

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

CASE NO.: 2025 CA 000670
DIVISION: 49

PALM COAST HOLDINGS, INC. and
FLORIDA LANDMARK COMMUNITIES,
LLC,

Plaintiff,

v.

CITY OF PALM COAST, a Florida
municipal corporation,
Defendant.

/

**ORDER SCHEDULING TRIAL
AND DIRECTING PRETRIAL PROCEDURES**

IMPORTANT NOTICE: ALL PARTIES MUST REVIEW the Seventh Judicial Circuit Uniform Civil Case Management Order in conjunction with this Order, which specifies all disclosure and motion practice deadlines in advance of trial. The Case Management Order can be found attached hereto as “Exhibit A”.

All parties must also comply with this Court’s Practices and Procedures for Civil Cases in Divisions 49 and 53 which can be found at <https://circuit7.org/judges/judge-sandra-c-upchurch/>. Specifically, for trial the parties must comply with the Trial Procedures outlined therein on pages 7 and 8.

Having reviewed the court file and in accordance with the time standards mandated under the Civil Case Management Order, it is ORDERED that this matter is hereby scheduled for a trial as set forth below:

TRIAL DATE AND DOCKET SOUNDING. This case is set for trial during the two week period commencing **November 16, 2026, at 9:00am.**, in Courtroom 301, Kim. C. Hammond Justice Center, 1769 E. Moody Blvd., Bldg 1, Bunnell, FL. Docket Sounding shall be held **November 3, 2026 at 2:30pm** via Zoom (<https://www.zoom.com>) **Zoom ID: 386-313-4530**. Appearance at docket sounding by counsel and all unrepresented parties is mandatory.

This matter is scheduled for Jury Trial.

NO MOTIONS WILL BE HEARD AT DOCKET SOUNDING

Failure to attend docket sounding shall result in the dismissal of this action, striking of pleadings, the entry of a default, or other appropriate sanctions. Parties shall be prepared to try the case

anytime during the designated trial term. Trial will commence immediately after jury selection, unless otherwise stated by the Court.

PRETRIAL CONFERENCE. No pretrial conference will be scheduled unless requested in **writing at least sixty (60) days prior to the docket sounding date.** Please provide a copy of your request for a pretrial conference to the Judge's Judicial Assistant so that one can be scheduled. If a pretrial conference is requested, it will be scheduled by separate order.

MEDIATION. Mediation shall be coordinated and scheduled at least seventy-five (75) days prior to docket sounding to be completed with the mediator's report filed by docket sounding. The parties shall stipulate and agree to the mediator as well as the date and time of the mediation conference. If the parties are unable to agree on a mediator and a place and time for mediation, counsel shall promptly notify the Court. The requirement to mediate this case cannot be waived by agreement of the parties. Failure to mediate prior to docket sounding may result in sanctions which may include dismissal. It shall be the responsibility of Plaintiff's counsel (or Defendant's counsel if Plaintiff is unrepresented) to ensure the case is timely mediated.

WITNESS DISCLOSURES:

(a) **EXPERT WITNESSES.** Expert witnesses shall be disclosed no later than the time established in the Uniform Case Management Order. The disclosure shall contain the names, addresses, and telephone numbers of each expert witness whom the noticing party in good faith expects will testify as a witness at trial. For each expert witness listed, the noticing party shall designate the area of expertise upon which he/she will testify (i.e. "accident reconstruction," "economist," "orthopedic physician," etc.). Within one (1) day after disclosure for each retained expert, the party who has designated the retained expert shall furnish opposing counsel with two (2) alternative dates of availability of all retained expert witnesses for the purpose of taking their deposition(s).

(b) **NON-EXPERT WITNESSES.** Non-expert witnesses shall be disclosed no later than the time established in the Uniform Case Management Order. The disclosure shall contain the names and addresses of each non-expert witness whom the noticing party in good faith expects will testify as a witness at trial, including witnesses expected to be called for impeachment or rebuttal.

(c) A party may amend or supplement his/her witness list without leave of Court at any time until the deadline for the disclosure of witnesses set forth in Uniform Case Management Order. If a witness disclosure is amended or supplemented, it shall be restated in full.

