

IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
ST JOHNS COUNTY, FLORIDA

CASE NO.: DR 16-9999  
DIVISION: 57

IN RE THE MARRIAGE OF:  
PAUL PETITIONER  
PETITIONER  
HUSBAND  
AND  
RACHEL RESPONDENT  
RESPONDENT  
WIFE

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**JOINT PRETRIAL STIPULATION**

In accordance with the Court's Pre-trial Order of October 28, 2016, Counsel for the Petitioner and Counsel for the Respondent held a Joint Final Pre-Trial Conference and report the following to the Court in preparation for trial scheduled on March 6, 2017.

a) A statement of facts which are admitted and which of those admitted facts may be read in evidence at trial as a stipulation of the parties.

(1) The parties stipulate the marriage is irretrievably broken. The parties have attempted counseling to no avail.

(2) The parties agree to shared parental responsibility.

(3) The parties agree to use the 7<sup>th</sup> Circuit Local Guidelines. Husband wishes Sunday night in addition. Wife objects.

b) A list of issues raised by the pleadings which are abandoned.

(1) The Husband abandons his claim for alimony.

(2) The Wife abandons her claim for inequitable distribution.

c) A list of the issues of fact to be tried. If attorney’s fees are sought, Counsel certify they have been advised to read and review Rule 4-1.5, Rules Regulating Florida Bar; Florida Statutes §61.16.; *Rosen v. Rosen*, 696 So.2d 697 (Fla. 1997); *Canakaris v. Canakaris*, 382 So.2d 1197 (Fla. 1980); *Naugle v. Naugle*, 632 So.2d 1146 (Fla. 5th DCA 1994) and *Abernethy v. Abernethy*, 638 So.2d 160 (Fla. 5th DCA 1994) and are prepared to try the matter accordingly.

(1) Equitable distribution:

(a) Husband’s position: The parties have settled all personal property but disagree on the marital home. The Husband wants to retain the home to allow for “birdnesting” with the children as a reasonable means of facilitating 50/50 (rotating) timesharing.

(b) Wife’s position: The parties have settled all personal property. The Wife does not want 50/50 timesharing and therefore wants the marital home as her sole property.

(2) Time Sharing: The Parties agree to local guidelines. Father wants Sunday night as well. Mother disagrees.

(3) Child Support Guidelines Worksheets are agreed to pending calculation of overnights related to timesharing above.

d) A list of significant issues of law, procedure or evidence, if any, to be determined by the Court prior to or during trial. None.

e) The annotated copy of each party’s **actual** list of exhibits showing objections required by the Pretrial Order.

<b>Exhibit Identification</b>	<b>Description</b>	<b>Objection</b>
Husband A	Financial Affidavit	None
Husband B	Statement of Harvey Jones	Respondent objects - Hearsay
Husband C	Bank Statement	Respondent admits authenticity – objects hearsay

<b>Exhibit Identification</b>	<b>Description</b>	<b>Objection</b>
Wife A	Proposed Parenting Plan	No objection subject to argument at trial
Wife B	Business Valuation by Joe Ima Friend	Objection - foundation
Wife C	Pictures of Husband's Paramour	Objection – irrelevant, immaterial

f) The annotated copy of each party's witness list as required by the Pretrial Order.

<b>Witness Name</b>	<b>Party</b>	<b>Expert/Non Expert</b>	<b>Objection</b>
Paul Petitioner	Petitioner	Non	None
Harvey Jones	Petitioner	Expert	Not qualified
Rachel Respondent	Respondent	Non	None
Joe Ima Friend	Respondent	Expert	Not qualified
Daisy Dee Cee Eff	Respondent	Non	None
Thomas Therapist	Respondent	Expert	Objection – Privileged
Charles Petitioner	Respondent	Non	Objection – Child – no motion filed

g) Equitable Distribution Worksheet shall be prepared by each party to state the following:

**The parties shall fill out the spreadsheet which is linked to the Division 57 website** Each party's list of alleged "marital" assets, suggested valuations for each asset (real, personal and intangible property), suggested distribution for each pursuant to Fla. Stat § 61.075. and proposed brief factual findings in support of each asset's distribution.

(2) List of all assets claimed to be "nonmarital" together with suggested valuation and brief statement in support of claim.

(3) List of all vested and nonvested benefits, rights or funds as (retirement plans/ stock options etc) defined by Fla. Stat § 61.076, and suggested distribution for each plan.

(4) List of all liabilities, designating each as “marital” or “nonmarital” and stating amount and name of creditor.

(5) List any asset which shall be asserted either as a claim for unequal distribution of marital property and resolved by the factors set forth in subsection (1) or as a claim of enhancement in value or appreciation of non-marital property; stating the extent of the claim and a brief explanation in support of it.

h) If there are minor children, the following shall be provided:

(1) A Parenting Plan outlining time-sharing with minor child(ren), even when time-sharing is not in dispute. The Parenting Plan must be developed and agreed to by the parents and approved by the court. (Supreme Court approved form available at [www.flcourts.org](http://www.flcourts.org)) If the parties cannot agree to a Parenting Plan, or if the parents agreed to a plan that is not approved by the court, a Parenting Plan will be established by the court.

(2) A proposed completed child support guideline worksheet calculated in accordance with Section 61.30, Florida Statutes. If the parties do not agree then each shall submit a proposed worksheet.

i) In accordance with Fla. Stat. § 61.13, and controlling law, Shared Parental Responsibility shall be ordered unless the Court finds it will be detrimental to the child. If “Sole Parental Responsibility” will be sought by either party, a brief factual basis supporting it shall be stated in the Pre-Trial Statement.

j) Any other matters upon which the parties agree.

The parties and counsel, by their signatures below, hereby certify they have met and discussed the matters contained herein, that they are bound by the assertions made herein, and that they are ready for trial.

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Paul Petitioner

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Susan Lawyer, Counsel for Petitioner

\_\_\_\_\_  
Date

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Date

\_\_\_\_\_  
Rachel Respondent

\_\_\_\_\_  
Joe Attorney, Counsel for Respondent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date