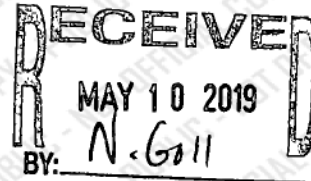


IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO: 10-49061 CACE (N) 12
JUDGE: JOHN J. MURPHY, III

DANIEL S. NEWMAN, as Receiver for
FOUNDING PARTNERS STABLE
VALUE FUND, L.P., FOUNDING
PARTNERS STABLE VALUE FUND,
IL, L.P., FOUNDING PARTNERS GLOBAL
FUND, LTD and FOUNDING PARTNERS
HYBRID-VALUE FUND, L.P.,



Plaintiffs,

vs.

ERNST & YOUNG, LLP, a Delaware
Limited Liability Partnership, and
MAYER BROWN LLP, an
Illinois Limited Liability Partnership,

Defendants.

ORDER REGARDING CASE SCHEDULE

I. 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 4900 (North Wing), Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, Florida, 33301, with jury pre-selection to commence on **September 30, 2020**. Trial will commence once jury selection is complete.

II. PRETRIAL CONFERENCE:

This matter is set for a Pretrial Conference on **September 28-29, 2020**.

III. WITNESS LISTS:

**A. NO LATER THAN ONE-HUNDRED & TWENTY (120) DAYS PRIOR TO
PRETRIAL CONFERENCE:**

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 PRETRIAL CONFERENCE:

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 required by Florida Rule of Civil Procedure 1.280(b)(4)(A). 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 PRETRIAL CONFERENCE:

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

IV. DISCOVERY DEADLINES:

A. NO LATER THAN SIXTY-FIVE (65) DAYS PRIOR TO PRETRIAL CONFERENCE:

All final discovery must have been initiated at least sixty-five (65) days prior to the Pretrial Conference.

B. NO LATER THAN THIRTY (30) DAYS PRIOR TO PRETRIAL CONFERENCE:

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

V. MOTIONS:

A. NO LATER THAN FORTY-FIVE (45) DAYS PRIOR TO PRETRIAL CONFERENCE:

1. Dispositive Motions: must be filed and served no later than forty-five (45) days before the Pretrial Conference and must be scheduled for hearing prior to the Pretrial Conference.
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 the Pretrial Conference and must be scheduled for hearing prior to the Pretrial Conference.
3. Expert Challenges: motions challenging an expert witness ("Expert Challenges"), must be filed and served no later than forty-five (45) days before the Pretrial Conference and must be scheduled for hearing prior to the Pretrial Conference.

B. NO LATER THAN THIRTY (30) DAYS PRIOR TO PRETRIAL CONFERENCE:

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

C. PRIOR TO PRETRIAL CONFERENCE:

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

VI. JOINT PRETRIAL STIPULATION:

A. NO LATER THAN TEN (10) DAYS PRIOR TO PRETRIAL CONFERENCE:

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 the Pretrial Conference.
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 Pretrial Conference, 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 the Pretrial Conference. 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.

VII. 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 a civil judicial proceeding, 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 the Pretrial Conference.

VIII. 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 Pretrial Conference.

- 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.

IX. 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.

X. 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
this 6 day of May, 2019.



HONORABLE JOHN J. MURPHY, III
Circuit Court Judge

CC: All persons listed on e-Portal Service List.

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.