SUMMARY OF APPENDIX 1: PROPOSED CIVL PROCEDURE RULE AMENDMENTS

Prepared by: Joe Etter, Natalie Yello, and Brett Henson on behalf of the Construction Litigation Subcommittee of the Construction Law Committee of the RPPTL Section of the Florida Bar

RULE 1.160 AND NEW RULE 1.161 – MOTIONS AND SCHEDULING OF MOTIONS FOR HEARING

RULE 1.610

- Applies to all motions, except Motions for Directed Verdict, Motions for Default and Final Judgment, Summary Judgment, Motions for Costs and Attorney's Fees pursuant to Rule 1.530, and Motions for Relief from Judgment and Final Decrees

- Imposes an obligatory "meet and confer" requirement before the filing of any motion not excluded under (a), unless the motion is stipulated, seeks ex parte relief, or qualifies as an expedited (emergency) motion

    - The "meet and confer" must include:

        - An attempt to narrow the issues;

        - The need for a hearing, and amount of hearing time;

        - Whether the motion can be resolved with or without memorandum.

    - The "meet and confer" must be by phone or videoconference; written communication will not suffice.

    - Within 5 days after the "meet and confer," the parties may either (1) submit a proposed stipulated order; or (2) file their motion.

        - If the motion is filed, the parties must, within this 5-day period, either (1) schedule a hearing on the motion, or (2) inform the court that the parties agree to have the motion decided on the papers.

    - No motion or hearing on the same may be scheduled without a "meet and confer," unless a party makes 3 good faith efforts to schedule a "meet and confer," and then certifies the same in writing via filing with the Court.

    - The party filing a motion is required to file a certificate of compliance with the "meet and confer" requirement within 5 days of the "meet and confer," stating the date of the conference, participants, and outcome of the "meet and confer," whether a hearing is requested, or if the motion will be decided on the papers.

- Stipulated motions must be submitted with a proposed order.

- Ex parte motions must be designated as such, and provide the legal basis for the requested ex parte relief.

- Expedited (Emergency) Motions are now define as those in which irreparable harm, death, manifest personal injury or property damage, or dispossession from real property will occur in the absence of expedited relief. Motions must be verified and state the good faith need for expedited relief. Neglect or delay on the part of an attorney does not qualify as a ground for expedited relief, and the rule grants authority to the court to impose sanctions for unsupported motions.

- Motions requiring evidentiary hearing must be designated as such.

- Courts are not required to hold hearings on non-evidentiary motions.

- The procedure for decision of a motion on the papers is as follows:

    - Court informs the parties within 5 days of a hearing notice or request that it will decide a motion on the papers;

    - The Court may order the parties to file memorandum directed to a motion;

        - Party seeking relief files supporting memorandum within 20 days order;

        - Opponent files opposing memorandum within 20 days of service of supporting memorandum;

        - Movant can file reply to new issues raised within 10 days of service of opposing memorandum;

        - Memorandum must include party's preferred disposition and factual and legal grounds for disposition;

        - Movant required to file and serve a request for written decision upon expiration of briefing deadlines, listing the dates in which briefings were filed, and a request for ruling on the motion.

    - If the Court declines the parties' request for hearing, and does not request briefing by memorandum, then it shall rule on the motion summarily within 10 days after declining a request for hearing.

        - If the Court fails to rule during this time period, the Movant is required to, within 10 days, request a written decision from the Court.

- A party's failure to timely (1) request a hearing, or (2) request a written decision (for either motions decided on memorandum or summarily decided) results in abandonment of motion.

Rule 1.161

- Following "meet and confer," if a party requests a hearing, the movant is required to schedule a hearing within 3 business days. The parties are required to accept or reject proposed hearing times within 48 hours. If rejected by a party, it must suggest 3 alternative dates within 48 hours.

- In the absence of agreement by the parties, the Court can schedule hearing unilaterally, or with the parties' cooperation.

- The rule defines what constitutes a "reasonable time" period between the scheduling of a hearing to the date of a hearing:

  - 30 days for 15 min. hearings;

  - 45 days for 15-30 min. hearings;

  - 60 days for 30 min. to 1 hr. hearings;

  - 120 days for hearings over 1 hour.

- If the parties are unable to agree on the amount of time needed, or if the Court determines that the time requested is excessive, the Court can schedule a hearing based on the length it deems appropriate.

- For Emergency motions, the movant is required to confer in good faith with the opposing party, and may then certify to the Court of the need for resolution on an expedited basis.

