

IN THE SUPREME COURT OF FLORIDA

Case No.: SC19-1118

BRENT A. DODGEN,

Petitioner,

v.

KAITLYN P. GRIJALVA,

Respondent

**APPENDIX TO PETITIONER'S RESPONSE IN OPPOSITION TO
RESPONDENT'S MOTION FOR LIMITED RELIEF FROM STAY**

BOYD & JENERETTE, PA

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Attorneys for Petitioner Brent A. Dodgen

RECEIVED, 02/11/2020 01:46:32 PM, Clerk, Supreme Court

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Plaintiff,

Kaitlyn Grijalva
vs.

CASE NO.: 2018-18196

Defendant.

Brent Dodger

ORDER ON

Defendant's Motion to Stay

THIS CAUSE was considered by the Court on the following Motion(s) Defendant's

Motion to Stay

HEARING was held on May 7, 2019

THE COURT having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is hereby ORDERED as follows:

Granted in part. The only issues stayed are those addressed in Defendant's petition. The stay is temporary and the Court will hold a status conference on June 4 to address lifting the stay. Parties are to meet c.c. confer within five days to address all other expert discovery disputes by the petition. Plaintiff will file a motion for an order on May 14, 2019 regarding the expert discovery not produced. Trial will commence on June 10, 2019.

DONE AND ORDERED on May 7, 2019, in Fort Lauderdale, Broward County, Florida.

SANDRA PERLMAN

MAY 07 2019

CIRCUIT JUDGE
SANDRA PERLMAN

Copies furnished: ☒ In Open Court
☐ By Mail
☐ By E-mail/Efiling Portal

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DOGEN

Defendant.

NOTICE OF TAKING DEPOSITION DUCES TECUM*

(Please advise if Interpreter is required)

PLEASE TAKE NOTICE that the undersigned counsel will take the video-taped deposition of:

NAME: RECORDS CUSTODIAN FOR DR. RICHARD KISHNER

DATE & TIME: MAY 29, 2019 at 10:00 AM

LOCATION: PHIL SMITH NEUROSCIENCE INSTITUTE
4725 N. FEDERAL HIGHWAY
FT. LAUDERDALE, FL 33308

*** REFER TO ATTACHED SCHEDULE "A"**

upon oral examination before a member of the firm of VERITEXT, Notaries Public in and for the State of Florida, or any other officer duly authorized by law to take depositions. The oral examination will continue from day to day until completed. The deposition(s) is/are being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 21st day of May, 2019.

GOLDBERG & ROSEN, P.A.
1111 Brickell Avenue, Suite 2180
Miami, Florida 33131
Tel: (305) 374-4200 / Fax: (305) 374-8024

/s/ Brett M. Rosen

BY:

Zachary D. Bodenheimer (FBN: 91322)
Brett M. Rosen, Esq. (FBN: 0044859)
Primary: pleadings@goldbergorosen.com

SCHEDULE "A"
EXPERT DUCES TECUM REQUEST

1. Your Curriculum Vitae.
2. Copies of all statements, written or recorded, that you have examined.
3. All published or non-published standards from any source, text, treatises, articles, manuals and journals which you used or referred to in formulating your opinion.
4. Copies of all published professional articles or drafts of speeches you have given.
5. All report(s) you have prepared relating to your expert opinion.
6. All notes, calculations and other data prepared by you in formulating your opinion.
7. All drawings, graphs, charts, illustrations and plans, prepared by you in formulating your opinion.
8. Your records indicating time spent on this undertaking and hourly charges thereof.
9. Reports, notes, transcription of oral opinions or summaries of opinions of other experts who have reviewed or rendered opinions in this case.
10. Any published monographs, treatises, manuals, articles, textbooks or other documents which you have used as a reference and upon which you base your expert opinion, in whole or part.
11. Any correspondence between your office and the attorney who engaged you.
12. All memoranda you have reviewed, prepared by the attorney who engaged you, an investigator, a paralegal or an adjuster.
13. All other documents or writings of any kind or description that you have viewed in formulating your conclusions or opinions.
14. Any/all documents reflecting money paid to you by those representing the defense in this case for your expert services for 2015, 2016, 2017, 2018, and 2019.
15. Any/all documents reflecting money paid to you by Allstate in this case for your expert services for 2015, 2016, 2017, 2018, and 2019.
16. A list of all other individuals with whom you have consulted in formulating your opinions, including their respective addresses, phone numbers, areas of expertise, and a summary of their opinions.
17. The entire file for Kaitlyn Grijalva as it pertains to this case.
18. Deponent is to have with her on said date and time, the following: Entire File for Kaitlyn Grijalva, date of birth is 01/14/1988 and last four digits of Social Security numbers end with 0207, including but not limited to, any and all medical records, any and all hand-written records, any and all billing records to and from defense counsel, and the entire chart for this patient. Nothing is to be omitted or removed.
19. Case list, deposition list, and trial list for the last three years.

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DOGEN

SUBPOENA FOR
DEPOSITON DUCES TECUM (*)

Defendant.

_____/

TO: Records Custodian for Dr. Richard Kishner
Phil Smith Neuroscience Highway
4725 N. Federal Highway
Ft. Lauderdale, FL 33308

YOU ARE HEREBY COMMANDED to appear before **Brett Rosen, Esq. of**
GOLDBERG & ROSEN, P.A., at 4725 N. Federal Highway, Ft. Lauderdale, FL 33308 on
May 29, 2019 at 10:00 a.m. as follows:

(*) SEE THE ATTACHED EXHIBIT "A"

IF YOU FAIL TO APPEAR YOU MAY BE IN CONTEMPT OF COURT.

Unless you are excused by the attorney(s) whose name(s) appear on this Subpoena, or the
Court, you shall respond to this Subpoena as directed.

