

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: 4/18/2007 - KL

Division: County Attorney

Bulk Item: Yes No

Department: County Attorney

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING: Request to schedule a closed executive session of the Board of County Commissioners in the matter of *Thomas Collins et al. v. Monroe County*, CA M 04-379 on Tuesday, May 15, 2007 beginning at 1:30 p.m. in Key Largo or at a future date, time and location to be determined by the BOCC.

ITEM BACKGROUND: Judge Audlin has issued a scheduling order that requires the parties to return to mediation in this takings case by June 10, 2007 (date). Per F.S. 286.011(8), the subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

Present at the meeting will be the Commissioners, County Administrator Tom Willi, County Attorney Suzanne Hutton, Chief Assistant County Attorney Bob Shillinger, Assistant County Attorney Susan Grimsley and the County's special litigation counsel Stephen Moore, Esq. and Derek Howard Esq. and a certified court reporter.

Due to various factors, staff is recommending that the closed session be held on a date other than the May 16, 2007 BOCC meeting.

PREVIOUS RELEVANT BOCC ACTION: None.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____

AGENDA ITEM # _____

IN THE CIRCUIT COURT OF THE 16TH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA IN AND FOR MONROE COUNTY

CASE NO: 2004-CA-379-M

THOMAS F. COLLINS and PATRICIA
COLLINS, et al.,

Plaintiffs

Vs.

MONROE COUNTY, a political subdivision
Of the State of Florida,

Defendant

Vs.

STATE OF FLORIDA,

Third-Party Defendant

SCHEDULING ORDER

THIS CASE having been reviewed by the Court pursuant to Rule 1.200(a), Florida Rules of Civil Procedure, and Rule 2.085, Florida Rules of Judicial Administration, with regard to the Court's obligations thereunder, and Court being fully advised in the premises, it is hereby,

ORDERED as follows:

1. SERVICE OF SCHEDULING ORDER: If service of process has not yet been effected on Defendant(s) at the time this Scheduling Order is entered, Plaintiff's attorney is hereby directed to serve a copy of this Order on all Defendants within ten days once service is obtained, and further, shall serve a copy on any new party to the action, within ten days of service of pleadings on any new party.
2. FACT WITNESSES AND EXHIBITS: All fact witnesses and exhibits must be disclosed by April 10, 2007.
3. EXPERT WITNESSES: All expert witnesses must be disclosed by April 10, 2007.
4. DISCOVERY CUTOFF: All discovery shall be completed by April 30, 2007.

5. **MOTION FILING DEADLINE:** All motions, including summary judgment motions, shall be filed by May 5, 2007. Any motion filed after that date will be deemed untimely and denied.
6. **MOTION HEARING DEADLINE:** Timely filed motions shall be scheduled and heard on or before May 15, 2007. Any motions not heard by that date will be denied.
7. **MEDIATION REQUIREMENT:** The parties will complete mediation of this case by June 10, 2007. All parties must attend or someone with full settlement authority must attend on their behalf. Previous, unsuccessful attempts at mediation shall not be a basis to be excused from this mediation requirement. Plaintiff's counsel is directed to coordinate the mediation with all other counsel. If no mediation report is in the Court file by June 18, 2007, the Court may impose appropriate sanctions, including case dismissal or striking of pleadings.
8. **MOTIONS IN LIMINE:** These motions must be filed and heard as set forth above. The Court will hear motions in limine after these deadlines only upon a showing that the factual basis for the motion could not have been reasonably known by counsel before the general motion deadline.
9. **OVER TIME STANDARDS CASES:** Counsel are advised that discovery will not be reopened, and continuance of the trial date will not be granted for cases that have exceeded these time standards:

(Civil: 18 months from the filing of the Complaint ("FFOC") for jury cases, 12 months FFOC for non-jury cases; Family – Contested: 180 days
FFOC, Uncontested: 90 days FFOC)

absent a showing of extraordinary circumstances that justify such a request.

10. **SPECIAL CASE MANAGEMENT REQUIREMENTS:** Please be advised that beginning July 1, 2007, cases which have exceeded applicable time standards may be placed on the Court's special monthly case management hearing calendar to assist counsel in resolution of these cases. No telephone appearances will be permitted for these hearings.
11. **SETTLEMENT:** Counsel are required to file a fully signed, written stipulation and proposed order of dismissal before any settled case will be taken off the Court's docket.

DONE and ORDERED in Chambers at Key West, Monroe County, Florida, this 28th day of March, 2007.


CIRCUIT JUDGE

**cc: James S. Mattson, Esq., via facsimile
Andrew M. Tobin, Esq., via facsimile
Stephen J. Moore, Esq., via facsimile
Jonathan Glogau, Esq., via facsimile
Robert Shillinger, Esq., via facsimile
Robert H. Frelich, Esq., via facsimile
Derek V. Howard, Esq., via facsimile**