

**IN THE CIRCUIT COURT, FIRST JUDICIAL
CIRCUIT, ESCAMBIA COUNTY, FLORIDA**

STATE OF FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiff,

and

ESCAMBIA COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS,

Intervenor,

v.

LOUISIANA INVESTMENT GROUP, LLC,

Defendant.

CASE NO. 2006-CA-001207
DIVISION: "K"

**ORDER SETTING NON-JURY TRIAL AND
REQUIRING TRIAL DOCUMENTS**

WHEREAS, a Case Management Conference was held in the above-styled cause on Monday, November 19, 2007. Karen Bishop, Esquire, appeared telephonically for the Plaintiff, Charles Pepler, Esquire, was present on behalf of Escambia County, and Steven Bowden, Esquire, was present for the Defendant.

It is, therefore,

ORDERED that:

1. This cause is set on the Court's calendar for final hearing on *January 18, 2008, at 10:00 a.m.* before the undersigned in a courtroom of the M. C. Blanchard Building, 190 Governmental Center, Pensacola, Escambia County, Florida. Time reserved for hearing is one (1) day.

2. *Thirty (30) days after the date of this Order*, counsel for the parties will disclose names and addresses of experts to be called and the nature of the expert testimony at trial which will be modified only with prior Court approval.

3. All discovery shall be completed not less than fifteen (15) days before trial.

4. At least ten (10) days prior to trial, the attorneys for each party shall meet at the office of the plaintiff's counsel or at some other mutually agreed upon location. Counsel shall discuss and prepare a joint memorandum to the court relating to the following listed topics:

- (a) A brief statement of the claimed factual basis of the parties' respective causes of action and defenses.
- (b) A concise statement of those issues of Law which remain for determination by the Court, with legal citations in support or opposition.
- (c) An itemized list of all exhibits intended to be introduced into evidence at the trial. Describe any objection which will be made at the time of trial with the basis for the objection and attach a full copy of any supporting or opposing authority.
- (d) Any stipulation reached with regard to exhibits or documentary evidence to be offered at trial.
- (e) A list of witnesses to be called in the case.
- (f) Any other matters upon which counsel can agree.

(g) A list of any outstanding pretrial motions with supporting or opposing authority attached to the memorandum.

(h) Counsel shall provide the Court with any legal authority on the issues to be tried with the pretrial memorandum.

The joint memorandum shall be filed with the office of the undersigned Circuit Judge at least three (3) days prior to trial.

5. At the meeting of counsel to prepare the pretrial memorandum, trial counsel shall make available for examination by all opposing counsel all trial exhibits. Counsel shall initial each exhibit of any opposing party. Any exhibit not so initialed will be excluded if offered into evidence at trial.

6. **The Court will not entertain any motion for continuance filed with this Court less than ten (10) days before trial except for good cause shown.**

7. Failure to comply with the foregoing may result in the imposition of such sanctions as the Court deems to be appropriate under the circumstances.

8. If reporting of this trial is desired, it is the responsibility of counsel to make appropriate arrangements with a court reporter authorized to report for this Court

9. Counsel are responsible to subpoena all witnesses for trial or to arrange the voluntary appearance of the witness at trial. The failure of a witness to appear at trial who has not been subpoenaed will not be considered a valid excuse for continuance or mistrial.

DONE AND ORDERED this 21st day of November, 2007..

/s/ Terry D. Terrell

TERRY D. TERRELL

Circuit Judge

Copies furnished to:

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