(d) Absent good cause, **no witness shall be permitted to testify unless the party calling that witness has complied with this Order and the Uniform Case Management Order.**

EXHIBITS:

EVIDENTIARY EXHIBITS. No less than thirty (30) days before the docket sounding, each party shall disclose, and specifically describe in writing, each exhibit intended to be offered at trial, including exhibits to be used for impeachment. Exhibits not disclosed timely shall not be used at

trial unless good cause is shown. The parties' Joint Pretrial Statement shall contain a list of all exhibits which will be offered in evidence at trial, together with a statement of objections, if any, to exhibits offered by the opposing party. With respect to each item, the Pretrial Statement shall reflect whether the evidence will either be: (i) stipulated into evidence, (ii) stipulated as to authenticity with objection on other grounds or (iii) objected to in its entirety and the grounds therefore.

DEMONSTRATIVE EXHIBITS. Demonstrative exhibits shall be shown to and initialed by opposing counsel at the attorneys' pretrial meeting. PowerPoint or similar media presentations shall be treated as demonstrative exhibits governed by this requirement. **Media presentations used solely for or during opening statement shall be shown to opposing counsel before the start of trial, and media presentations used solely for or during closing argument shall be shown to opposing counsel before such argument.**

MANDATORY PRETRIAL MEETING. No later than ten (10) days prior to docket sounding (or ten (10) days prior to the pretrial conference, if one is scheduled), trial counsel and all unrepresented parties shall meet. **Attendance at this meeting is mandatory.** Plaintiff's attorney (or if Plaintiff is unrepresented, Defendant's attorney) shall arrange a mutually agreeable time, date and place for this meeting. If the parties are unable to agree, counsel shall promptly notify the Court in writing and the Court will set the time, date and place for the meeting.

At the pretrial meeting, the attorneys and unrepresented parties shall:

(a) Discuss and attempt to settle the case.

(b) Produce, examine, and initial every evidentiary exhibit intended to be offered at trial; agree on those which can be admitted as joint exhibits, those which can be admitted without objection, and identify those to which objections will be made and the grounds for each objection noted on a separate copy of party's exhibit list. Objections not reserved or grounds not noted on the annotated exhibit lists will be deemed waived at trial. The annotated copies of the exhibit lists will be attached to and made a part of the joint pretrial statement required by this Order. Any listed exhibit not objected to will be admitted into evidence.

(c) Review the witness lists and note on a separate copy which witnesses and depositions the parties in good faith anticipate will actually be used at trial. The annotated copies of the witness lists will be attached to the joint pretrial statement.

(d) Discuss and stipulate as to those facts which do not require proof at trial.

(e) Discuss, clarify, and frame all factual issues to be tried.

(f) Identify all significant issues of law, procedure or evidence to be decided by the Court prior to or during trial.

(g) Agree upon and draft a concise but complete statement of the case to be read by the Court to the jury at the beginning of the case, if a jury trial.

(h) For witnesses who will be testifying by deposition, the party calling the witness shall designate the portions of the deposition intended to be offered. Counter-designations for that deposition testimony shall be made no later than five business days after the designations.

(i) Discuss and attempt to agree upon any other matters which will lead to a more orderly trial (e.g. copies in lieu of originals, witnesses out of turn, how depositions will be presented, the treatment of collateral source set-offs, the need to call records custodians, etc.)

Failure to attend or participate in the mandatory pretrial meeting may result in sanctions which may include striking pleadings, dismissal, or default.

JOINT PRETRIAL STATEMENT. Following the meeting required above, Plaintiff's attorney (or Defendant's attorney, if Plaintiff is unrepresented) shall prepare and present to opposing counsel and all unrepresented parties a proposed Joint Pretrial Statement. The statement shall be signed by all attorneys and unrepresented parties. **The original shall be filed with the Clerk and one copy shall be mailed or delivered to the judge no later than docket sounding. If a pretrial conference is held, the Joint Pretrial Statement shall be provided to the Court at or before the pretrial conference.**

COURT REPORTER. The parties shall coordinate the scheduling of a court reporter if desired and the court reporter shall appear in person for all jury trials. Attorneys shall refer to the following link for court reporter qualifications: <https://circuit7.org/orders/g-2023-041-sc/>

SETTLEMENT. If this case is settled or is dismissed prior to the trial date, the parties shall promptly notify the Court by telephone and confirm the settlement or dismissal in writing. **A notice of voluntary dismissal or joint motion to dismiss shall be submitted to the Court within thirty (30) days after the Court is advised of the settlement.**

DONE AND ORDERED in Bunnell, Flagler County, Florida.