- Hearings can only be cancelled if the parties have resolved the merits of the motion by agreed order or stipulation, the case has been resolved, or the court approves cancellation or continuance. All parties have an obligation to notify the Court that a hearing has been cancelled, and are required to attend the noticed hearing to show cause as to the reason for untimely cancellation.

RULE 1.190 (AMENDED AND SUPPLEMENTAL PLEADINGS)

- The rule amendment requires parties to who seek leave to plead the fault of a party or non-party to do so within 5 days of when the party seeking leave reasonably should or could have known, with the exercise of due diligence. The party must further describe as specifically as practicable the identity of culpable non-parties via motion with attached proposed defense.

RULE 1.200 CASE MANAGEMENT AND PRETRIAL PROCEDURE

The Workgroup identified two issue with the existing Rule 1.200—(1) the provisions are optional and (2) judicial case management only occurs once a case is approaching trial. In order to remedy these infirmities, Workgroup has proposed eliminating the existing Rule 1.200 and replacing it with an entirely new set of rules related to case management. The commentary to Revised Rule 1.200 provides it is "intended to supersede any case management rules issued by circuit courts and administrative orders on case management to the extent of contradiction."

Subsection (a) describes the objectives of the revised rule and Subsection (b) outlines the fourteen types of cases the Revised Rule does not apply to, including forfeiture actions, actions to enforce arbitration award, Florida Small Claims, etc. The remainder of Revised Rule 1.200 is divided into five sections: (1) case track assignment; (2) joint case management report and proposed case management order; (3) modification of pretrial deadlines; (4) case management conferences; (5) sanctions; (6) miscellaneous provisions; and (7) pretrial conferences. Herein, joint case management report will be referred to as "JCMR," case management order will be referred to as CMO, and case management conference will be referred to as CMC.

(1) Case track assignments: Revised Rule 1.200(c) identifies three possible case tracks for all civil cases, including: *Complex* (*See* Revised Rule 1.201); *Streamlined* (limited documentary evidence, limited discovery, well established legal issues, anticipated short trial); and *General* (does not meet other track). The three track designations are based on the amount of anticipated judicial oversight, not the value or size of monetary damages at issue.

(2) Joint Case Management Report/Proposed Case Management Order:

The JCMR addresses the substantive components of the case and trial. The Proposed CMO sets forth the parties' proposed pretrial deadlines for written discovery, amendment of pleadings, depositions, expert discovery, and filing dispositive motions.

For complex cases: Follow the rules in Revised Rule 1.201

For streamlined cases: The court "shall" issue a case management order within 4 months of case filing or 30 days after service on first defendant is served, whichever comes first. Notably, court is not required to conduct case management conference before issuing case management order.

For general track cases: Parties required to meet and confer within 30 days service of the complaint regarding anticipated disclosures and deadlines for documents, witnesses, motions, anticipated trial readiness date, etc. After the meet and confer, parties are required to file JCMR as early as possible. The JCMR will identify pleadings, summary of documentary evidence, anticipated motions, issues with electronically stored information, inspections, fact witness depositions, names of experts, whether ADR is anticipated, whether jury trial is requested, trial length and trial period. The Proposed CMO will specify deadlines for initial disclosures, issues with confidentiality, electronically stored information, propounding written discovery, identifying expert testimony, deadlines for disclosing experts and their opinions, use of ADR, dispositive motions, etc. The Proposed CMO must specify trial period or a date for CMC to set a trial period and number of days for trial. Court may accept, amend, or reject the proposed CMO. Proposed CMO that do not comply with deadline for case resolution set forth in Florida Rules of General Practice and Judicial Administration will be rejected. Good faith efforts must be used in conferring on the JCMR and Proposed CMO.

(3) Modification of Deadlines: The parties may seek to modify the deadlines in the CMO only for good cause. Motion for extension of time to comply with a deadline must specify the reason

for noncompliance and the specific date by which the activity can be completed, including confirming availability and cooperation of any required participant. Parties may not extend deadlines by agreement if the extension affects their ability to comply with the remaining dates on the schedule. "If the problem affects a subsequent date or dates, parties must seek an amendment of the case management order as opposed to an individual motion for extension." Notices of Unavailability do not affect deadlines—an extension must be sought. If trial isn't reached during the set trial period, then no further activity shall occur and the matter will get reset to next trial period.

