

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR DESOTO, MANATEE, AND SARASOTA COUNTY, FLORIDA

Michael T. Flynn
Plaintiff(s) / Petitioner(s),

v.

Case No.: 2023 CA 004264 NC
Division: C (Sarasota)

Jim Stewartson
Defendant(s) / Respondent(s).

AGREED
CASE MANAGEMENT REPORT
(for use in General Cases – Circuit & County Civil)

Did all parties meet and confer as required?

- Yes
 No. (Must attend Initial Case Management Conference unless the Court excuses you.)

This Case Management Report is submitted on behalf of:

- All parties named in this lawsuit, each of whom agrees to this Report.
 Only on behalf of the following party or parties: Name of Party

The parties in this lawsuit request a:

- Jury trial (to begin within 18 months of the date of filing of the lawsuit).
Proposed trial date: Trial Date. PTC PTC Date DS DS Date.
 Nonjury trial (to begin within 12 months of the date of filing of the lawsuit).
Proposed trial date: Trial Date Docket Sounding DS Date
 An extended trial date; may require appearance at Initial Case Management Conference. Briefly describe the reason for the request and include proposed month and year of trial: May 2025. --We are already 12 months after filing and the parties to the lawsuit have only recently been finalized. We anticipate this case requiring intensive and protracted discovery (and likely additional motion practice) making 12 months from today a more realistic timeframe than 6 months from today.

Do you believe the trial will last more than 5 days (inclusive of jury selection)?

- Yes. *Estimated Days:* 10
 No. *Estimated Days:* # Days

Setting the case for trial:

- The parties waive the “at issue” requirement and request the Court to enter an order setting the case for trial for the date agreed to above.
 The parties do not waive the “at issue” requirement, and the Plaintiff must send the Court a proposed order setting the case for the date agreed to above within 15 days of the case being at issue. The Court will set a firm trial date when at issue.

- The parties do not agree to a proposed trial date and will attend Initial Case Management Conference and will discuss with the Court setting the case for trial.

Trial calendars are posted on the [Civil Division Page](#) under “DeSoto,” “Manatee,” “Sarasota,” and “South County (Venice)” tabs.

The Court in establishing Case Management deadlines will give due regard to the parties’ proposed deadlines. As required by various administrative orders, Case Management deadlines established in the case management order will be strictly enforced. A party must demonstrate good cause for a date to be changed.

| DEADLINE, EVENT, OR QUESTION | RESPONSE |
|--|--|
| Do all parties agree to this Case Management Report? (If no, you must attend the Initial Case Management Conference unless excused by the Court.) | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Date this lawsuit was filed. | 5/4/2023 |
| Have all Defendants been served? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| If all Defendants have not been served, what deadline do you propose by when the last Defendant will be served? | N/A |
| Do the parties believe a counterclaim, crossclaim, or third-party complaint may be filed? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Have all counterclaims, third-party claims, and crossclaims been served on the relevant defendant party? | <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable |
| Deadline to file a Motion to Add Party or Amend Pleadings. (If the movant has not scheduled the motion for hearing within 15 calendar days of filing the motion, the Court may deny the motion as being in violation of the case management order. The motion does not need to be heard within 15 days; it simply must be set for hearing.) | 5/7/2024 |
| Deadline for all motions to dismiss directed to the pleadings or objections to the pleadings to be resolved, including motions to strike. (If greater than 60 days, parties must appear at the Initial Case Management Conference, unless excused by the Court.) | 5/7/2024 |
| Do the parties believe discovery will include substantial Electronically Stored Information or significant Court time to address Electronically Stored Information? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| DEADLINE, EVENT, OR QUESTION | RESPONSE |
|--|---|
| <p>Do the parties agree to exchange initial witness and exhibit lists? If so, by what date? (The Court recommends 30 days after filing of this report.)</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 8/1/2024</p> |
| <p>Do the parties anticipate having one or more expert witnesses? (The Court limits each party to one expert per specialty.)</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown</p> |
| <p>Deadline to file expert witness lists for experts used to support affirmative claims. (The Court recommends 90 days before the Pre-Trial Conference date in jury cases and 90 days before the Trial Period in nonjury cases.)</p> | <p>12/15/2024</p> |
| <p>Deadline to file expert witness lists for experts used to oppose affirmative claims. (The Court recommends 60 days before the Pre-Trial Conference date in jury cases and 60 days before the Trial Period in nonjury cases.)</p> | <p>1/15/2025</p> |
| <p>Do the parties agree to have the experts author written reports?</p> | <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> |
| <p>If the parties agree to have the experts author written reports, the deadline for experts used to support affirmative claims to submit their written reports. (The Court recommends 60 days before the Pre-Trial Conference.)</p> | <p>1/15/2025</p> |
| <p>If the parties agree to have the experts to author written reports, the deadline for experts used to oppose affirmative claims to submit their written reports. (The Court recommends 30 days before the Pre-Trial Conference.)</p> | <p>2/13/2025</p> |
| <p>Deadline to file a motion seeking to add a nonparty to the verdict form (i.e., <u>Fabre</u> defendant). (The Court recommends 45 days before the Pre-Trial Conference.)</p> | <p>1/31/2025</p> |
| <p>Deadline to file final witness and exhibit lists, which list includes designation of those witnesses and exhibits a party reasonably believes the party will call or use in trial. (The Court recommends 45 days before the Pre-Trial Conference date in jury cases and 45 days before the Trial Period in nonjury cases.)</p> | <p>1/31/2025</p> |
| <p>Discovery deadline. No discovery may occur after this date without Court permission or, only if permitted by the Court, agreement of all parties. (The Court recommends the Pre-Trial Conference Date for jury cases and 30 days before the first day of the Trial Period for nonjury cases.)</p> | <p>3/13/2025</p> |

