

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT  
IN AND FOR CHARLOTTE COUNTY, FLORIDA  
CIVIL ACTION

JOHN W SPRADLIN J, JANICE L  
THOMPSON, FRANK G BEDNAZ,  
CHERYL A ODONNELL,  
Plaintiff(s),

CASE NO.: 25000728CA

vs.

CASE TYPE: Other - Matters not falling within  
the Other Civil Subcategories

VICTORIA ESTATES, LTD.,  
BENDERSON-VICTORIA, L.C., KINGS  
GATE HOMEOWNERS ASSOCIATION,  
INC,  
Defendant(s).

JUDGE: RUSSELL KIRSHY

**ORDER SETTING JURY TRIAL/NON-JURY TRIAL AND PRETRIAL CONFERENCE**

THIS CAUSE having come before the Court upon the filing of a NOTICE FOR TRIAL, and/or on the Court's own motion pursuant to the parties Case Management Plan, and it appearing to be otherwise at issue, pursuant to Rule 1.440, Florida Rules of Civil Procedure it is hereby:

**Pretrial Conference scheduled Monday, March 01, 2027 at 11:00 am.**

**Docket Sounding scheduled for Monday, March 29, 2027 at 9:00 am.**

All scheduled hearings will be conducted in Judge Kirshy's virtual courtroom. Hearings will be conducted through video and telephone.

**Trial Period begins Monday, April 05, 2027, through Friday, April 30, 2027.**

All Trials will be conducted in person unless otherwise ordered.

## **JUDGE KIRSHY'S VIRTUAL COURT INFORMATION**

Join via Zoom at: <https://zoom.us/join>

Or by telephone at: (786) 635-1003

Meeting ID: 939 041 1098

Password: 600481

### **1. Attendance at Status Hearing**

Attendance of trial counsel at the Status Hearing is MANDATORY unless the parties file a stipulation that they are in compliance with the Case Management Plan (Case Management Plan deadlines dates may be extended by written stipulation) AND, if ordered, mediation and non-binding arbitration, have been completed OR Notice(s) setting mediation and/or non-binding arbitration have been filed in the case prior to the scheduled Status Hearing date.

### **2. Attendance at Pretrial Conference**

Attendance of trial counsel at the Pretrial Conference is MANDATORY for the purpose of resolving disputes in completing a Pretrial Conference/Trial Order form, unless counsel submits an original signed Agreed Pretrial Order directly to the Judge's office to be received at least three (3) days prior to the Pretrial Conference. In the event the parties are unable to agree on all matters in the Pretrial Conference Order, they shall leave the matter(s) not agreed to blank and same will be resolved at the Pretrial Conference with the Court. The Pretrial Conference/Trial Order form can be downloaded from:

<https://www.ca.cjis20.org/pdf/Charlotte/PretrialConferenceOrderChar.doc>

### **3. Docket Sounding**

Attendance of trial counsel at the Docket Sounding is MANDATORY for the purpose of setting the trial date and to address any pending issues.

#### **4. Trial Period**

This cause is set for Jury trial during the above trial period at the Charlotte County Justice Center, 350 E. Marion Avenue, Punta Gorda, Florida. The trial is set for 4 days. All parties shall be ready for trial at 8:30 a.m. on the first day of said trial period. Parties not represented by an attorney should call the court (941-637-2149) at least one week before the above trial period to obtain an exact time and date of trial. Generally, the order in which cases are to be tried will be determined by the judge no earlier than the Docket Sounding.

#### **5. Pre-trial Events**

- A. Exchange of Expert & Lay Witnesses. No later than thirty (30) days prior to the Docket Sounding date, counsel and/or parties shall file and exchange a list of the names and of facts about which the witness will testify or opinion of any expert witness. This is not intended to extend the time frames set forth in the Case Management Plan, but rather to identify those witnesses that will, in good faith, actually be called. No party shall be permitted to call any witness not so disclosed, without prior permission of the Court, or written stipulation executed by all parties, or if represented, their counsel.
- B. Fabre Defendants. No later than thirty (30) days prior to the Docket Sounding date, all Defendants or other persons sought to be placed on the verdict form and against whom some measure of liability may be assessed by the jury, must be disclosed to the Court and opposing counsel. No person or entity not so disclosed may be placed on the verdict form without good cause shown.
- C. Meeting Before Docket Sounding. The attorneys for all parties and all pro-se parties shall meet no later than ten (10) days before the Docket Sounding. Counsel for the Plaintiff will initiate this meeting. The parties are to address the issues identified in Fla.R.Civ.P 1.200(b) and:
  - 1. Identify all exhibits each party, in good faith, intends to offer into evidence at trial and prepare an exhibit list for use by the Clerk and the Court at trial (actual exhibits and documentary evidence shall be available for inspection at this time). (This is not intended to extend the time frames set forth in the Case Management Plan, but rather to identify those exhibits that will in good faith actually be offered into evidence at trial). Any exhibits not so identified will not be admissible absent prior approval of the Court or a written stipulation of all parties.