WITNESS my hand and seal of this Court on this **21st day of May, 2019.**

/s/ Brett M. Rosen

BY: _____

Brett M. Rosen, Esq. (F.B.N. 0044859)

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

Primary E-mail: pleadings@goldbergrandrosen.com

BRosen@goldbergrandrosen.com

BMRSecy@goldbergrandrosen.com

In accordance with the American with Disabilities Act of 1990, persons needing a special accommodation to participate because of their disability in this proceeding should contact the Court ADA Coordinator, at telephone number (305) 375-2006, no later than seven (7) days prior to the proceeding, for assistance; if hearing impaired, telephone 375-2007 (Court TDD number for assistance)

IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE16-018196

KAITLYN P. GRIJALVA,

Plaintiff,

vs.

BRENT A. DODGEN,

Defendants.

**DEFENDANT'S MOTION FOR PROTECTIVE ORDER REGARDING THE VIDEO
DEPOSITION OF THE RECORDS CUSTODIAN FOR DR. RICHARD KISHNER,
OBJECTION TO SUBPOENA DUCES TECUM AND MOTION FOR SANCTIONS FOR
VIOLATION OF MOTION TO STAY**

COMES NOW the Defendant, BRENT A. DODGEN, by and through the undersigned counsel, and respectfully requests the Court to enter an Order of Protection in regards to the deposition of the Records Custodian for Dr. Richard Kushner scheduled for May 29, 2019, objection to subpoena duces tecum and Motion for Sanctions for Violation of Motion to Stay and as grounds therefore would state:

1. This is a personal injury action in which the Plaintiff is alleging personal injuries as a result of an automobile accident that took place on or about September 5, 2015.
2. On May 21, 2019, Plaintiff's counsel unilaterally scheduled the video deposition of the Records Custodian for Dr. Richard Kushner to take place on May 29, 2019.
3. This date was not coordinated with Defense counsel's office.
4. Dr. Richard Kushner is a retained expert for the Defense in this case and Defense counsel further objects to the production of documents that is being requested by the

Plaintiff in the Schedule “A” attached to the Notice, specifically #14 and #15. See attached as Exhibit “A.”

5. The Court granted a Motion to Stay regarding these requests, one of which has been previously withdrawn in Plaintiff’s response to Defendant’s Petition.
6. To now try to circumvent the appellate Court and try to obtain this information directly from the doctor via subpoena shows tremendous bad faith by the Plaintiff, notwithstanding flagrantly violating this Court’s Order on Defendant’s Motion to Stay this issue. See Attached Order, as Exhibit “B.”
7. Further, a party is not allowed to get financial discovery from an expert under 1.280 absent unusual circumstances. Rule 1.280(5) states:

An expert may be required to produce financial and business records only under the most unusual or compelling circumstances and may not be compelled to compile or produce nonexistent documents. Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and other provisions pursuant to subdivision (b)(5)(C) of this rule concerning fees and expenses as the court may deem appropriate.
8. Based on the foregoing, the Defendant seeks an Order of Protection from the Records Custodian for Dr. Richard Kishner having to appear for deposition on May 29, 2019, requesting to produce documents that the Court has clearly stated where stayed at this time and for sanctions, for requesting documents that were withdrawn on the appellate level and in violation of the Court’s Order, and for Defendant to have to file this present Motion in response to this unilaterally scheduled deposition.

WHEREFORE, Defendant, BRENT A. DODGEN, seeks an Order of Protection from the Records Custodian for Dr. Richard Kishner appearing for deposition on May 29, 2019 and impose sanctions against Plaintiff for their actions and requests herein, in violation of the Court's Order and/or for whatever other relief this Court deems appropriate.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed to: **BRETT M. ROSEN, ESQUIRE**, *Attorney for Plaintiff*, pleadings@goldbergandrosen.com, brosen@goldbergandrosen.com, and bmrsecy@goldbergandrosen.com on May 24, 2019.

ROBINSON PECARO & MIER, P.A.
Attorney for Defendant
501 Shotgun Road, Suite 404
Sunrise, FL 33326
Telephone: (954) 252-7197
Facsimile: (954) 252-7199
Emails: mschechter@lawdrive.com
kirsten@lawdrive.com

By /s/ Marc Schechter
Marc Schechter
Florida Bar #183105

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DOGEN

Defendant.

NOTICE OF TAKING DEPOSITION DUCES TECUM*

(Please advise if Interpreter is required)

PLEASE TAKE NOTICE that the undersigned counsel will take the video-taped deposition of:

NAME: RECORDS CUSTODIAN FOR DR. RICHARD KISHNER

DATE & TIME: MAY 29, 2019 at 10:00 AM

LOCATION: PHIL SMITH NEUROSCIENCE INSTITUTE
4725 N. FEDERAL HIGHWAY
FT. LAUDERDALE, FL 33308

*** REFER TO ATTACHED SCHEDULE "A"**

upon oral examination before a member of the firm of VERITEXT, Notaries Public in and for the State of Florida, or any other officer duly authorized by law to take depositions. The oral examination will continue from day to day until completed. The deposition(s) is/are being taken for the purpose of discovery, for use at trial, or both of the foregoing, or for such other purposes as are permitted under the applicable and governing rules.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 21st day of May, 2019.

GOLDBERG & ROSEN, P.A.
1111 Brickell Avenue, Suite 2180
Miami, Florida 33131
Tel: (305) 374-4200 / Fax: (305) 374-8024

/s/ Brett M. Rosen

BY:

Zachary D. Bodenheimer (FBN: 91322)
Brett M. Rosen, Esq. (FBN: 0044859)
Primary: pleadings@goldbergorosen.com

Exhibit A

G O L D B E R G & R O S E N , P . A .