(4) Case Management Conferences: Upon court's notice or motion by a party, court will schedule case management conference. No later than 7 days before the CMC parties must file an updated JCMR (if required by court) and statement identifying outstanding motions or issues for the court/under advisement. An entire paragraph is devoted to outlining how the attorney attending the pretrial conference must be prepared to make case decisions and prepared with their own, and the other attorneys' availability for future scheduling events. Parties have ability to revisit deadlines with the court upon showing good-faith attempt to comply with existing deadlines. Multiple issues can be addressed including amendment of pleadings and/or additional parties, schedule of activities related to disclosure and discovery, status/timing for *Daubert* motions, expert witnesses, determining which issues are disputed, stipulations to foundation/admissibility of evidence, other things, etc.

(5) Compliance and Noncompliance; Sanctions: At the CMC, the court will consider compliance with the CMO, noncompliance, and consequences of noncompliance, including imposition of sanctions, pursuant to Rule 1.275, for noncompliance. "If a party finds that the party is unable to comply, the party shall immediately file a motion for a CMC laying out the issue and proposing a remedy. The party must seek consideration of the matter by the court by setting a CMC or submitting the matter to the court for consideration as a written submission as soon as the party determines that the party is unable to comply."

(6) Miscellaneous: Revised Rule 1.200 provides a scheduled hearing can be converted to a sua sponte CMC upon agreement by the parties, however all parties must be prepared to address pending motions or issues. Proposed orders must be delivered to the court within 7 days of a CMC or, if the parties do not agree, competing orders must be delivered within 7 days (and should include the relevant portion of the transcript if a court reporter was present). Failure of both parties to appear at CMC will result in a dismissal without prejudice.

(7) Pretrial Conference: This subsection addresses list of seven matters to be addressed at pretrial conference and several of the items are from the original Rule 1.200 language pertaining to pretrial conferences.

RULE 1.201 – COMPLEX LITIGATION

The Revised Rule 1.201 is divided into five sections: (1) complex litigation defined; (2) Initial Case Management Report and Conference; (3) CMO; (4) additional case management conferences and hearings; and (5) final CMC. As to section (1), Revised Rule 1.201 retains the same definition as to what constitutes a complex action. It adds "complex issues associated with electronically stored information" as one of the factors the court should consider in determining if an action is complex. As to section (2), Revised Rule 1.201 retains the prior language that provides the court shall hold an initial case management conference within 60 days of date of order deeming the action complex, and 14 days in advance of that CMC, the parties shall submit a joint statement of

the case outlining a discovery plan and substantive issues (like settlement, length of trial, damages, requested dates for CMC, description of documents and witnesses, etc.). The court will set the trial date at the initial case management conference (no sooner than 6 mo. from date of conference and no later than 24 mo. from the date of the conference). As to section (3), the Revised Rule 1.201 provides within 10 days of the initial case management conference, the court will set a CMO which sets out the items in Rule 1.200(e)(2)(D) and may also include "a briefing schedule setting forth a time period within which to file briefs or memoranda, responses, and reply briefs or memoranda, prior to the court considering such matters." As to section (4), the court will schedule periodic CMCs. Parties must confer no later than 15 days prior to the CMC and shall notify the court at least 10 days in advance if the parties stipulate that a CMC or hearing time is not necessary. As to section (5), the prior language regarding the pretrial coordination conference has not been changed.

NEW RULE 1.271 - PRETRIAL COORDINATION COURT

Rule 1.271 is an entirely new rule proposed by the Workgroup that would create a pretrial coordination court ("PCC") in each circuit. The purpose of PCC is to coordinate pretrial procedure in multiple lawsuits filed at or around the same time in a given court over similar issues of law or fact, as determined by the administrative judge, and are anticipated to require significant case management. PCC would handle cases like tobacco litigation or multiple insurance lawsuits filed in wake of a hurricane or following discovery of construction material defects. A party or the presiding judge can request that the case be handled through PCC. Upon transfer, the PCC has authority to decide all pretrial matters including jurisdiction, joinder, venue, discovery, trial preparation, referral to ADR, and disposition by means other than trial on merits, including default judgment, summary judgment, consolidated trial upon stipulation, and settlement approval. Review Rule 1.271 for detailed procedure for PCC proceedings.