| DEADLINE, EVENT, OR QUESTION | RESPONSE |
|--|-----------|
| Dispositive motion (i.e., summary judgment) and <u>Daubert</u> motion deadline to be filed. (The Court recommends no later than 90 days before the first day of the Trial Period.) | 1/15/2025 |
| Dispositive motion (i.e., summary judgment) and <u>Daubert</u> motion deadline to be heard. (These motions may not be heard within 30 days before the first day of the Trial Period without Court permission. Any pending motion not heard by the Court by this deadline will be denied.) | 4/3/2025 |
| Deadline for all other motions to be heard. (The Court will not permit motions to be heard after Docket Sounding without Court permission. Any pending motion after this date will be denied.) | 4/25/2025 |
| Mediation deadline (The Court recommends no later than the Pre-Trial Conference date.) | 3/13/2025 |

Magistrate Referral

The Court refers certain matters to a general magistrate as permitted by Florida Rule of Civil Procedure 1.490(a). The Court will refer all motions directed to the pleadings and all discovery motions. The parties may agree to additional matters to be referred.

Attorney Appearance

Each attorney that appears on behalf of a party must file a separate notice of appearance and designation of email address. (Multiple attorneys within the same firm must each file a separate notice of appearance and designation of email address.) This is an on-going requirement for any new attorney that appears during the litigation. Each attorney that appears is fully responsible for the case.

Please identify all known attorneys currently appearing for each party for each status that parties holds, such as Plaintiff or Defendant. Some parties may have more than one status, such as Defendant and Counterclaim Plaintiff, and will have multiple entries in the table below. If a party does not have an attorney, simply complete the Party Name and Status of the table below. Please remember that each corporate entity must have an attorney represent it. Additionally, an individual sued in a representative capacity, such as Trustee, must have an attorney represent the person in the person's representative capacity.

| Party Name | Status | Attorney Name | FL Bar # |
|------------------|-----------|----------------|----------|
| Michael T. Flynn | Plaintiff | Jared Roberts | 1036550 |
| Michael T. Flynn | Plaintiff | Stephen French | 78761 |

| Party Name | Status | Attorney Name | FL Bar # |
|-------------------|---------------|----------------------|-----------------|
| Michael T. Flynn | Plaintiff | Jonathan Huffman | 56047 |
| Jim Stewartson | Defendant | Craig A. Whisenhunt | 81745 |
| Jim Stewartson | Defendant | George K. Rahdert | 213365 |
| Jim Stewartson | Defendant | George A.D. Thurlow | 1019960 |