Sebedell Financial Center 1111 Brickell Avenue, Suite 2180 Miami, Florida 33131

App. 010

SCHEDULE "A"
EXPERT DUCES TECUM REQUEST

1. Your Curriculum Vitae.
2. Copies of all statements, written or recorded, that you have examined.
3. All published or non-published standards from any source, text, treatises, articles, manuals and journals which you used or referred to in formulating your opinion.
4. Copies of all published professional articles or drafts of speeches you have given.
5. All report(s) you have prepared relating to your expert opinion.
6. All notes, calculations and other data prepared by you in formulating your opinion.
7. All drawings, graphs, charts, illustrations and plans, prepared by you in formulating your opinion.
8. Your records indicating time spent on this undertaking and hourly charges thereof.
9. Reports, notes, transcription of oral opinions or summaries of opinions of other experts who have reviewed or rendered opinions in this case.
10. Any published monographs, treatises, manuals, articles, textbooks or other documents which you have used as a reference and upon which you base your expert opinion, in whole or part.
11. Any correspondence between your office and the attorney who engaged you.
12. All memoranda you have reviewed, prepared by the attorney who engaged you, an investigator, a paralegal or an adjuster.
13. All other documents or writings of any kind or description that you have viewed in formulating your conclusions or opinions.
14. Any/all documents reflecting money paid to you by those representing the defense in this case for your expert services for 2015, 2016, 2017, 2018, and 2019.
15. Any/all documents reflecting money paid to you by Allstate in this case for your expert services for 2015, 2016, 2017, 2018, and 2019.
16. A list of all other individuals with whom you have consulted in formulating your opinions, including their respective addresses, phone numbers, areas of expertise, and a summary of their opinions.
17. The entire file for Kaitlyn Grijalva as it pertains to this case.
18. Deponent is to have with her on said date and time, the following: Entire File for Kaitlyn Grijalva, date of birth is 01/14/1988 and last four digits of Social Security numbers end with 0207, including but not limited to, any and all medical records, any and all hand-written records, any and all billing records to and from defense counsel, and the entire chart for this patient. Nothing is to be omitted or removed.
19. Case list, deposition list, and trial list for the last three years.

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DOGEN

SUBPOENA FOR
DEPOSITON DUCES TECUM (*)

Defendant.

_____/

TO: Records Custodian for Dr. Richard Kishner
Phil Smith Neuroscience Highway
4725 N. Federal Highway
Ft. Lauderdale, FL 33308

YOU ARE HEREBY COMMANDED to appear before **Brett Rosen, Esq. of**
GOLDBERG & ROSEN, P.A., at 4725 N. Federal Highway, Ft. Lauderdale, FL 33308 on
May 29, 2019 at 10:00 a.m. as follows:

(*) SEE THE ATTACHED EXHIBIT "A"

IF YOU FAIL TO APPEAR YOU MAY BE IN CONTEMPT OF COURT.

Unless you are excused by the attorney(s) whose name(s) appear on this Subpoena, or the
Court, you shall respond to this Subpoena as directed.

WITNESS my hand and seal of this Court on this **21st day of May, 2019.**

/s/ Brett M. Rosen

BY: _____

Brett M. Rosen, Esq. (F.B.N. 0044859)

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

Primary E-mail: pleadings@goldbergrandrosen.com

BRosen@goldbergrandrosen.com

BMRSecy@goldbergrandrosen.com

In accordance with the American with Disabilities Act of 1990, persons needing a special accommodation to participate because of their disability in this proceeding should contact the Court ADA Coordinator, at telephone number (305) 375-2006, no later than seven (7) days prior to the proceeding, for assistance; if hearing impaired, telephone 375-2007 (Court TDD number for assistance)

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

Plaintiff,

Kaitlyn Griplva

vs.

CASE NO.: 2016-18196 (04)

Defendant.

Brent Dodger

Filed In Open Court,
CLERK OF THE CIRCUIT COURT
ON MAY 07 2019
BY mje

ORDER ON

Defendant's Motion to Stay

THIS CAUSE was considered by the Court on the following Motion(s) Defendant's

Motion to Stay

HEARING was held on May 7, 2019

THE COURT having considered the grounds for the Motion, taken testimony, heard argument and considered the applicable law, it is hereby ORDERED as follows:

Granted in part. The only issues stayed are those addressed in Defendant's petition. The stay is temporary and the Court will hold a status conference on June 4 to address lifting the stay. Parties are to meet at a center within five days to address all other expert discovery not covered by the petition. Plaintiff will file a motion for an order on June 11, 2019 regarding the expert discovery not produced. Trial will commence on June 10, 2019.

DONE AND ORDERED on May 7, 2019 in Fort Lauderdale, Broward County, Florida.


CIRCUIT JUDGE
SANDRA PERLMAN

Copies furnished: ☒ In Open Court
☐ By Mail
☐ By E-mail/Efiling Portal

BC/CA 118 (Rev 11/18)

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DODGEN

Defendant.

_____ /

NOTICE OF CANCELLATION OF DEPOSITION

COMES NOW, the Plaintiff, KAITLYN P. GRIJALVA, by and through the undersigned counsel, hereby files this Notice of Cancellation of Deposition, advising all parties and this court that the updated deposition of **RECORDS CUSTODIAN FOR DR. RICHARD KISHNER** scheduled for **May 29, 2019 at 10:00AM**, is hereby cancelled.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 28th day of May, 2019.

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

/s/ Brett M. Rosen

BY: _____

Brett M. Rosen, Esq.; Florida Bar No.: 0044859

Primary: pleadings@goldbergorosen.com

Secondary: Bmr@goldbergorosen.com

Bmrsecy@goldbergorosen.com

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT DODGEN

Defendant.

NOTICE OF SERVING PROPOSAL FOR SETTLEMENT

COMES NOW, Plaintiff, KAITLYN P. GRIJALVA, an individual, by and through the undersigned counsel, and serves this Proposal for Settlement to Defendant, BRENT DODGEN.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **10 day of July, 2019**, a true and correct copy of the foregoing was furnished to **Marc Schechter, Esq.**, Robinson Pecaro & Mier, P.A., 510 Shotgun Road, Suite 404, Sunrise, FL 33326 at the following addresses mschechter@lawdrive.com; kirsten@lawdrive.com; eboan@lawdrive.com.