2/4/2026 9:46 AM 2025 CA
000670

e-Signed 2/4/2026 9:46 AM 2025 CA 000670

SANDRA C. UPCHURCH
CIRCUIT JUDGE

Copies furnished via eService to all parties of record

“EXHIBIT A”

**IN THE CIRCUIT/COUNTY COURT OF FLORIDA, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR FLAGLER, PUTNAM, ST. JOHNS AND VOLUSIA COUNTIES**

UNIFORM CASE MANAGEMENT ORDER

NOTICE: The deadlines referenced in this Order will be strictly enforced.

This Case Management Order is issued in accordance with Fla. R. Civ. P. 1.200 and Administrative Order(s) of the Seventh Judicial Circuit Court. The deadlines referenced herein apply in conjunction with the trial date specified in the Order Setting Trial.

A. CASE DESIGNATION

All civil cases will be assigned a designation as follows: Civil cases in which trials by jury are demanded are designated as “General,” except those cases in which all defendants have been defaulted. Civil cases designated as “Complex” pursuant to Rule 1.201, Fla. R. Civ. P., are exempted from the requirements of this Order and will follow the procedures outlined in the Rule. All other civil cases are designated as “Streamlined.” Parties may move for redesignation in accordance with Fla. R. Civ. P. 1.200 (c)(1). Civil actions specified in Fla. R. Civ. P. 1.200(a)(1-18) are likewise exempted from the requirements of this order.

B. PROJECTED TRIAL PERIOD

The projected trial period for “General” cases will be no later than eighteen (18) months from case filing. The projected trial period for “Streamlined” cases will be no later than twelve (12) months from case filing. The parties may move the Court to fix a trial period on or before the projected trial period. For cases in which no trial order has been issued, the parties seeking affirmative relief must notify the Court no later than seventy-five (75) days before the expiration of the projected trial period that no trial order has been issued.

C. SERVICE OF PROCESS

Plaintiff(s) are required to serve each defendant with initial process and pleading no later than one hundred twenty (120) days from case filing as provided in Fla. R. Civ. P. 1.070(j). Proof of service of process is to be promptly filed with the Clerk of Court. Motions for extension of time to complete service of process must be filed no later than ten (10) days prior to the expiration of the initial time allotted for service. The motions must specify the reasons why service could not be performed within 120 days and what attempts had been made at service during that period. In its discretion, the presiding judge may grant the plaintiff(s) an additional ninety (90) days to serve any remaining defendant(s). After the expiration of the time for service, including any extensions, any unserved defendant(s) may be dismissed from the action without further notice.

D. ADDING NEW PARTIES

The deadline for adding new parties to an action is 120 days after the completion of service of process on the initial defendants in cases designated as “General” and 90 days after the completion of service of process on the initial defendants in cases designated as “Streamlined.” Parties may not be added to actions after these deadlines absent a showing of good cause.

E. OBJECTIONS TO PLEADINGS

Motions objecting to pleadings must be called up for hearing no later than 120 days after the filing of the motion. Motions objecting to pleadings not called up for hearing within the time specified herein, absent a showing of good cause, may be deemed waived or abandoned.

F. DISCOVERY/DISCLOSURE DEADLINES

All discovery is to be completed according to the following schedule:

Action or Event	General	Streamlined
Mandatory Initial Disclosures	As provided in Fla. R. Civ. P. 1.280(a)	As provided in Fla. R. Civ. P. 1.280(a)
Disclosure of expert witnesses	120 days before docket sounding for parties seeking affirmative relief; 90 days before docket sounding for parties not seeking affirmative relief	90 days before docket sounding for parties seeking affirmative relief; 60 days before docket sounding for parties not seeking affirmative relief
Disclosure of fact witnesses	60 days before docket sounding	60 days before docket sounding
Service of written discovery requests	45 days before docket sounding	45 days before docket sounding



REQUESTS FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing or voice impaired, call 711.

THESE ARE NOT COURT INFORMATION NUMBERS



SOLICITUD DE ADAPTACIONES PARA PERSONAS CON DISCAPACIDADES

Si usted es una persona con discapacidad que necesita una adaptación para poder participar en este procedimiento, usted tiene el derecho a que se le proporcione cierta asistencia, sin incurrir en gastos. Comuníquese con la Oficina de Administración Judicial (Court Administration), 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, con no menos de 7 días de antelación de su cita de comparecencia ante el juez, o de inmediato al recibir esta notificación si la cita de comparecencia está dentro de un plazo menos de 7 días; si usted tiene una discapacidad del habla o del oído, llame al 711.

ESTOS NUMEROS TELEFONICOS NO SON PARA OBTENER INFORMACION JUDICIAL