

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT IN AND FOR
SAINT LUCIE COUNTY, FLORIDA

KEVIN KEENE,

Plaintiff.

vs.

CITY OF FORT PIERCE,

Defendant.

Case No.: 562025CA002199

Judge: Steven J. Levin

**AGREED CIRCUIT CIVIL CASE MANAGEMENT PLAN AND
ORDER AND ORDER SETTING TRIAL**

In compliance with Florida Rules of Judicial Administration, Rule 2.250(a)(1)(B), Florida Rules of Civil Procedure, Rule 1.200, and Florida Rules of Civil Procedure, Rule 1.440, this case management plan and order is being entered. If an amendment, extension, modification, or further judicial action is needed, a motion must be filed in compliance with this Court's procedures.

Jury Trial or Non-Jury Trial? Delineation Shall Constitute a Waiver Pursuant to FRCP 1.430:
_____ Jury Trial

 X Non-Jury Trial

Case Track Assignment (Select One):

_____ Streamlined Track (Case resolved within 12 months.)

 X General Track (Case resolved within 18 months.)

_____ Complex Track (Case resolved within 30 months.):

(Case must be declared complex after hearing pursuant to Florida Rules of Civil Procedure, Rule 1.201.)

Event	Minimum Deadlines (Events may be completed earlier than the deadline, but not later. Motions for extension must be filed prior to expiration of a deadline.)	Agreed Dates
Service of complaint and service of complaints under extensions	Service within 120 days of filing of the complaint (Streamlined and General) Service under extension: 180 Days (General) 150 Days (Streamlined)	Completed: Amended Complaint Filed 5/20/2026 and Served 6/11/2026
Adding new parties	270 days from the filing of the complaint (General) 150 Days (Streamlined)	2/15/2027
Identification of the Facts the Parties Believe to be Disputed	E-filed within 30 days of the last responsive pleading	TBD
Request for Compulsory Examination ("CME") (If Applicable)	150 days prior to the projected trial period	N/A
Filing and Service of Summary Judgment Motions	100 days prior to the projected trial period	12/22/2026
Completion of CME (If Applicable)	100 days prior to the projected trial period	N/A
Expert Witness List-E-filed	<u>Plaintiff</u> : 90 days <u>Defendant</u> : 75 days Prior to the projected trial period	Plaintiff: 9/13/2027 Defendant: 9/28/2027
Fact Witness List-E-filed	75 days prior to the projected trial period	9/28/2027
Discovery Completed	70 days prior to the projected trial period	10/4/2027
Mediation/Alternative Dispute Resolution Completed	To be noticed within 60 days of the last responsive pleading. 1 st mediation completed 180 days prior to the projected trial period	Notice: TBD 1st Mediation Completed: 6/15/2027
Depositions Completed	50 days prior to the projected trial period	10/22/2027
Exhibit Lists and Exhibit List Objections	E-filed 40 days prior to the projected trial period	11/2/2027
Resolution of all pre-trial motions/ objections to pleadings Hearings Completed	30 days prior to the projected trial period	11/12/2027
Motions in Limine/Summary Judgment Hearings Completed	30 days prior to the projected trial period	11/12/2027
Joint Pre-trial Stipulation	E-filed 20 days prior to the projected trial period	11/22/2027
Agreed and Disputed Jury Instructions (If Applicable)	E-filed 20 days prior to the projected trial period	N/A

Project Docket Call Date: All parties and attorneys <i>must</i> appear for docket call either in person or via zoom.	To take place at least 45 days prior to the projected trial period. The Court schedules docket call every other month. Please visit the Court's online calendar to calculate when docket call should take place. 2nd mediation must take place after docket call.	October 2027 2 nd Mediation: November 2027
Projected Trial Period (An actual trial date will be set at docket call.)		December 2027
Estimated Length of Trial (Specify number of trial hours.)		24 hours/3 days
Number of Jurors Requested (For Jury Trials Only)		N/A

The schedule of deadlines herein will be strictly enforced by the court unless the change is otherwise agreed to by the parties and approved by the Court. Notices of unavailability have no effect on the deadlines set by the case management order. If a party is unable to comply with a deadline in a case management order, the party must take action consistent with Rule 1.200. The Court will consider a request to approve changes to these deadlines upon a showing of good cause by either party based on matters arising from an emergency or unavailability. Absent just cause shown, the failure to complete discovery within the time contained in the order, or the unavailability of counsel, shall not be a basis for changing these deadlines. The failure to abide by these deadlines may result in sanctions by the court, including the award of attorney's fees, the striking of pleadings and/or a dismissal of the action.