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

/s/ Zachary Bodenheimer

BY

Brett M. Rosen, Esq. Florida Bar No. 0044859

Zachary D. Bodenheimer, Esq., Florida Bar No. 91322

Primary E-mail: pleadings@goldbergandrosen.com

Secondary E-mails: BRosen@goldbergandrosen.com

BMRSecy@goldbergandrosen.com

Zbodenheimer@goldbergandrosen.com

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT DODGEN

Defendant.

NOTICE OF SERVING PROPOSAL FOR SETTLEMENT

COMES NOW, Plaintiff, KAITLYN P. GRIJALVA, an individual, by and through the undersigned counsel, and serves this Proposal for Settlement to Defendant, BRENT DODGEN.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **1 day of October, 2019**, a true and correct copy of the foregoing was furnished to **Marc Schechter, Esq.**, Robinson Pecaro & Mier, P.A., 510 Shotgun Road, Suite 404, Sunrise, FL 33326 at the following addresses mschechter@lawdrive.com; kirsten@lawdrive.com; eboan@lawdrive.com.

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

/s/ Zachary Bodenheimer

BY

Brett M. Rosen, Esq. Florida Bar No. 0044859

Zachary D. Bodenheimer, Esq., Florida Bar No. 91322

Primary E-mail: pleadings@goldbergandrosen.com

Secondary E-mails: BRosen@goldbergandrosen.com

BMRSecy@goldbergandrosen.com

Zbodenheimer@goldbergandrosen.com

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DOGEN, an individual

Defendant.

NOTICE OF PRODUCTION FROM NON-PARTY

YOU ARE NOTIFIED that after ten (10) days from the date of service of this Notice, if service is by delivery, or 15 days from the date of service, if service is by mail, and if no objection is received from any party, the undersigned will apply to the Clerk of Court for the issuance of the attached subpoenas directed to: **RECORDS CUSTODIAN/ ALLIANCE CAS, LLC.**

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 20th day of November, 2019.

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

BMR/wjc

BY: 

Brett M. Rosen, Esq.

Florida Bar No.: 0044859

Primary: pleadings@goldbergrandrosen.com

Secondary: BMR@goldbergrandrosen.com

Bmrsecy@goldbergrandrosen.com

IN THE CIRCUIT COURT OF THE 17th JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE16-018196

KAITLYN P. GRIJALVA,

Plaintiff,

vs.

BRENT A. DODGEN,

Defendants.

**DEFENDANT'S OBJECTION TO PLAINTIFF'S NOTICE OF PRODUCTION FROM
NON-PARTY**

COMES NOW the Defendant, BRENT A. DODGEN, by and through its undersigned attorneys, and files this Defendant's Objection to Plaintiff's Notice of Production from Non-Party dated November 20, 2019 directed to Records Custodian of Alliance CAS, LLC as the case has been stayed by Order dated July 8, 2019, in which the Florida Supreme Court granted Petitioner/Defendant's Motion to Stay proceedings in the lower courts. See Order dated July 8, 2019 attached as Exhibit "A." The Florida Supreme Court had issued a separate stay of the case before them on July 9, 2019. See Order dated July 9, 2019 attached as Exhibit "B." On October 1, 2019, the Florida Supreme Court accepted jurisdiction and lifted only the stay issued on July 9, 2019. See Order dated October 1, 2019 attached as Exhibit "C." As of the date of this filing, the Florida Supreme Court has not lifted the stay issued on July 8, 2019.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed to: **BRETT M. ROSEN, ESQUIRE**, *Attorney for Plaintiff*, pleadings@goldbergandrosen.com, brosen@goldbergandrosen.com, and bmrsecy@goldbergandrosen.com this 21st day of November, 2019.

ROBINSON PECARO & MIER, P.A.
Attorney for Defendant
501 Shotgun Road, Suite 404
Sunrise, FL 33326
Telephone: (954) 252-7197
Facsimile: (954) 252-7199
Emails: mschechter@lawdrive.com
kirsten@lawdrive.com

By /s/ Marc Schechter
Marc Schechter
Florida Bar #183105

Supreme Court of Florida

MONDAY, JULY 8, 2019

CASE NO.: SC19-1118

Lower Tribunal No(s).:

4D19-1010; 062016CA018196AXXXCE

BRENT A. DODGEN

vs. KAITLYN P. GRIJALVA

Petitioner(s)


Respondent(s)

Petitioner's motion to stay proceedings below filed in the above cause is granted and proceedings in the Fourth District Court of Appeal and in the Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida, are hereby stayed pending disposition of the petition for review filed herein.

CANADY, C.J., and POLSTON, LABARGA, MUÑIZ, and LUCK, JJ., concur.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



jat

Served:

KANSAS R. GOODEN
KEVIN DAVID FRANZ
MARC AARON SCHECHTER
DOUGLAS F. EATON
BRETT M. ROSEN

HON. SANDRA JOY PERLMAN,
JUDGE
HON. LONN WEISSBLUM, CLERK
HON. BRENDA D. FORMAN,
CLERK

Supreme Court of Florida

TUESDAY, JULY 9, 2019

CASE NO.: SC19-1118

Lower Tribunal No(s).:

4D19-1010;

062016CA018196AXXXCE

BRENT A. DODGEN

vs. KAITLYN P. GRIJALVA

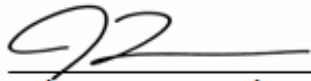
Petitioner(s)

Respondent(s)

The proceedings in this Court in the above case are hereby stayed pending disposition of *Steven Younkin v. Nathan Blackwelder*, Case No. SC19-385, which is pending in this Court.