NEW RULE 1.275 - SANCTIONS

Rule 1.275 is an entirely new rule proposed by the Workgroup. The Workgroup's proposed Rule 1.275 recites the general principle that the court may impose a sanction if a party or attorney fails to comply with the civil rules or order of the court and is to be taken as a supplement to any other civil rule specifying a sanction. Rule 1.275 provides on a party's motion or the court's own motion, the court may enter appropriate sanctions unless the noncompliant party or attorney shows good cause and the exercise of due diligence. Potential sanctions include: reprimanding, in writing or in person, requiring the client to attend specified future hearings, refusing to allow the party to support/oppose a designated claim or defense, prohibiting party from introducing matters in evidence, staying further proceedings, requiring noncompliant party to pay reasonable expenses, reducing the number of peremptory challenges available to a party, dismissing the action, striking pleadings and enter a default judgment, referring attorney to local professionalism panel, or finding the party or attorney in contempt of court. "A continuance of a trial shall not be used a sanction unless the court finds that the continuance does not act to the detriment of the non-offending party." Imposition of "reasonable expenses" can include attorney's fees, out of pocket costs, travel expenses, or other financial loss reasonably arising as a result of the sanctioned conduct. However, if the party or attorney's noncompliance was "substantially justified" the court may not order payment of reasonable expenses. Section (f) of Rule 1.275 provides the court must consider six factors before imposing the sanction of dismissal with prejudice or default and notes not one single

factor is dispositive. Rule 1.275 also provides a "finding of willfulness" is not necessary to impose a sanction, however the sanction must be commensurate with the conduct.

NEW RULE 1.279 – STANDARDS OF CONDUCT FOR DISCOVERY

- New Rule – to serve as a guide for judges in interpreting rules
- 3 subparts (general) (attorney obligations) (court obligations)
- *General*
    - Intent of discovery rules is to promote fairness and disclosure of relevant facts to determine weaknesses and strengths of a case. Delaying obligations or obstructing the truth is discovery abuse and the court has "wide discretion" to handle
- *Attorney obligations*
    - Must familiarize yourself with 8 standards of behavior of conduct
        - Florida Bar Oath of Admission
        - Florida Bar Creed of Professionalism
        - Florida Bar Professionalism Expectations
        - Rules Regulating the Florida Bar
        - Florida Rules of Civil Procedure
        - Judicial decisions
        - Orders of the judge presiding over the case; and
        - Florida Handbook on Civil Discovery Practice
- *Court obligations*
    - When discovery "abuse" is found or when a party or attorney frustrates the court's purpose, **court can sanction parties, law firms, and individual attorneys**, including striking pleadings or dismissing an action.

RULE 1.280 GENERAL PROVISIONS GOVERNING DISCOVERY

- Changes from (a) through (e) to (a) through (h)
- (a) Initial disclosure
    - **Without** discovery request by any party, provide:
        - All witnesses with contact information and the subject matter of that information unless used for impeachment
        - Copy of all documents, including ESI, in your possession or control
        - Computation of each category of damages along with all documentation supporting same unless otherwise privileged
        - Insurance policies
        - All answers to any applicable standard interrogatory forms approved by the Florida Supreme Court in Appendix I of these rules
- Exemptions
    - All claims and actions listed in 1.200(b) are exempt from initial disclosure requirement
- Time for Initial Disclosure – party must disclose subsection (a) within 45 days after service of the complaint

- Basis
    - Party must certify it has identified with particularity and swear under oath it has disclosed the information in complete and accurate form. A party is not excused from its disclosure if it has not fully investigated the case or because it challenges the sufficiency of the other party or because another has not made its initial disclosure. If you object to certain information being disclosed, you must still provide all other information in the initial disclosure
- (g) Supplementing Responses
    - A party who has made an initial disclosure or ordered to do so must respond within ten (10) days after the party learns that in some material respect the disclosure was incomplete or incorrect. If a party fails to timely disclose, the court can impose sanctions under 1.380

NEW RULE 1.335 *NEW* STANDARDS FOR CONDUCT IN DEPOSITIONS, OBJECTIONS, CLAIMS OF PRIVILEGE, TERMINATION OR LIMIT, FAILURE TO APPEAR, AND SANCTIONS

- (a) Conduct in depositions
    - Must conduct yourself in accordance with Rule 1.279
- (b) Witness Conduct
    - Attorneys shall instruct clients and witnesses under their control to act with honesty, fairness, respect and courtesy
- (c) Objections during deposition
    - No change from old rule but moving this to a paragraph in this rule
- (d) Instructions not to answer
    - Can only instruct not to answer when preserving a privilege, enforce ea limitation on evidence directed by the court or present a motion under (e).
- (e) Terminate or limit deposition
    - No major change. Moved from 1.310
- (f) Failure to attend or serve subpoena
    - No major change. Moved from 1.310
- (g) Sanctions for improper conduct during deposition
    - Any violation of 1.335 creates a "presumption of prejudice and **will** result in expenses, fees or other sanctions" . . . Court has discretion in awarding this **against the attorney, law firm, client or any combination thereof**

