

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 9:18-CV-80771-ROSENBERG/REINHART**

ROBERT W. OTTO and JULIE H.  
HAMILTON,

Plaintiffs,

vs.

CITY OF BOCA RATON,  
FLORIDA and COUNTY OF PALM  
BEACH, FLORIDA,

Defendants.

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**SCHEDULING ORDER AND ORDER REFERRING CASE TO MEDIATION**

The Court hereby **ORDERS** that **discovery shall begin immediately**. The Court also orders the following:

**I. PRETRIAL DEADLINES**

The pretrial deadlines in this case, which shall not be modified absent compelling circumstances, are as follows:

**July 24, 2018:** Rule 26(a)(1)(A) Initial Disclosures (if not provided earlier).

**August 10, 2018:** Deadline to designate a mediator and to schedule a time, date, and place for mediation. The Court must be notified of the date of mediation.

**September 10, 2018:** Deadline for joinder of additional parties, amended pleadings, and motions for class certification.

**December 10, 2018:** The parties shall provide opposing counsel with a written list with the names and addresses of all primary/initial expert witnesses intended to be called at trial and only those primary/initial expert witnesses listed shall be permitted to testify.

The parties shall also furnish opposing counsel with expert reports or summaries of its expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2).<sup>1</sup> Within the 30 day period following this disclosure, the parties shall make their experts available for deposition. The experts' deposition may be conducted without further Court order.

**January 11, 2019:** The parties shall provide opposing counsel with a written list with the names and addresses of all rebuttal/responsive expert witnesses intended to be called at trial and only those rebuttal/responsive expert witnesses listed shall be permitted to testify. The parties shall also furnish opposing counsel with expert reports or summaries of its expert witnesses' anticipated testimony in accordance with Fed. R. Civ. P. 26(a)(2). Within the 30 day period following this disclosure, the parties shall make their experts available for deposition. The experts' deposition may be conducted without further Court order.

**Note:** The above provisions pertaining to expert witnesses do not apply to treating physicians, psychologists or other health providers.

**February 11, 2019:** All discovery shall be completed.

**March 8, 2019:** All Pretrial Motions, including summary judgment motions, *Daubert* motions, and motions *in limine* shall be filed. See Order Setting Trial and Order of Requirements, sections 11-12.

**April 10, 2019:** Mediation must be completed.

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<sup>1</sup> Nothing in this Order shall modify the requirements of the Federal Rules with respect to when an expert summary report may be produced in lieu of a full, written expert report; a party may produce a summary expert report only when the Federal Rules so permit.

**May 10, 2019:** Joint Pretrial Stipulation shall be filed. Designations of deposition testimony shall be filed. Parties shall also exchange Rule 26(a)(3) witness and exhibit lists.

**May 15, 2019:** Counter-designations of deposition testimony and objections to designations of deposition testimony shall be filed. Late designations shall not be admissible absent exigent circumstances.

**May 20, 2019:** Objections to counter-designations of deposition testimony and responses to objections to designations of deposition testimony shall be filed.

**June 3, 2019:** Jury Instructions or Proposed Findings of Fact and Conclusions of Law shall be filed. The parties' deposition designation notebook, if applicable, is also due. The parties' obligation to deliver a deposition designation notebook, together with legal argument on all pending objections, does not relieve the parties of their obligation to file the documents outlined above. *See* Order Setting Trial and Order of Requirements, section 14.

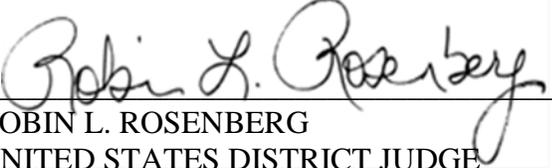
## II. MEDIATION

Pursuant to Local Rule 16.2, this case is referred to mediation as follows:

- a. Mediation shall be completed by the above stated deadline for completing mediation;
- b. The parties shall—within the above stated deadline to designate a mediator and to schedule a time, date, and place for mediation—agree upon a mediator and file a Notice with the Court naming the chosen mediator and stating the date, time, and location for which mediation has been scheduled. If the parties are unable to agree upon mediator, they shall ask the Clerk of Court to designate a mediator from the list of certified mediators on a blind random basis;

- c. Counsel for Plaintiff shall be responsible for coordinating a mediation date, time, and location agreeable to the mediator and all counsel of record;
- d. **Within one (1) day** of the mediation conference, the mediator shall file a Mediation Report indicating who attended the mediation and the result thereof; and
- e. The parties shall refer to the Court's Order Setting Status Conference, Calendar Call, and Trial Date for instructions on how to proceed after settlement.

**DONE AND ORDERED** in Chambers in West Palm Beach, Florida this 9th day of July,  
2018.

  
ROBIN L. ROSENBERG  
UNITED STATES DISTRICT JUDGE

Copies furnished to: All counsel of record via CM/ECF