A True Copy

Test:



John A. Tomasino
Clerk, Supreme Court



db

Served:

KANSAS R. GOODEN
KEVIN DAVID FRANZ
MARC AARON SCHECHTER
DOUGLAS F. EATON
BRETT M. ROSEN
HON. SANDRA JOY PERLMAN, JUDGE
HON. LONN WEISSBLUM, CLERK
HON. BRENDA D. FORMAN, CLERK

Supreme Court of Florida

TUESDAY, OCTOBER 1, 2019

CASE NO.: SC19-1118

Lower Tribunal No(s).:

4D19-1010;

062016CA018196AXXXCE

BRENT A. DODGEN

vs. KAITLYN P. GRIJALVA

Petitioner(s)

Respondent(s)

The stay imposed in the Court's order on July 9, 2019, is hereby lifted.

The Court accepts jurisdiction of this case.

Petitioner's initial brief on the merits must be served on or before October 21, 2019; respondent's answer brief on the merits must be served thirty days after service of petitioner's initial brief on the merits; and petitioner's reply brief on the merits must be served thirty days after service of respondent's answer brief on the merits.

The Clerk of the Fourth District Court of Appeal must file the record which must be properly indexed and paginated on or before December 2, 2019. The Clerk may provide the record in the format as currently maintained at the district court, either paper or electronic.

POLSTON, LABARGA, LAWSON, LUCK, and MUÑIZ, JJ., concur.

Oral argument will be set by separate order. Counsel for the parties will be notified of the oral argument date approximately sixty days prior to oral argument.

A True Copy

Test:



John A. Tomasino

Clerk, Supreme Court



CASE NO.: SC19-1118

Page Two

kj

Served:

KANSAS R. GOODEN

KEVIN DAVID FRANZ

MARC AARON SCHECHTER

DOUGLAS F. EATON

BRETT M. ROSEN

HON. LONN WEISSBLUM, CLERK

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DODGEN

Defendant.

NOTICE OF HEARING

(Motion Calendar)

YOU ARE HEREBY notified that the undersigned will call up for hearing before the **HONORABLE SANDRA PERLMAN** in Chambers, Room #WW16155, at the Broward County Courthouse, 201 SE 6 Street, Fort Lauderdale, FL 33301 on **January 7, 2020 at 8:45 a.m.**, or as soon thereafter as counsel may be heard, the following:

DEFENDANT'S OBJECTION TO PLAINTIFF'S
NOTICE OF PRODUCTION FROM NON-PARTY

Movant counsel certifies that a bona fide effort to agree or to narrow the issues on the Motion noticed has been made with opposing counsel or that, because of time considerations, such efforts have not yet been made but will be made prior to the scheduled hearing. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the individual or agency sending this notice at 1111 Brickell Avenue, Suite 2180, Miami, Florida 33131, telephone number (305) 374-4200, not later than seven (7) days prior to the proceeding. If hearing impaired (TDD) 1-800-955-8771 or Voice (V) 1-800-955-8770, via Florida Relay Service.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 10 day of **December, 2019**.

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

BMR/wjc

BY: 

Brett M. Rosen, Esq., Fla.Bar No.: 0044859

Primary: pleadings@goldbergorosen.com

Secondary: Bmr@goldbergorosen.com

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DODGEN

Defendant.

AMENDED NOTICE OF HEARING

(Hereby canceling 1/7/20 Hearing - Motion Calendar)

YOU ARE HEREBY notified that the undersigned will call up for hearing before the **HONORABLE SANDRA PERLMAN** in Chambers, Room #WW16155, at the Broward County Courthouse, 201 SE 6 Street, Fort Lauderdale, FL 33301 on **January 6, 2020 at 8:45 a.m.**, or as soon thereafter as counsel may be heard, the following:

**DEFENDANT'S OBJECTION TO PLAINTIFF'S
NOTICE OF PRODUCTION FROM NON-PARTY**

Movant counsel certifies that a bona fide effort to agree or to narrow the issues on the Motion noticed has been made with opposing counsel or that, because of time considerations, such efforts have not yet been made but will be made prior to the scheduled hearing. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the individual or agency sending this notice at 1111 Brickell Avenue, Suite 2180, Miami, Florida 33131, telephone number (305) 374-4200, not later than seven (7) days prior to the proceeding. If hearing impaired (TDD) 1-800-955-8771 or Voice (V) 1-800-955-8770, via Florida Relay Service.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 4 **day of December, 2019.**

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

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BMR/wjc

BY: 
Brett M. Rosen, Esq., Fla.Bar No.: 0044859
Primary: pleadings@goldbergorosen.com
Secondary: Bmr@goldbergorosen.com

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DODGEN

Defendant.

RE-NOTICE OF HEARING

(Motion Calendar – Hereby cancels 1/6/20 hearing)

YOU ARE HEREBY notified that the undersigned will call up for hearing before the **HONORABLE SANDRA PERLMAN** in Chambers, Room #WW16155, at the Broward County Courthouse, 201 SE 6 Street, Fort Lauderdale, FL 33301 on **January 16, 2020 at 8:45 a.m.**, or as soon thereafter as counsel may be heard, the following:

**DEFENDANT'S OBJECTION TO PLAINTIFF'S
NOTICE OF PRODUCTION FROM NON-PARTY**

Movant counsel certifies that a bona fide effort to agree or to narrow the issues on the Motion noticed has been made with opposing counsel or that, because of time considerations, such efforts have not yet been made but will be made prior to the scheduled hearing. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the individual or agency sending this notice at 1111 Brickell Avenue, Suite 2180, Miami, Florida 33131, telephone number (305) 374-4200, not later than seven (7) days prior to the proceeding. If hearing impaired (TDD) 1-800-955-8771 or Voice (V) 1-800-955-8770, via Florida Relay Service.

CERTIFICATE OF SERVICE

WE HEAREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this **3rd day of January, 2020.**

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

1111 Brickell Avenue, Suite 2180

Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

/s/ Brett Rosen

BMR/wjc

BY: _____

Brett M. Rosen, Esq., Fla.Bar No.: 0044859

Primary: pleadings@goldbergrandrosen.com

Secondary: Bmr@goldbergrandrosen.com

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

KAITLYN P. GRIJALVA, an individual

GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO: CACE 16-018196

vs.

BRENT A. DODGEN

Defendant.