1. **Mediation:** Mediation shall be noticed within 60 days of the filing of the last responsive pleading. Mediation shall take place at least 180 days prior to the projected trial period. A second mediation must take place after docket call and prior to trial. Counsel and parties will be directed to attend the second mediation at docket call. Counsel must confer to select a mediator as well as the date, time, and place for mediation. **Counsel for the Plaintiff** must coordinate the mediation conference and file a notice of mediation in the court file or submit an order setting mediation to the Court. The following rules for mediation apply, and must be listed in the mediation notice or order:
 - a. The appearance of counsel who will try the case and their clients (a management representative if a corporate party) with full authority to enter a full and complete compromise and settlement is mandatory. An insured party must have a fully authorized representative, not just the attorney for the insurance company, attend the mediation conference. The insurance representative must have written authority to settle the case up to the policy limits and must present the authority to the mediator at the beginning of the mediation session.
 - b. The Court may impose sanctions for all parties that do not attend the mediation conference. The participants must be prepared to spend as much time as is necessary to settle the case or until an impasse is declared by the mediator.
 - c. The parties may present a brief written summary of the facts and issues to the mediator five (5) days before the conference.
 - d. All discussions, representations and statements made at the mediation conference are privileged as settlement negotiations.

- e. Unless agreed otherwise by the parties, the mediator must be compensated equally by the parties.

2. Extensions of Time; Modification of Deadlines in This Case Management Plan

Order: The deadlines in this case management plan order must and will be strictly enforced. Any motion to extend a deadline, amend this case management plan order, or alter an ordered trial period must comply with Fla. R. Civ. P. 1.200(e). Motions for extension of time that do not comply with Rule 1.200(e)(1) will not be considered by the court. Additionally, any motion to modify the trial period set per this case management plan order must not only strictly comply with Rule 1.200(e) but also Rule 1.460. Failure to strictly comply with these rules will result in the motion being automatically denied.

- 3. **Discovery:** All written discovery must be completed prior to the deadline date in the Agreed Case Management Plan, absent agreement for later discovery specifically stated in the pre-trial stipulation, or by order of the Court for good cause shown. Depositions must be concluded by the agreed deadline date unless otherwise ordered upon good cause shown.
- 4. **Exhibit Lists And Exhibit List Objections:** A list of exhibits (including depositions to be read) and any objections shall be e-filed by each party prior to the deadline set forth in the agreed case management plan. See section eight (8) below for additional information regarding the use of exhibits at trial.
- 5. **Disclosure Of Trial Witnesses:** Subject to the provisions of F.S. 57.071(2) which shall govern in the event of conflict, the names and addresses of all potential expert witnesses, along with the nature of their expertise, and a brief statement of the opinion testimony that will or may be offered at trial, must be disclosed by the Plaintiff to all opposing parties, and must be disclosed by the Defendant to all opposing parties on or before the deadline date set forth in the Agreed Case Management Plan. If a report has been created by the expert, a copy (if written) or a written summary (if oral) must also be provided within the same time frames. If written or oral reports are created at a later point in time, they must be provided to all opposing parties immediately. The names and addresses of all potential fact witnesses, and a summary of the nature of their testimony, must be disclosed by each party to each other party by the date set forth in the Agreed Case Management Plan. Witnesses discovered after the cutoff date must be immediately disclosed. Witnesses must be specifically named. Incorporating "all persons deposed or named in depositions or evidence produced", or such similar provision, is not acceptable. All witnesses must be made available for depositions prior to the discovery cutoff date, or they will not be permitted to testify absent good cause shown.
- 6. **Motions And Hearings:** These are deadlines. Do not wait until the deadline to schedule hearings. Due to docket management constraints, absent good cause shown, motions will not be heard after the deadlines set forth herein. Failure to follow this requirement constitutes abandonment of the issue and waiver of the motion. Motions to compel discovery must be set at the time of the violation, not on the eve of trial, and will not be heard past the discovery deadline. Do not set for hearing: motions to dismiss, motions to continue or motions for new trial/rehearing. All such motions are considered in camera by written motion. If you set such motion for hearing, it may be unilaterally cancelled.