The parties agree to this Case Management Report in Case Number: 2023 CA 004264 NC

Name: George A.D. Thurlow
 Bar Number: 1019960
 Firm: Rahdert & Mortimer, PLLC
 Email: gthurlow@rahdertlaw.com
 Address 1: 535 Central Avenue
 Address 2: Suite 200
 Address 3: St. Petersburg, FL 33701
 Attorney for: Defendant Jim Stewartson
 Date: 5/6/2024

/s/ George A.D. Thurlow

Signature

Name: Stephen B. French
 Bar Number: 78761
 Firm: Binnall Law Group
 Email: stephen@binnall.com
 Address 1: 717 King St.
 Address 2: Suite 200
 Address 3: Alexandria, VA 22314
 Attorney for: Plaintiff
 Date: 5/6/2024

/s/ Stephen B. French

Signature

Certificate of Service

On Enter Date, I certify (1) that I sent a copy of the Case Management Report directly to the [Manatee County Case Manager](#) or [Sarasota County Case Manager](#) AND (2) I either (check one box):

electronically filed the foregoing Case Management Report with the Clerk of Court by using the Florida Court, which will send a copy to:

or

served a copy of the foregoing Case Management Report by First Class U.S. Mail to:

Name: Jared Roberts
Bar Number: 1036550
Firm: Binnall Law Group
Email: jared@binnall.com
Address 1: 717 King St.
Address 2: Suite 200
Address 3: Alexandria, VA 22314
Attorney for: Plaintiff

Name: Stephen B. French
Bar Number: 78761
Firm: Binnall Law Group
Email: stephen@binnall.com
Address 1: 717 King St.
Address 2: Suite 200
Address 3: Alexandria, VA 22314
Attorney for: Plaintiff

Name: Jonathan Huffman
Bar Number: 56047
Firm: Boatman Ricci, P.A.
Email: jrh@boatmanricci.com
Address 1: 12751 New Brittany Boulevard
Address 2: Suite 402
Address 3: Fort Myers, FL 33907
Attorney for: Plaintiff

Name: Craig A. Whisenhunt
Bar Number: 81745
Firm: Ripley Whisenhunt, PLLC

Email: craig@rwrlawfirm.com
Address 1: 8130 66th Street North
Address 2: Suite 3
Address 3: Pinellas Park, FL 33781
Attorney for: Defendant Jim Stewartson

Name: George K. Rahdert
Bar Number: 213365
Firm: Rahdert & Mortimer, PLLC
Email: grahdert@rahdertlaw.com
Address 1: 535 Central Avenue
Address 2: Suite 200
Address 3: St. Petersburg, FL 33701
Attorney for: Defendant Jim Stewartson

Name: George A.D. Thurlow
Bar Number: 1019960
Firm: Rahdert & Mortimer, PLLC
Email: gthurlow@rahdertlaw.com
Address 1: 535 Central Avenue
Address 2: Suite 200
Address 3: St. Petersburg, FL 33701
Attorney for: Defendant Jim Stewartson

/s/ George A.D. Thurlow

Signature

IN THE TWELFTH JUDICIAL CIRCUIT COURT
IN AND FOR SARASOTA COUNTY, FLORIDA

MICHAEL T FLYNN,
Plaintiff,

v.

CASE NO. 2023 CA 004264 NC
DIVISION C CIRCUIT

JIM STEWARTSON,
RICK WILSON,
Defendant.

ORDER SETTING CASE FOR JURY TRIAL

IT IS ORDERED that this case is set for jury trial as follows:

Pre-Trial Conference: 03/13/2025 at 9:45 a.m.

Docket Sounding: 04/25/2025 at 8:45 a.m.

Jury Trial Term Begins: 05/05/2025 at 9:00 a.m.

Number of Weeks in Trial Term: 3 weeks

Estimated Trial Length: 10 day(s)

Courthouse Location: Judge Silvertooth Judicial Center - 2002 Ringling
Blvd. - Sarasota - FL 34237

Courtroom: 6-C

[] **If checked, the parties within 10 days must complete a revised Case Management Report (form found on the Court's website) that corresponds to this new trial period, and the parties must file it in the Court file immediately.**

Special instructions for this case (none if blank):

IT IS FURTHER ORDERED that:

All trials are conducted in-person in the Courthouse unless the presiding judge provides otherwise.