2. Agree to admit or not admit evidence and list specific objections, if any.
  3. Stipulate to any matter of fact or law about which there is no issue in order to avoid unnecessary proof (i.e., chain of custody or records custodian predicates).
  4. Review all depositions or any other evidence which will be offered for any purpose other than impeachment to resolve objections to the portions to be offered in evidence.
  5. Discuss the possibility of settlement.
  6. If applicable, submit an itemized statement of special damages the Plaintiff expects to prove.
  7. If a jury trial has been demanded, discuss jury instructions and verdict forms and reach agreement, if possible, on same. Counsel and/or parties involved in cases to be tried without a jury need not address jury instructions or other pretrial matters that involve a jury, and need not complete these sections of the Pretrial Conference Order.
  8. Discuss and complete any other matters which may simplify the issues or aid in the speedy disposition of this action, the Docket Sounding, and trial.
- D. Motions. Except for Motions in Limine, all motions, including the admissibility of expert opinions pursuant to *Daubert v. Merrell Dow Pharmaceuticals* 509.U.S.579 (1993), shall be filed and heard prior to the date of the Docket Sounding or they are deemed abandoned. All dispositive motions, including Motions for Summary Judgment, must be filed and scheduled for hearing at least ten (10) days prior to the Docket Sounding and must be heard no later than 30 days prior to the commencement of the trial period. Motions in Limine must be filed by the earlier of Docket Sounding or 10 days prior to the commencement of the trial period and must be heard no later than 10 days prior to the date of the trial. Motions not filed and scheduled in compliance with this Order will be heard only upon a showing of good cause.
- E. Discovery. Counsel shall complete all discovery, including examinations, pursuant to the Case Management Plan, if any. The conduct of discovery subsequent to the Docket Sounding will be allowed only as permitted by the Case Management Plan, upon stipulation of the parties or upon Order of the Court for good cause. Any discovery allowed subsequent to the Docket Sounding shall not be a cause for delay of the trial of this cause.

- F. Alternative Dispute Resolution. All parties are required to participate in ADR in accordance with the Florida Rules of Civil Procedure, Rule 1.700. In the event that all of the parties' subject to these proceedings have not been to mediation in the last twelve (12) months or during the course of this case, mediation is mandatory unless otherwise ordered. The parties may stipulate to non-binding arbitration in lieu of mediation.
- G. Settlement. In the event of settlement at any time prior to trial, Plaintiff's Counsel shall immediately notify the Court and submit a stipulation for an Order of Dismissal and a Final Disposition form.
- H. Representation and Authority. The parties are to list the names of two (2) lead counsel or the reason why two name cannot be provided. In order for the full purpose of the Pretrial Conference and Docket Sounding procedures to be accomplished, each party shall be represented at all meetings and hearings required herein by the attorney who will participate in the trial of the cause and who is vested with full authority to make admissions and disclosure of facts, and to bind the client by agreement in respect to all matters pertaining to the trial of this cause and the Pretrial Conference Order.
- I. Continuances. This Court adheres strictly to Rule of Judicial Administration 2.545(e) and Rule of Civil Procedure 1.460. Accordingly, motions for continuance and stipulations must be in writing and set forth the following:
1. The signature of the party as well as the attorney.
  2. A concise statement of the reasons for a continuance. If based on non-availability of a witness, a showing of when it is believed the witness will be available must be stated.

Any stipulation must be approved or motion heard by the Court no later than the Docket Sounding. No Motion will be heard that is not in compliance with this Order except upon good cause shown.

## **6. Notice**

Plaintiff, or if represented, Counsel for Plaintiff, is directed to review this Order to ensure that it was sent to all proper persons at current, proper addresses. The failure to immediately notify the Court may result in this matter not being heard at the scheduled time.

## 7. Sanctions

The failure to comply with the requirements of this Order may subject the party and/or attorney to appropriate sanctions, including the award of attorneys' fees, fines, striking of pleadings, and/or dismissal of the case.

DONE AND ORDERED in Charlotte County Florida on the undersigned date.

08/04/2026 09:01:17  
25000728CA

Russell T. Kirshy, Circuit Court Judge HH9Uzu-X 25000728CA  
08/04/2026 09:01:17

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**AMERICANS WITH DISABILITIES ACT 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 ADA Coordinator, Court Administration, 350 E. Marion Avenue, 2<sup>nd</sup> floor, Punta Gorda, Florida 33950, (941) 637-2110, at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**