RULE 1.340 – INTERROGATORIES

- If you object to some but not all, you must timely serve answers to all unobjected-to interrogatories

RULE 1.350 – DOCUMENT PRODUCTION

- If you object to some but not all, you must timely serve responses to all unobjected-to requests for production

RULE 1.351 – PRODUCTION OF DOCUMENTS AND THINGS WITHOUT DEPOSITION FROM NONPARTIES

- A person objecting to production under this rule must specify all bases, legal and factual, for the objection. A person must turnover all unobjected-to documents and things in accordance with this rule.

RULE 1.370 – REQUESTS FOR ADMISSION

- New (c) – Expenses on Failure to Admit
  - If a party fails to admit to the genuineness of a document and the other party proves its genuineness, the requesting party may file a motion seeking reasonable fees and costs incurred in making that proof. The court shall issue such an order at the time a party requesting the admissions proves the genuineness of the document or truth unless it was objectionable; *not substantial importance*; or other good cause

RULE 1.380 FAILURE TO MAKE DISCOVERY; SANCTIONS *NOW THREE SUBPARTS

- Prior to filing, must comply with rule 1.160(c)
- If any person or party fails to meet any discovery obligation, you can move
  - When no disclosure or supplemental disclosure is made
  - Deponent fails to appear at deposition
  - No corporate designation under 1.310(b)(6)
  - Party fails to answer an interrogatory
  - No response for an inspection under 1.350
  - A party does not respond or improperly objects to 1.360(a)
  - "any party or person fails to meet any other disclosure or discovery obligation required under these rules"
- (a)(5) Award of Expenses in Motion
  - If granted
    - Party or attorney or combination to pay the moving party reasonable expenses incurred, including reasonable attorneys' fees and costs unless the court finds that the movant failed to certify in the motion a good-faith effort was made to obtain the discovery without court action or the opposition was substantially justified
  - If denied
    - The movant or the attorney or both must pay the nonmovant reasonable expenses incurred unless the court finds the making of the motion was substantially justified
  - If granted in part and denied in part
    - The court "shall" apportion reasonable expenses as a result of making or opposing the motion and follow each of the subsections when determining the parts of the motion being granted or denied

    - Reasonable expenses
        - Court may include attorney's fees for the offending party, travel or other reasonable costs and "any other financial loss reasonably arising as a result of the sanctioned conduct"
- Discovery Violations Interfering with Adjudication of Case (now Rule 1.380(b))
    - If you do not comply with a court order, such a failure is deemed "to have interfered with the ability of the court to adjudicate the issues" and impose sanctions under (b)(3)
    - If you misuse or abuse discovery rules for tactical advantage or delay or fail to make initial or supplemental disclosures, court shall, after opportunity for hearing, determine whether failure was calculated to interfere or did interfere with the administration of justice. If a determination is found, court shall consider **and** make the findings on the record as to the following factors: (a) whether failure was willful or grossly noncompliant or inadvertent; (b) duration of the failure and party who revealed it; (c) whether failure prejudiced the other party or would have prejudiced the opposition had the information not been learned prior to trial; and (d) what the failing party did to mitigate their prejudice to the opposition
    - After finding the above factors, court can consider sanctions
        - Award of reasonable expenses as defined in (a)(5)(d)
        - Prohibit or direct certain facts, matters or defenses from being introduced into evidence at trial. Prohibit witnesses from introducing documents at trial or hearing
        - Strike pleadings, stay further proceedings until discovery obligations are met, dismiss the action, enter default judgment
        - Fashion "other sanctions crafted by the court as may be appropriate"
- If the court dismisses a claim or enters default judgment, however, a court must first find
    - Whether violation was willful, deliberate, contumacious or grossly noncompliant
    - Whether the attorney or party had prior discovery failures
    - The extent of the party and/or attorney's involvement in the act of disobedience
    - If there was any prejudice to the opposing party through undue expense, loss of evidence or "some other fashion"
    - Any reasonable justification for the noncompliance; and
    - Whether the delay created "significant" problems in judicial administration
- Failure to Preserve ESI (now 1.380(c))
    - Can now dismiss the action or have a default judgment in accordance with Rule 1.275(f)