Attorneys and parties appearing for Pre-Trial Conference and Docket Sounding must appear as follows. (The parties and attorneys do not need to advise the Court how they will appear if the Court is permitting either in person or Zoom appearance.)

Pre-Trial Conference: Either in person or via Zoom at discretion of party/attorney
Docket Sounding: Either in person or via Zoom at discretion of party/attorney

If the Court authorized remote appearance by Zoom at either Pre-Trial Conference or Docket Sounding, the assigned judge's Zoom credentials are:

Zoom Credentials: <https://www.zoom.us/> Click "Join A Meeting"
Meeting ID: 353 234 4884
Password: 756433
Audio: 1.253.215.8782 - only if no video access

IT IS FURTHER ORDERED that:

1. Attorneys must comply with the circuit's Local Rules and the Standards of Professionalism of the Twelfth Judicial Circuit.
2. The parties must adhere to the most recent discovery and case management deadlines contained in the Court's most recent Case Management Order. All deadlines and requirements for discovery, motion practice, and mediation are controlled by the Case Management Order. Nothing in this Order obviates any provision of the Case Management Order.
3. Each party is limited to one expert per specialty.
4. Attorneys and unrepresented parties must appear at the Pre-Trial Conference and be prepared to address all matters in Fla. R. Civ. P. 1.200(b) **unless** a completed Pre-Trial Conference Order is submitted directly to the presiding judge's chambers at least 3 business days before the Pre-Trial Conference. If timely submitted and the Court approves it, the attorneys and unrepresented parties are excused from attending the Pre-Trial Conference without further Order of the Court.
5. Lead counsel for each party must attend the mandatory Docket Sounding to address all matters relating to the trial. The lead counsel shall have full authority to enter into stipulations at Docket Sounding. Motions will not be heard at Docket Sounding unless leave is granted by the Court. The attorneys and unrepresented parties shall confer and prepare a complete, single set of documents to be provided to the Court in electronic format; at Docket Sounding:
 - a fully executed Jury Trial Information Statement;
 - an indexed list of each party's trial exhibits together with notations as to stipulations on authenticity and admissibility of each exhibit;

- proposed jury instructions, including any disputed instructions;
- proposed verdict form; and
- the Pre-Trial Conference Order.

6. Failure to attend the Pre-Trial Conference (unless excused) or the mandatory Docket Sounding could result in the Court dismissing the action, striking the pleadings, limiting proof or witnesses, or taking other appropriate action. See Fla. R. Civ. P. 1.200(c).

7. All exhibits must be marked with the Clerk prior to beginning jury selection. You must file an electronic copy of your trial exhibit list with the Clerk by this time as well.

8. Once a trial date is set, the Court discourages continuance motions. All continuance motions must be in writing, contain the reasons for the continuance, and be signed by the client/party. The party filing the motion must submit a courtesy copy to the presiding judge's chambers when the motion is filed. A stipulation to continue a trial does not automatically continue the trial. A trial may only be continued by Court Order. The Court assumes any attorney appearing on behalf of a party can try this case. Where a party has multiple counsel appearing, the Court likely will not accept last minute complaints about known conflicts. Any attorney filing a notice of conflict involving the trial date set in this case with any other trial is under an affirmative obligation to set a status conference expeditiously to resolve the conflict. Failure to do so constitutes a waiver of the claimed conflict.

[] IT IS FURTHER ORDERED that shall serve a copy of this Order on all parties; execute a certificate of service identifying all persons served with service information; and file the certificate of service in the Court file.

Expectations for All Participants Attending Zoom Hearings

Please see the expectations for all participants on the Twelfth Judicial Court Website: <https://www.jud12.flcourts.org/Public-Information/Public-Court-Hearings>.

Court Reporters

The Court does not provide a court reporter. If a party wishes to have a court reporter present, that party must arrange for the court reporter's attendance and must notify all other parties before the hearing.

