

IN THE COUNTY COURT OF THE EIGHTH JUDICIAL CIRCUIT  
IN AND FOR ALACHUA COUNTY, FLORIDA

JAMES J. KONISH,  
Plaintiff,

CASE NO. 01-2014-SC-4051  
DIVISION: IV

v.

CITY OF GAINESVILLE &  
GAINESVILLE REGIONAL UTILITIES,  
Defendant.

ORDER SCHEDULING NON-JURY TRIAL

[no pretrial conference]

The attorneys for the Plaintiff and Defendant appeared before this Court on March 11, 2015, for a Case Management Conference, and stated this action is at issue and ready to be set for trial.

Therefore, it is

ADJUDGED that:

1. This action is set for Non-Jury Trial on **TUESDAY, MAY 26, 2015, commencing at 10:00 a.m.** at the Alachua Family/Civil Justice Center, 201 E. University Ave., Room 2002, Gainesville, Florida, or as soon thereafter as counsel can be heard. The time allotted for the Non-Jury Trial is **Six (6) Hours**. Parties and counsel are hereby directed to appear before the undersigned judge at **10:00 a.m. on Monday, May 26, 2015**, unless otherwise notified.

2. Not later than thirty (30) days prior to the Non-Jury Trial, Plaintiff shall file with the Clerk of the Court, and serve a copy on opposing counsel, the following:

- (a) A short statement of the case and the facts on which Plaintiff bases his cause of action;
- (b) An itemized statement of the special damages Plaintiff expects to prove;
- (c) If the Defendant has filed a counterclaim, Plaintiff will comply with Defendant's instructions 4(a) and 4(b);

- (d) A schedule of all exhibits and documentary evidence Plaintiff will offer during the trial;
- (e) A complete list of witnesses to be used at trial, together with their addresses and telephone numbers.

3. Not later than thirty (30) days prior to the Non-Jury Trial, Defendant shall file with the Clerk of the Court, and serve a copy on opposing counsel, the following:

- (a) A statement of the facts constituting Plaintiff's cause of action, including damages, which Defendant will admit;
- (b) If Defendant has filed affirmative defenses, a statement of the facts on which Defendant bases such defenses;
- (c) If Defendant has filed a counterclaim or cross-claim, Defendant will comply with Plaintiff's instructions 3(a) and 3(b);
- (d) A schedule of all exhibits and documentary evidence Defendant will offer during trial;
- (e) A complete list of witnesses to be used at trial, together with their addresses and telephone numbers.

4. ALL DISCOVERY PROCEDURES ALLOWED BY THE RULES OF CIVIL PROCEDURE SHALL BE COMPLETED NOT LATER THAN 10 DAYS PRIOR TO THE NON-JURY TRIAL AS WELL AS THE TAKING OF ALL DEPOSITIONS FOR USE AT TRIAL.

5. Not later than five (5) days before Non-Jury Trial, counsel shall meet personally and exhibit to each other all documentary and tangible evidence intended to be offered at trial and make a good faith effort to stipulate to their admissibility.

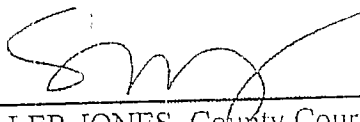
6. When appropriate, counsel are encouraged to file memoranda of law before trial and serve copies on opposing counsel and the trial judge.

7. The purpose of this Order is to facilitate a fair and speedy trial in this action. Counsel shall communicate with each other in a timely manner and otherwise respond in good faith to this Pretrial Order.

8. All motions must be filed and heard prior to Non-Jury Trial.

**DONE AND ORDERED** in Chambers at Gainesville, Alachua County, Florida, on 13

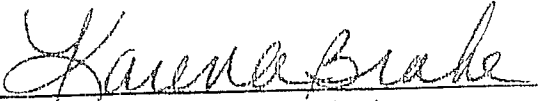
March, 2014.

  
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SUSAN MILLER-JONES, County Court Judge

I HEREBY CERTIFY that copies have been furnished by Electronic Mail on March 16, 2014, to the following:

James J. Konish, attorney for Plaintiff - [fafr@fafr.com](mailto:fafr@fafr.com) and

Elizabeth A. Waratuke, attorney for Defendant - [waratukeea@cityofgainesville.org](mailto:waratukeea@cityofgainesville.org)

  
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Karen A. Brake, Judicial Assistant

If you are a person with a disability that is covered under the Americans with Disability Act, who needs an accommodation in order to participate in this proceeding, you are entitled to be provided with certain assistance, at no cost to you. Please call (352) 337-6237 or if you are hearing-impaired or voice-impaired, call 1-800-955-8771, within 7 working days after you receive this notice.