

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIRCUIT CIVIL

CHRISTOPHER GLEASON
Plaintiff

Case No: 24-003717-CI

VS.

Division: Section 7

JULIE MARCUS, ET AL
Defendant

MANDATORY COVID-19 EMERGENCY CASE MANAGEMENT ORDER (CMSO)

Whereas, the Florida Supreme Court has issued several administrative orders implementing temporary measures essential to safely administering justice during the COVID-19 pandemic and the high court has entered its COVID-19 HEALTH AND SAFETY PROTOCOLS AND EMERGENCY OPERATIONAL MEASURES FOR FLORIDA APPELLATE AND TRIAL COURTS, AOSC21-17 which requires presiding judges in specifically defined civil cases to issue case management orders that contain deadlines and projected trial dates consistent with the time standards specified in the Florida Rules of General Practice and Judicial Administration 2.250(a)(1)(B) for the completion of civil cases.

Whereas, the Chief Judge issued Administrative Order 2021-013 PA/PI-CIR RE: AOSC20-23 **COVID-19 EMERGENCY MEASURES AND MANDATORY CIVIL CASE MANAGEMENT ORDERS** and Administrative Order 2021-012 PA/PI-CIR RE: AOSC20-23 **MANDATORY REVIEW OF PENDING CIVIL CASES AND SUBMISSION OF AGREED MANDATORY CIVIL CASE MANAGEMENT ORDERS.**

In order to implement these provisions,

IT IS ORDERED:

Counsel for the parties or *pro se* individuals who are representing themselves in this action shall review the status of the above styled cause with the specific purpose of complying with Fla. R. Gen. Prac. & Jud. Admin. 2.250 and 2.545 and the Supreme Court case management and resolution provisions contained in AOSC21-17 or subsequent amendment.

In cases which have been designated as “Complex Litigation” pursuant to Fla. R. Civ. Pro. 1.201, the court has or will enter a comprehensive scheduling order in conformity with the stated provisions of that rule. Such case management orders shall include deadlines consistent with AOSC21-17 and the mandates to conclude the litigation as soon as reasonably possible. The scheduling orders in complex litigation cases supersede any deadlines listed below.

In cases which are not designated under Rule 1.201 there are two categories of actions. The first category are “Streamlined Cases” which in this circuit are determined to be civil actions that will be set for trial before a judge rather than a jury. The second category are “General Cases” which are those civil cases that will be set for a jury trial. To comply with the mandate in AOSC21-17 or subsequent amendment, the court now orders the following deadlines to be imposed in this case:

1. Deadlines for Service of the Complaint

Service of process and pleading must be made in conformity with Fla. R. Civ. P. 1.070(j) and if not timely served, the cause shall be subject to dismissal. Counsel for plaintiff is responsible for and required to serve this order on any Defendant(s) that is a party to the case. Initial service shall be limited to 120 days after filing and will not be extended absent a motion filed prior to the expiration of that period. If a motion to amend is permitted, the period for service shall begin upon entry of an order granting leave to amend. Motions to amend and motions to add additional parties are generally liberally granted; however, the court shall consider the time standards in Rule of General Practice and Judicial Administration 2.250 and the movant's good faith efforts to advance the cause toward a timely disposition in determining whether to allow same.

2. Deadlines for Answers and Initial Motions

Answer to initial complaints, counterclaims or cross claims shall be filed within 20 days of service unless otherwise permitted. Any motion raising lack of jurisdiction, improper venue, insufficiency of process or service, and any other preliminary matter filed within the initial 20 days purporting to suspend the requirement to file formal answers and defenses shall be brought before the court without delay. To insure these are addressed in a timely fashion, all such motions shall be subject to the Sixth Circuit's Administrative Order No. 2020-012 PA/PI- CIR or subsequent amendment, which permits the court to rule based upon written submissions. Within 15 days of filing the motion (or within 15 days of this order if such motions are presently past that date) movant must file and serve a Notice of Request for the Court to Consider Motion Based on Written Submissions without Hearing (see A.O. 2020-012 attachment A) along with any legal argument and authority. The filing of opposition papers and subsequent submissions to the judge are governed by A.O. 2020-012, or subsequent amendment. Assertions that the motion(s) needs to be scheduled for a hearing rather than decided by written submission should be included for the court's consideration in addition to, but not in lieu of, any other memoranda. The court will decide, based on submissions, if hearing with oral argument is needed.

