IN THE COUNTY COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA

DIVISION

☐ CIVIL

☐ OTHER

NOTICE TO APPEAR FOR PRETRIAL CONFERENCE/MEDIATION

(File in Quadruplicate)

CASE NUMBER

SP05 SECTION NO.

SERVICE

PLAINTIFF(S)

_____

_____

_____

VS. DEFENDANT(S)

_____

_____

_____

DEFENDANT(S) TO BE SERVED AT:

_____

_____

_____

_____

CLOCK IN

STATE OF FLORIDA

NOTICE TO PLAINTIFF(S) AND DEFENDANT(S)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at:

73 West Flagler St., Miami, Florida, Sixth Floor, Courtroom 6-4 on _____, 20_____,

at _____ .M., for a pretrial conference before a Judge of this Court. Section # _____.

IMPORTANT - READ CAREFULLY

THE CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE, BUT MAY BE MEDIATED AT THAT TIME.

DO NOT BRING WITNESSES. YOU MUST APPEAR IN PERSON OR BY ATTORNEY.

WHOEVER APPEARS FOR A PARTY MUST HAVE FULL AUTHORITY TO SETTLE FOR ALL AMOUNTS FROM ZERO TO THE AMOUNT OF THE CLAIM WITHOUT FURTHER CONSULTATION. FAILURE TO COMPLY MAY RESULT IN THE IMPOSITION OF SANCTIONS, INCLUDING COSTS, ATTORNEY FEES, ENTRY OF JUDGMENT, OR DISMISSAL.

The defendant (s) must appear in court on the date specified in order to avoid a default judgment. The plaintiff (s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff (s) or the defendant(s) shall not excuse the personal appearance of a party or its attorney in the PRETRIAL CONFERENCE/MEDIATION. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the Pretrial Conference/Mediation.

The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

SAMPLE

IMPORTANT - SEE REVERSE

Mediation

Mediation may take place during the time scheduled for the pretrial conference. Mediation is a process whereby an impartial and neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties, without prescribing what the resolution should be. It is an informal and nonadversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement.

In mediation, decision making rests with the parties. Negotiations in county court mediation are primarily conducted by the parties. Counsel for each party may participate. However, presence of counsel is not required. If a full agreement is not reached at mediation, the remaining issues of the case will be set for trial. Mediation communications are confidential and privileged except where disclosures are required or permitted by law .

If you admit the claim, but desire additional time to pay, you must come and state the circumstances. The court may or may not approve a payment plan and may withhold judgment or excecution or levy.

RIGHT TO VENUE: The law gives the person or company who has sued you the right to file suit in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the defendant, have the right to request that the case be moved to a proper location or venue. A proper location venue may be one of the following:

1. **Where the contract was entered into.**
2. **If the suit is on unsecured promissory note, where the note is signed or where the maker resides.**
3. **If the suit is to recover property or to foreclosure a lien, where the property is located.**
4. **Where the event giving rise to the suit occurred.**
5. **Where any one or more of the defendants sued reside.**
6. **Any location agreed to in a contract.**
7. **In any action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.**

If you, as the defendant(s) believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a written request for transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send copy to the plaintiff(s) or plaintiff's attorney, if any.

A copy of the statement of claim shall be served with this summons.

HARVEY RUVIN **CLERK OF COURTS**	BY:_____ DEPUTY CLERK	DATE
COPY ☐ Mailed ☐ Hand-Delivered TO ☐ Plaintiff ☐ Attorney ☐ Sheriff ☐ Process Server		**COURT SEAL**

FILED BY:

ADDRESS:

TELEPHONE:

AMERICANS WITH DISABILITIES ACT OF 1990

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE DADE COUNTY COURT'S ADA COORDINATOR AT 175 N.W. 1ST AVENUE, SUITE 2702, MIAMI, FLORIDA, 33128, TELEPHONE NUMBERS (305) 349-7175 FOR VOICE, (305) 349-7174 FOR TDD AND (305) 349-7011 FOR FAX, WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS DOCUMENT. TDD USERS MAY ALSO CALL 1-800-955-8771, FOR THE FLORIDA RELAY SERVICE.

IMPORTANT - SEE REVERSE

SAMPLE