No Recording Proceedings

By court rule and court order, you are not authorized to make your own audio or visual recording of a court proceeding. No one may take "screenshots" or other audio or visual depictions of a court proceeding. Recording a court proceeding is strictly prohibited unless approved by the Judge. If you violate these rules, you may be held in contempt of court. Members of the media must comply with rule 2.450 and administrative order 2020-23.2 regarding media coverage. Please contact the Court's Public Information Officer for further information.

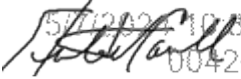
Late entry or Technical Difficulties

If you are not logged in when the hearing begins, the judge may not interrupt the proceedings to admit you to the hearing. If you have trouble logging in, and you wish to participate in the hearing, contact the Court's judicial assistant immediately at (941) 861-7946.

ADA Notice

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 the Sarasota County Jury Office, P.O. Box 3079, Sarasota, Florida 34230-3079, (941) 861-8000, 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.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on May 07, 2024.


5/7/2024 10:37 AM 2023 CA
004264 NC
e-Signed 5/7/2024 10:37 AM 2023 CA 004264 NC

HUNTER W CARROLL
Circuit Judge

SERVICE CERTIFICATE

On May 07, 2024, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court.

JARED J. ROBERTS, ESQ.
STEPHEN B. FRENCH, ESQ.
JONATHAN R. HUFFMAN, ESQ.
jared@binnall.com
stephen@binnall.com
Courtfilings@boatmanricci.com

CRAIG A. WHISENHUNT, ESQ.
GEORGE K. RAHDERT, ESQ.
GEORGE A. D. THURLOW, ESQ.
efiling@rightingwrongsflorida.com

gthurlow@rahdertlaw.com
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tmccreary@randertlaw.com

IN THE TWELFTH JUDICIAL CIRCUIT COURT
IN AND FOR SARASOTA COUNTY, FLORIDA

MICHAEL T FLYNN,
Plaintiff,

v.

CASE NO. 2023 CA 004264 NC
DIVISION C CIRCUIT

JIM STEWARTSON,
RICK WILSON,
Defendant.

CASE MANAGEMENT ORDER
(for use in General Circuit Civil Cases)

IT IS ORDERED:

This Case Management Order supersedes any existing Case Management Orders in this case. The Court references the Case Management Report filed on the progress docket on May 06, 2024 at DIN 105. The Court imposes all deadlines identified in that Case Management Report as Court-imposed deadlines. The Court will enter a separate trial order.

Experts required to provide written reports: Yes

IT IS FURTHER ORDERED:

1. Attendance at the Initial Case Management Conference (select one):

The parties are excused from attending the Initial Case Management Conference.

The Clerk is directed to cancel the Initial Case Management Conference within the case management system that was set for May 07, 2024 at 1:30PM.

The parties must attend the Initial Case Management Conference as ordered.

2. Ability of parties to modify discovery dates without Court permission (select one):

The parties by agreement may modify discovery deadlines without Court Order, except the parties may not extend discovery beyond the Pre-Trial Conference.

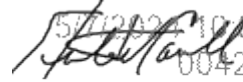
The parties by agreement may modify discovery deadlines without Court Order, except the parties may not extend discovery beyond Docket Sounding.

3. Other Court instructions (none if blank):

IMPORTANT NOTICE

The Court will strictly enforce the deadlines set by this Case Management Order. Failure to abide by these deadlines may result in sanctions, including and without limitation to, the exclusion of witnesses and evidence, the striking of pleadings, or the dismissal of the case. No deadline may be modified without Court permission unless otherwise stated in paragraph 2 or 3.

DONE AND ORDERED in Sarasota, Sarasota County, Florida, on May 07, 2024.


5/7/2024 10:38 AM 2023 CA
004264 NC
e-Signed 5/7/2024 10:38 AM 2023 CA 004264 NC

HUNTER W CARROLL
Circuit Judge

SERVICE CERTIFICATE

On May 07, 2024, the Court caused the foregoing document to be served via the Clerk of Court's case management system, which served the following individuals via email (where indicated). On the same date, the Court also served a copy of the foregoing document via First Class U.S. Mail on the individuals who do not have an email address on file with the Clerk of Court.

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