SECOND RE-NOTICE OF HEARING

(Motion Calendar – Hereby cancels 1/16/20 hearing)

YOU ARE HEREBY notified that the undersigned will call up for hearing before the **HONORABLE SANDRA PERLMAN** in Chambers, Room #WW16155, at the Broward County Courthouse, 201 SE 6 Street, Fort Lauderdale, FL 33301 on **January 29, 2020 at 8:45 a.m.**, or as soon thereafter as counsel may be heard, the following:

**DEFENDANT'S OBJECTION TO PLAINTIFF'S
NOTICE OF PRODUCTION FROM NON-PARTY**

Movant counsel certifies that a bona fide effort to agree or to narrow the issues on the Motion noticed has been made with opposing counsel or that, because of time considerations, such efforts have not yet been made but will be made prior to the scheduled hearing. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in this proceeding should contact the individual or agency sending this notice at 1111 Brickell Avenue, Suite 2180, Miami, Florida 33131, telephone number (305) 374-4200, not later than seven (7) days prior to the proceeding. If hearing impaired (TDD) 1-800-955-8771 or Voice (V) 1-800-955-8770, via Florida Relay Service.

CERTIFICATE OF SERVICE

WE HEAREBY CERTIFY that a true and correct copy of the foregoing was served by Electronic Service via the Florida Courts E-filing Eportal pursuant to the Supreme Court Administrative Order AOSC13-49 on this 13 day of **January, 2020**.

GOLDBERG & ROSEN, P.A.

Attorneys for Plaintiff(s)

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Miami, Florida 33131

Tel: (305) 374-4200 / Fax: (305) 374-8024

BMR/wjc

BY: 

Brett M. Rosen, Esq., Fla.Bar No.: 0044859

Primary: pleadings@goldbergorosen.com

Secondary: Bmr@goldbergorosen.com

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
AND FOR BROWARD COUNTY, FLORIDA

CASE NO: CACE16018196

JUDGE: Perlman, Sandra (04)

Kaitlyn P Grijalva

Plaintiff(s)

vs.

ORDER RESETTING TRIAL

Brent A Dodgen

Defendant(s)

THIS CAUSE having come before this Court on the following Motion:

- ☐ 1. Plaintiff Motion for Continuance of the trial.
- ☐ 2. Defendant Motion for Continuance of the trial.
- ☒ 3. Pursuant to the agreement of the parties, this matter is rolled over to the 06-14-2019 9:30 AM docket.
- ☐ 4. Court's sua sponte motion to rollover trial since it was not reached on the Trial Calendar, and the Court finds a resetting to be appropriate. It is:

ORDERED AND ADJUDGED that this cause is hereby stricken from the current Trial Calendar and shall

be reset on the Jury/Non-Jury calendar commencing 06-24-2019 to 07-19-2019 .

Calendar Call will be 06-14-2019 9:30 AM in Courtroom 16165

of the Broward County Courthouse, located at 201 S.E. 6th Street, Fort Lauderdale, Florida. Attorneys record and unrepresented parties in this Cause are required to appear at this Calendar Call.

The pretrial procedures contained in the original trial order shall remain in effect and all time limits should be adjusted to the new trial date.

DONE and ORDERED in Chambers, Fort Lauderdale, Broward County, Florida
this 05-17-2019


CACE16018196 05-17-2019 12:39 PM

CACE16018196 05-17-2019 12:39 PM

CIRCUIT COURT JUDGE

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room WW20140, 201 S.E. Sixth Street, Fort Lauderdale, FL 33301, 954-831-7721 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Copies Furnished to:

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IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO.: CACE16018196 DIVISION: 04 JUDGE: Perlman, Sandra (04)

Kaitlyn P Grijalva

Plaintiff(s) / Petitioner(s),

v.

Brent A Dodgen

Defendant(s) / Respondent (s).

**UNIFORM TRIAL ORDER
SEVENTEENTH JUDICIAL CIRCUIT
ORDER FOR MANDATORY
CALENDAR CALL**

UNIFORM TRIAL ORDER

TRIAL PERIOD COMMENCING: 03-04-2019. This is a (3) week calendar.

CALENDAR CALL: 02-22-2019 at 9:30 AM.

8 DAYS X JURY NON-JURY

**FAILURE TO ATTEND CALENDAR CALL MAY RESULT IN EITHER
THIS CASE BEING DISMISSED OR A DEFAULT BEING ENTERED.**

I. ORDER OF TRIALS:

The order of trials set during this Trial Period will be determined at Calendar Call. Parties are subject to being called to commence trial during any portion of the above noted Trial Period.

II. TRIAL DATE:

The Court has determined this case is ready for trial pursuant to Florida Rule of Civil Procedure 1.440. This case is set for trial before the undersigned Judge in Courtroom 16155, Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida, 33301, as stated above.

III. CIVIL TRIAL POOL:

Parties are advised that this case may be placed into the Seventeenth Judicial Circuit Court's "Civil Trial Pool" and is subject to being called for trial before any judge. If placed in the Civil Trial Pool, **parties must be prepared to proceed to trial if called.** Only the Division Judge or the Administrative Judge of the Seventeenth Judicial Circuit Court's Civil Division may grant a continuance of any case placed in the Civil Trial Pool.

IV. WITNESS LISTS:

A. NO LATER THAN ONE-HUNDRED & TWENTY (120) DAYS PRIOR TO CALENDAR CALL:

Fact Witnesses: Parties must file and serve a list of names and addresses of all fact witnesses who are expected to testify at trial. Each party's fact witness list must include a brief description of the substance and scope of the testimony to be elicited from such witness. Both sides must cooperate in the scheduling of such witness depositions.

