

**IN THE COUNTY COURT, EIGHTEENTH JUDICIAL CIRCUIT,
BREVARD COUNTY, FLORIDA**

DIVISION: _____ **CASE NUMBER: 05 -** _____ **- SC -** _____ **-XXXX-XX**

PLAINTIFF

DEFENDANT

SUMMONS/NOTICE TO APPEAR FOR A PRETRIAL CONFERENCE

PRETRIAL INFORMATION

DATE:
TIME:
LOCATION:
JUDGE:

Service Information

To Whom:
Date:
Time:

Served by:

STATE OF FLORIDA:

NOTICE TO PLAINTIFFS AND DEFENDANTS: YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the time and location indicated above for PRETRIAL CONFERENCE before a judge of this Court.

WITNESS my hand and Official Seal on the _____ day of _____, 20____, in _____, Brevard County, Florida.

Deputy Clerk:
Brevard County Clerk of Courts

IMPORTANT – READ CAREFULLY

- 1. THIS CASE WILL NOT BE TRIED AT THE PRETRIAL CONFERENCE, BUT MAY BE MEDIATED AT THAT TIME.**
- 2. DO NOT BRING WITNESSES. YOU MUST APPEAR IN PERSON OR BY ATTORNEY.**
- 3. 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.**

PLAINTIFF

DEFENDANT

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 at the PRE-TRIAL CONFERENCE. The date and/or 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.

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.

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. This is an informal and non-adversarial 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 to the Court. The Court may or may not approve a payment plan and withhold Judgment of Execution or Levy.

RIGHT TO VENUE: The law gives the person 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(s) have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following:

1. Where the contract was entered into;
2. If the suit is on an unsecured promissory note, where note is signed or where the maker resides;
3. If the suit is to recover property or to foreclose 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 defendant(s) sued reside(s);
6. Any location agreed to in a contract

In an action for money due, if there is no agreement as to where suit may be filed, proper venue lies in the county where payment is to be made.

If you as 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 seven days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's attorney.

A copy of the Statement of Claim shall be served with this Summons.

REQUEST FOR ACCOMMODATIONS BY PERSONS WITH DISABILITIES:

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 ADA Coordinator at Court Administration at The Moore Justice Center, 2825 Judge Fran Jamieson Way, 3rd Floor, Viera, FL 32940- 8006, (321) 633-2171, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

CLERK OF COURTS OFFICE LOCATIONS

TITUSVILLE CLERK'S OFFICE

CLERK OF COURTS
P.O. BOX 219
TITUSVILLE, FL 32781-0219
TELEPHONE: (321)637-5413
FAX: (321)264-5269

MERRITT ISLAND CLERK'S OFFICE

CLERK OF COURTS
2575 N. COURTENAY PARKWAY
ROOM 129
MERRITT ISLAND, FL 32953
TELEPHONE: (321)637-5413
FAX: 637-6525

MELBOURNE CLERK'S OFFICE

CLERK OF COURTS
51 S. NEIMAN AVENUE
MELBOURNE, FL 32901
TELEPHONE: (321)952-4604
FAX: (321)952-4602

PALM BAY CLERK'S OFFICE

CLERK OF COURTS
450 COGAN DR. S.E.
PALM BAY, FL 32909
TELEPHONE: (321)637-5413
FAX: (321)637-6526

VIERA CLERK'S OFFICE

CLERK OF COURTS
HARRY T. & HARRIETTE V.
MOORE JUSTICE CENTER
2825 JUDGE FRAN JAMIESON WAY
MELBOURNE, FL 32940
TELEPHONE: (321)637-5413
FAX: (321)617-7311