.C, shall take place immediately following Calendar Call only if requested by the parties in advance. If the parties do not request a pretrial conference in advance of Calendar Call then no pretrial conference will be held.

(2) **Plaintiffs' Witness and Exhibit Lists** – Plaintiffs shall electronically upload onto the case docket a copy of Plaintiffs' Witness List and a copy of Plaintiffs' Exhibit List no later than **Wednesday, November 30, 2022, at 5:00 p.m.**

(a) **Plaintiffs' Witness List** - Plaintiffs' Witness List shall include all the witnesses, both lay and expert, that Plaintiffs intend to call at trial. Plaintiffs' Witness List shall briefly describe the nature of each witness' testimony and whether such witnesses will be testifying live or by deposition. Witnesses omitted from the list will not be allowed at trial.

(b) **Plaintiffs' Exhibit List** - Plaintiffs' Exhibit List shall include the exhibits that Plaintiffs intend to use at trial. Plaintiffs' Exhibit List shall in consecutively numbered paragraphs adequately describe the nature of each document listed. The actual exhibits shall be pre-marked with corresponding numbers (*e.g.* Plaintiffs' Exhibit #1, Plaintiffs' Exhibit #2, *etc.*) which numbers they will retain through the end of trial. The exhibit list shall refer to specific items and shall not include blanket statements such as *all exhibits produced during depositions* or *Plaintiffs reserve the use of any other relevant evidence*. Exhibits omitted from the list will not be allowed at trial.

(3) **Defendant's Witness and Exhibit Lists** – Defendant shall electronically upload onto the case docket a copy of Defendant's Witness List and a copy of Defendant's Exhibit List no later than **Friday, December 2, 2022, at 5:00 p.m.**

(a) **Defendant's Witness List** - Defendant's Witness List shall include only those additional lay and expert witnesses not included on Plaintiffs' Witness List. Witnesses listed by Plaintiffs will be available for both parties and should not be re-listed on Defendant's Witness List. Defendant's Witness List shall briefly describe the nature of each additional witness' testimony and whether such witnesses will be testifying live or by deposition. Witnesses omitted from Defendant's Witness List and not listed on Plaintiffs' Witness List will not be allowed at trial.

(b) **Defendant's Exhibit List** - Defendant's Exhibit List shall include only those additional exhibits that Defendant wishes to introduce at trial which are not on Plaintiffs' Exhibit List. Defendant's Exhibit List shall in consecutively numbered paragraphs adequately describe the nature of each document listed. The actual exhibits shall be pre-marked with corresponding numbers (*e.g.* Defendant's Exhibit #1, Defendant's Exhibit #2, *etc.*) which numbers they will retain through the end of trial. The exhibit list shall refer to specific items and shall not include blanket statements such as *all exhibits produced during depositions* or *Defendant reserves the use of any other relevant evidence*. Exhibits omitted from Defendant's Exhibit List and not listed on Plaintiffs' Exhibit List will not be allowed at trial.

(4) **Pretrial Stipulation** – Pursuant to Local Rule 16.1.E, the parties shall file a Pretrial Stipulation no later than **Tuesday, December 6, 2022**. The Pretrial Stipulation shall conform to the requirements of Local Rule 16.1.E. The parties shall attach to the Pretrial Stipulation copies of the witness and exhibit lists along with any objections allowed under Local Rule 16.1.E.9. A pending motion for continuance shall not stay the requirement for filing of a Joint Pretrial Stipulation.

(5) **Continuance / Settlement** – To the extent that the parties request modification of any date in this Court's Scheduling Order, the parties shall file either a *Motion to Continue Trial* or a *Motion to Continue Pretrial Deadlines*. A stipulation of settlement must also be in writing. *See* Local Rule 7.1.4. Unless the Court grants the motion in writing, counsel must appear at the Calendar Call.

(6) **Motions** – When submitting motions, the parties shall submit a proposed order only for those motions listed in Local Rule 7.1.A.1.

(7) **Depositions** – Depositions are limited to seven hours during one day absent court order or agreement of the parties and any affected non-party witnesses. *See* Local Rule 26.1K.

(8) **Summary Judgment** – The practice of filing multiple motions for partial summary judgment which are collectively intended to dispose of the case (as opposed to one comprehensive motion for summary judgment) in order to evade memorandum page-limitations is specifically prohibited. *See Administrative Order 97-06* (S.D. Fla. Jan. 31, 1997) (amending Local Rule 7.1.C.2).

DONE AND ORDERED in Chambers at Miami, Florida, this 18th of May 2022.

A handwritten signature in black ink that reads "Federico A. Moreno". The signature is written in a cursive style and is underlined with a single horizontal line.

FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record