SUMMARY OF RULE AMENDMENTS PERTAINING TO DISMISSAL FOR FAILURE TO PROSECUTE, SETTING ACTIONS FOR TRIAL, CONTINUANCES, REQUESTING TRIAL DE NOVO FOLLOWING NON-BINDING ARBITRATION AWARD (RULES 1.420, 1.440, 1.460, AND 1.820)

RULE 1.420 – FAILURE TO PROSECUTE

- Amended Rule 1.420(e) substantively revises the definition of what constitutes "record activity," and further, shortens the time period in which an action is subject to dismissal for failure to prosecute.
    - The court, the clerk, or any party may now provide notice of lack of prosecution after 6 months (instead of 10 months) of no record activity.
    - Following notice, the proposed rule amendment requires "post-notice" record activity within 60 days, which is limited to:
        - Filing of a motion to stay, or a dispositive motion as to the entire action;
        - A duly filed and served notice for trial; or
        - A court order setting pretrial deadlines or a trial date.
    - Alternatively, a party can file a motion requesting the action remain pending based upon a showing of "extraordinary cause," defined as lack of activity due to unforeseen matters despite ordinary diligence. Mere good cause or excusable neglect will not suffice.
    - Absent "post notice" record activity, an order granting or approving a stipulation for stay, or demonstration of "extraordinary cause," within 60 days of the notice of lack of prosecution, the action must dismiss the action.
    - Mere inaction for a period of less than 8 months (instead of 1 year) insufficient ground for dismissal under this rule.

RULE 1.440 – SETTING ACTION FOR TRIAL

- For cases subject to Case Management (1.200) or deemed Complex (Rule 1.201), the Court is required to project a trial period. The Court is further required to fix a trial date for cases governed by Rule 1.200, but not Rule 1.201. For cases not subject to these rules, any party may file a Notice of Trial once the case is at issue.
- Even where the Court has projected and fixed a trial date under Rule 1.200 or Rule 1.201, the Court may set a trial earlier than the date specified upon a party's filing of a notice for trial, or the Court's own motion.

- For cases governed by Rule 1.200, the Court is required to fix a trial date no later than 45 days before the projected trial period, but no sooner than the deadline for filing a responsive pleading.

- Trial may not be set any earlier than 30 days from the date or a Court order setting case for trial.

RULE 1.460 – CONTINUANCES

- The rule proposes procedures for continuance of both nontrial and trial events.
    - Motions to Continue Non-Trial Events.
        - Applies to special set hearings, and are required to be in writing, signed by the client, and shall state with specificity the factual basis for continuance, proposed action to cure the need for continuance, and proposed date in which the case will be ready for the scheduled event.
        - Good faith certification requirement.
        - Motion must state impact on other case management deadlines.
    - Motion to Continue Trial.
        - States policy preference against continuance, except for extraordinary unforeseen circumstances, but not lack of preparation. Trials should be set in collaboration with parties, rather than unilaterally by the Court.
        - Motions must:
            - Be in writing, signed by client
            - Be filed within 14 days after appearance of grounds for continuance
            - Include factual basis, proposed new trial readiness date, and proposed revision to pre-trial schedule to accomplish new trial date;
            - Include good faith certification requirement;
        - Excludes the following as grounds for continuance:
            - Failure to complete discovery or mediation;
            - Outstanding dispositive motions;
            - Unavailable witnesses or counsel;

- Withdraw of counsel, if within 60 days of trial;
- Trial conflicts (refer to Rule of Judicial Admin. 2.550).

- If court permits amendment of pleadings within 60 days of trial, amendment will not give cause for continuance, if amendment doesn't necessitate additional discovery. If additional discovery required, incumbent upon party seeking amendment to facilitate additional discovery. Failure to "facilitate" may result in the Court denying the amendment.

- Expresses a preference to cure issues potentially delaying a trial through all means other than continuance.

- Orders granting continuance shall state factual basis and set new trial date within 6 months, absent showing of extraordinary good cause.

- Orders on Motion to Continue Trial granted presumption of correctness and will only be reversed upon a finding of gross abuse of discretion.

RULE 1.820 – HEARING PROCEDURES FOR NON-BINDING ARBITRATION

Deletes reference to "at issue," and instead states that if a motion for trial de novo is filed following non-binding arbitration award, any party having a third-party claim "ready to be tried" at the time of arbitration may file a motion for trial.