3. Deadlines for Motions after an Answer

After the initial complaint is served and the answer filed the parties shall have 20 days to file any motions directed to these pleadings. These motions shall be scheduled for hearing by the movant as soon as time can be secured on the court's calendar. A date should be secured and the notice of hearing shall be served within 15 days of filing (if that date has already passed the movant has 10 days to schedule the hearing and send the notice). For other pretrial motions A.O. 2020-012, or subsequent amendment, should be used unless the matters involve testimony or evidence or otherwise require oral argument. If a hearing will be required the movant shall obtain a time and date that is cleared with all parties, and send out the notice of hearing within 15 days of filing. Of course good faith efforts to resolve such matters should be attempted prior to setting a hearing.

4. Deadlines for Discovery

The parties may engage in discovery pursuant to the civil rules which are to be "construed to just, speedy, and inexpensive determination of every action." *Bainter v. League of Women Voters*, 150 So. 3d 1115, 1118 (Fla.2014). Although investigation and preparation may occur prior to the formal discovery methods in Rule 1.280, such formal methods should be

conducted with the time standards in Rule 2.250 in mind. Fact and expert witnesses should be disclosed and discovery completed within 270 days from service of the complaint on the last of all named defendants, in jury trial cases, or within 150 days from the last served defendant, in non-jury cases. If those dates have already passed in this case then the parties are given 90 days from the date of this order to complete discovery.

5. Scheduling Mediation

Once there has been sufficient discovery for the parties to know the strengths and weaknesses of the respective positions in the case then alternative dispute resolution should be considered as a way to reach a resolution and reduce the time and expense associated with continued litigation. If mediation has not yet occurred in this case then it should be scheduled once the above described discovery deadline has passed, if not sooner. Mediation should be scheduled and completed within 90 days following the completion of discovery as required in paragraph 4 above.

6. Trial date

Final disposition in cases may ultimately require a trial. The setting of an action for trial is governed by Rule 1.440 and requires the cause to be “at issue”. An action is at issue after any motions directed to the last pleading served have been disposed of or, if no such motions are served, 20 days after service of the last pleading. If the case is at issue and the discovery deadline (paragraph 4) has passed then the Plaintiff shall file a “Notice of Trial” in conformity with 1.440(b) and schedule a pretrial or case management conference with the court to schedule a date certain for the trial. AOSC21-17 requires the presiding judge to specify a “projected trial date” in cases that are not yet at issue and the court therefore orders that the projected trial date will be the presiding judge’s first available jury trial docket 90 days after the cause is at issue, unless and until otherwise ordered pursuant to Rule 1.440.

7. Setting a Case Management Conference for hearing

If the parties are unable to submit an Agreed Mandatory Civil Case Management Order and such order has NOT been filed within 180 days after filing the Complaint, then Plaintiff is required to schedule a case management conference. **Plaintiff should submit a form *Order to Appear for a Telephonic Case Management Conference* which can be found at www.jud6.org.** Failure to appear at the case management conference may result in a dismissal of the case without prejudice. At this time, all case management conferences will be conducted by telephone conference pursuant to the section judge’s conference call procedures. Please follow the section judge’s procedure on scheduling hearings.

The court understands there have been many difficulties occasioned by the pandemic and protocols that have been instituted because of it. The Supreme Court has required the issuance of these mandatory case management orders in outstanding cases and directs trial judges to strictly comply with the rules requiring conclusion of cases as soon as it is reasonably possible. **To the extent that the deadlines contained in this order appear to the parties to be unreasonable because of the circumstances involved in the case the parties are encouraged to consult and confer in an effort to draft an Agreed Mandatory Civil Case Management Order pursuant to Sixth Judicial Circuit Administrative Order No. 2021-12, or subsequent amendment, and the form included therein.** If the parties are unable to agree on such an order and there remains a continued good faith belief that this mandatory emergency order needs to be modified then a motion to amend may be filed and set for hearing.

If the court has entered a case management order or pretrial order with deadlines that differ from those contained in this mandatory order, then the specific dates in that order shall control. In cases where the action has been stayed by court order, government suspension or moratorium the Plaintiff shall immediately set a case management hearing upon expiration of the prosecution limits.

Done and ordered in Pinellas County, Florida this 4th day of March, 2025.

~~24-003717-CI 3/4/2025 4:04:31 PM~~
Circuit Judge Michael F. Andrews
24-003717-CI 3/4/2025 4:04:31 PM

Copies Furnished To:

Plaintiff

CHRISTOPHER GLEASON

Defendant

Attorney: JARED D KAHN

Attorney: KELLY L VICARI

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