7. **Joint Pre-Trial Stipulation Must Be E-Filed:** It shall be the duty of counsel for the Plaintiff to see that the Pretrial Stipulation is drawn, executed by counsel for all parties, **and filed in the court file**, on or before the deadline date set forth in the Agreed Case Management Plan. Counsel for all parties are charged with good faith cooperation in this regard. The Pretrial Stipulation shall contain the following in separate numbered paragraphs:
- a. A concise statement describing the facts of the case in an impartial, easily understandable manner.
 - b. A list of all pending motions requiring action by the Court.
 - c. A statement of all agreements and stipulated facts which require no proof at trial.
 - d. A statement of all issues of law and fact for determination at trial.
 - e. A specification of the damages and/or relief claimed.
 - f. A statement of the estimated time needed for trial.
 - g. Any other agreements.
 - h. An identification of unusual issues, either evidentiary or procedural, that are expected to occur at trial.
 - i. A list of the witnesses to be called at trial with their addresses. A brief statement as to the nature of the witness's testimony is required. Expert witnesses shall be designated as such with a brief statement as to the nature of the expertise and opinion testimony to be offered. Witnesses not listed may not be called at trial. As to each party, the Court will limit before and after witnesses to no more than three. The Court will limit expert witnesses to no more than two in any one expert field. The Court may make such other rulings or limitations on witnesses, including experts, as the nature of the case and justice requires.
 - j. A list of exhibits (including depositions to be read) which may be introduced at trial. Exhibits not listed may not be introduced at trial. **All exhibits as set forth shall be marked, filed with the Clerk, and filed in the court file prior to trial.** Please mark as follows:
 1. A list of all exhibits to be offered by Plaintiff and agreed to and initialed by Defendant to be submitted in evidence without objection (to be marked plaintiff's exhibits 1, 2, 3, etc.).
 2. A list of all exhibits to be offered by Defendant and agreed to and initialed by Plaintiff to be submitted evidence without objection (to be marked defendant's exhibits 1, 2, 3, etc.).
 3. A list of all exhibits Plaintiff objected to; Defendant shall note the specific evidentiary objections and the reason therefore on the pretrial statement.
 4. A list of all exhibits Defendant objected to; Plaintiff shall note the specific evidentiary objections and the reason therefore on the pretrial statement.
 5. Each party shall prepare in advance of trial and furnish to the courtroom clerk at the time of commencement of trial, a written list of all his exhibits containing a brief description of each. Please note, exhibits must be listed in a reasonably specific manner. For example, stating "all documents produced during discovery" or such similar description is **not** acceptable. Additionally, parties may not "reserve" objections in the pre-trial statement.
8. **Unilateral Filing Of Pretrial Stipulation:** If for any reason a pre-trial stipulation is not executed by all counsel, each counsel shall file and serve separate proposed Pretrial

Statements with a statement of why no stipulation was executed. Each party shall have five (5) days from receipt of the other parties' trial exhibits to make specific objections to each exhibit, including the basis of the objection. Failure to object within this time shall constitute a waiver to the admissibility of those exhibits.

- 9. Additional Exhibits, Witnesses Or Objections:** At trial, the parties shall be strictly limited to exhibits and witnesses disclosed and objections reserved, absent an agreement specifically stated in the pre-trial stipulation or an order of the Court upon good cause shown. Failure to reserve objections constitutes a waiver. A party desiring to use an exhibit or witness discovered after the pre-trial stipulation has been e-filed shall immediately furnish the Court and other counsel with a description of the exhibit or with the witness's names and addresses and the expected subject matter of testimony, together with the reason for the late discovery of the exhibit or witness. Use of the exhibit or witness may be allowed by the Court for good cause shown or to prevent manifest injustice.
- 10. Sanctions:** *Failure to comply with the deadline dates set forth in the Agreed Case Management plan may result in the dismissal of the plaintiff's case or the entry of a default against the defendant. Failure to comply with the agreed case management plan may also result in other sanctions being imposed, including, but not limited to attorney's fees, costs and striking of pleadings, dismissal, or default. Should a default be entered, trial will be held on any remaining issue of damages.*
- 11. Case Dispositions:** If at any time after the entry of the Order Approving Agreed Case Management Plan, this case is dismissed or results in a completed settlement Counsel must immediately file a Notice of Settlement and send a copy to the Court. **Counsel must expeditiously file all paperwork necessary to close the case.**

See this Court's procedures page at Judge Steven J. Levin | 19th Judicial Circuit Court of Florida (circuit19.org) for additional procedures, courtroom guidelines and expectations for Civil Cases.

Signature of Counsel or Unrepresented Parties

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ORDER APPROVING AGREED CASE MANAGEMENT PLAN
AND ORDER SETTING TRIAL

The Court having reviewed the preceding Case Management Plan and Order Setting Trial and finding it to be satisfactory, it is Ordered And Adjudged that the Case Management Plan is hereby **approved and all parties shall abide by the terms herein.**

IT IS FURTHER ORDERED that this case is set for non-jury trial in **DECEMBER 2027.**

DONE AND ORDERED in Fort Pierce, Saint Lucie County Florida, on June 24, 2026.

Steven J. Levin
Circuit Judge

A copy of this order is being served on the following parties via the e-filing portal:

Kevin Keene, Pro Se Plaintiff at: kevinkeene1961@gmail.com

Sara Hedges, Attorney for Defendant City of Fort Pierce at: shedges@cityoffortpierce.com