B. NO LATER THAN NINETY (90) DAYS PRIOR TO CALENDAR CALL:

Expert Witnesses: Parties must file and serve a list of the names and addresses of all expert witnesses who are expected to testify at trial. Each party's expert witness list must disclose the expert's area of expertise, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion. Parties must include a complete and updated curriculum vitae of all expert witnesses to be called at trial and all information regarding expert testimony that is allowed by Florida Rules of Civil Procedure 1.280(b)(5)(A) and 1.280(b)(5)(D). Both sides must cooperate in the scheduling of such witness depositions. The Court may preclude an expert from testifying outside of the disclosed opinions.

C. NO LATER THAN SIXTY (60) DAYS PRIOR TO CALENDAR CALL:

Rebuttal Witnesses: Parties must file and serve a list of names and addresses of any rebuttal witnesses within sixty (60) days.

V. COMPULSORY MEDICAL EVALUATIONS ("CME"):

A. NO LATER THAN NINETY (90) DAYS PRIOR TO CALENDAR CALL:

All CME and other examinations pursuant to Florida Rule of Civil Procedure 1.360 must be completed no later than ninety (90) days prior to Calendar Call.

VI. DISCOVERY DEADLINES:

A. NO LATER THAN SIXTY-FIVE (65) DAYS PRIOR TO CALENDAR CALL:

All final discovery must have been initiated at least sixty-five (65) days prior to Calendar Call.

B. NO LATER THAN THIRTY (30) DAYS PRIOR TO CALENDAR CALL:

Parties must complete all discovery, including expert discovery in accordance with Florida Rule of Civil Procedure 1.280(b)(4), at least thirty (30) days prior to Calendar Call.

Discovery conducted after this time period is strongly disfavored and will only be permitted by order of the Court under exceptional circumstances.

VII. MOTIONS:

A. NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO CALENDAR CALL:

1. Dispositive Motions: must be filed and served no later than forty-five (45) days before Calendar Call and must be scheduled for hearing prior to Calendar Call.
2. Deposition Objections: objections raised in depositions expected to be introduced at trial must be filed and served no later than forty-five (45) days before Calendar Call and must be scheduled for hearing prior to Calendar Call.
3. Expert Challenges: motions filed in accordance with section 90.702, Florida Statutes ("Expert Challenges"), must be filed and served no later than forty-five (45) days before Calendar Call and must be scheduled for hearing prior to Calendar Call.

B. NO LATER THAN THIRTY (30) DAYS PRIOR TO CALENDAR CALL:

1. Motions in Limine: must be filed and served no later than thirty (30) days prior to Calendar Call and must be scheduled for hearing before Calendar Call.
2. All motions, other than motions in limine, not heard before Calendar Call will be deemed abandoned.

C. PRIOR TO CALENDAR CALL:

1. Motions for Summary Judgment: must be scheduled for hearing and heard prior to Calendar Call. Motions for summary judgment will not be heard at Calendar Call.

VIII. JOINT PRETRIAL STIPULATION:

A. NO LATER THAN TEN (10) DAYS PRIOR TO CALENDAR CALL:

1. The Joint Pretrial Stipulation contemplates a single document that must be filed and served, **with a courtesy copy served on the undersigned judge**, no later than ten (10) days before Calendar Call.
2. The Joint Pretrial Stipulation requires that all agreed matters be fully identified and any disputed matters be specifically delineated with respect to each party.
3. At the time of the above noticed Calendar Call, all parties must be prepared to discuss all items set forth in Florida Rule of Civil Procedure 1.200(b).

B. The Joint Pretrial Stipulation must contain the following in separately numbered paragraphs:

1. Statement of the Facts: A concise, impartial statement of the facts of the case.
2. Stipulated Facts: A list of those facts that can be stipulated and require no proof at trial.
3. Statement of Disputed Law & Fact: A concise, impartial statement of those issues of law and fact that are to be tried.
4. Exhibit Lists: Each party must separately list all exhibits they intend to introduce into evidence. Each item must be listed by number and description on a separate schedule attached to the Joint Pretrial Stipulation. Each exhibit must be specifically described. **Generic descriptions of exhibits are subject to being stricken.** If any party objects to the introduction of any such exhibit, such objection **must be stated in the Joint Pretrial Stipulation**, setting forth the grounds with specificity. All exhibits must have been made available to all parties for examination. Parties must initial each other's exhibit lists and exhibits. **At trial, only those exhibits properly listed and initialed may be offered into evidence.**
5. Demonstrative Exhibits: all demonstrative exhibits (e.g., charts, graphs, enlargements of exhibits, etc.) intended to be used at a jury trial must be displayed to all parties at least ten (10) days before trial.
6. Witness Lists: Parties must furnish a written list containing the names and addresses of all witnesses intended to be called at trial in alphabetical order. Such list must designate the type of witness ("expert," "rebuttal," "impeachment," or otherwise) and must be attached to the Joint Pretrial Stipulation. All fact witness lists must include a brief description of **the substance and scope of the testimony** to be elicited from such witness. All expert witness lists must **designate the expert's specialties**. If any party objects to any witness, such objection must be stated in the Joint Pretrial Stipulation, setting forth the grounds with specificity. **At trial, only those witnesses properly and timely disclosed will be permitted to testify.**

7. Jury Instructions: If the trial is a jury trial, the parties must identify all agreed upon standard instructions and all special instructions. Copies of all agreed upon jury instructions and disputed jury instructions must be attached to the Joint Pretrial Stipulation identifying the party that proposed the instruction, along with copies of supporting statutory citations and/or case law.
8. Verdict Forms: If the trial is a jury trial, the jury verdict form must be designated as “agreed to” or “disputed” and must be attached to the Joint Pretrial Stipulation.
9. Peremptory Challenges: If the trial is a jury trial, the number of peremptory challenges for each party must be stated and attached to the Joint Pretrial Stipulation.
10. Pending Motions: Parties must set forth a list of all pending motions with copies attached to the Joint Pretrial Stipulation.
11. Trial Estimate: Each party must provide an estimate of the number of trial days required for presenting its side of the case.
12. Expert Challenges: All expert related issues involving any requests for hearings on related evidence must be noticed and heard—or agreed to by the parties—no later than forty-five (45) days prior to Calendar Call. FAILURE TO DO SO MAY CONSTITUTE A WAIVER OF ANY EXPERT RELATED EVIDENCE ISSUE(S). It is within the discretion of the Court to remove any case with pending expert issues.

IX. COURT POLICIES:

- A. Parties must do all things reasonable and necessary to assure the availability of witnesses for the entire Trial Period or to otherwise preserve witness testimony for trial as provided by the Florida Rules of Civil Procedure. See Fla. R. Civ. P. 1.300 & 1.460; see also Fla. R. Jud. Admin. 2.545.
- B. The requirements of this Uniform Trial Order cannot be waived by stipulation **absent prior approval from the Court** pursuant to written agreement between the parties.
- C. This Uniform Trial Order may be tailored by the assigned division judge to conform to the particular requirements of the residential foreclosure, asbestos litigation, and complex litigation divisions. See Admin. Order 2016-28-Civ (c)(6) (June 9, 2016).
- D. At trial, there will only be one (1) official record transcribed by one (1) court reporter. Plaintiff is responsible for arranging for a court reporter unless otherwise agreed. If a conflict exists, the parties must resolve it among themselves prior to Calendar Call.

X. CONTINUANCES:

- A. CONTINUANCES will only be considered upon written motion filed with the Clerk of Court and served on the undersigned judge prior to the above noticed Calendar Call.
- B. NO CONTINUANCES will be granted for reasons that should have been readily apparent to the parties when this Uniform Trial Order was issued.
- C. NO CONTINUANCES will be granted if expert witnesses are unavailable because testimony may be preserved by deposition.
- D. NO CONTINUANCES will be granted for reasons relating to the failure to follow this Uniform Trial Order.

XI. MANDATORY MEDIATION:

Mediation must commence no later than sixty (60) days prior to Calendar Call. The parties must comply with Florida Rules of Civil Procedure 1.700, 1.710, 1.720, and 1.730 as to the

conduct of mediation. Plaintiff's counsel is appointed lead counsel to facilitate and schedule the settlement conference with the mediator and all parties. The Court appoints:

ROBERT A. ROSENBERG

934 N. UNIVERSITY DRIVE # 308 CORAL SPRINGS FL 33071

grebnesor1942@gmail.com

954-540-4713

as Mediator, unless, within thirty (30) days of this Uniform Trial Order, the parties choose a different Mediator. Failure to attend mediation may result in sanctions.

XII. SANCTIONS:


- A. All parties should be familiar with Florida Rule of Civil Procedure 1.380 entitled "Failure to Make Discovery; Sanctions" and section 57.105, Florida Statutes, entitled "Attorney's fee; sanctions for raising unsupported claims or defenses; exceptions; service of motions; damages for delay of litigation."
- B. FAILURE TO APPEAR, FAILURE TO FOLLOW TIME REQUIREMENTS, OR FAILURE TO FILE DOCUMENTS REQUIRED BY THIS COURT MAY RESULT IN THE DISMISSAL OF THE ACTION OR THE IMPOSITION OF SANCTIONS INCLUDING THE STRIKING OF PLEADINGS.

XIII. SETTLEMENT NOTIFICATION:

Parties must immediately notify this Court in the event of settlement and submit a stipulation for an Order of Dismissal. Parties must also notify the Court of any pending hearings that will be canceled as a result of the settlement.

Pursuant to Florida Rule of Judicial Administration 2.516(h)(1), counsel must file this Uniform Trial Order with the Clerk of Court, serve any self-represented parties with this Uniform Trial Order, and file a "Certificate of Service" with the Clerk of Court, in compliance with Florida Rule of Judicial Administration 2.516(f), certifying the self-represented party was served with this Uniform Trial Order.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida on
08-15-2018

 CACE16018196 08-15-2018 10:14 AM

CACE16018196 08-15-2018 10:14 AM

Circuit Court Judge

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20-140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.

CC: mschechter@lawdrive.com
pleadings@goldbergandrosen.com
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nicole@lawdrive.com
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brosen@goldbergandrosen.com
kirsten@lawdrive.com

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a copy of the foregoing was uploaded and served in the E-PORTAL to: **Brett M. Rosen, Esq.**, Goldberg & Rosen, P.A., 1111 Brickell Avenue, Suite 2180, Miami, Florida 33131 (pleadings@goldbergandrosen.com; bmr@goldbergandrosen.com); **Marc Schechter, Esq.**, Robinson Pecaro & Mier, P.A., 501 Shotgun Road, Suite 404, Sunrise, FL 33326 (mschechter@lawdrive.com; kirsten@lawdrive.com); **Douglas Eaton, Esq.**, Eaton & Wolk, P.L., 2665 So. Bayshore Drive, Suite 609, Miami, FL 33133 (deaton@eatonwolk.com; cgarci@eatonwolk.com); **Jason Gonzalez, Esq.**, **Amber Stoner Nunnally, Esq.**, Shutts & Bowen, LLP, 215 S. Monroe St. Suite 804, Tallahassee, FL 32301, jasongonzalez@shutts.com, anunnally@shutts.com; **William W. Large, Esq.**, Florida Justice Reform Institute, 210 S. Monroe St., Tallahassee, FL 32301, william@fljustice.org; **Bryan S. Gowdy, Esq.**, Florida Justice Association, 865 May Street, Jacksonville, FL 32204, bgowdy@appellate-firm.com, filings@appellate-firm.com, **Patrick A. Brennan, Esq.**, HD Law Partners, P.A., P.O. Box 23567, Tampa, Florida, 33623, brennan@hdlawpartners.com, maizo@hdlawpartners.com, **John Hamilton, Esq.**, Law Office of John Hamilton of Tampa, P.A., P.O. Box 1299, San Antonio, Florida, 33576, jhamlawyer@gmail.com, this day 11th of February, 2020.

BOYD & JENERETTE, PA

/s/ Kevin D. Franz

KANSAS R. GOODEN

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