

LOCAL RULE 10A | UNIFORM MOTION CALENDAR - EX PARTE MOTIONS TO COMPEL DISCOVERY, AND SPECIAL SET HEARINGS (EFFECTIVE BEGINNING 3/5/18)

IN RE:

UNIFORM MOTION CALENDAR,
EX PARTE MOTIONS TO
COMPEL DISCOVERY, AND
SCHEDULING OF SPECIAL SET
HEARINGS FOR CIRCUIT
CIVIL AND FAMILY HEARINGS

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY,
FLORIDA

LOCAL RULE NO. 10A

Approved by the Supreme Court
of Florida on January 23, 2018

In accordance with the authority vested in the Chief Judge by Rule 2.215(e) of the Florida Rules of Judicial Administration, it is ORDERED that:

UNIFORM MOTION CALENDAR

1. The Circuit Court Judges of the general civil/family divisions (excluding juvenile/dependency) shall maintain a uniform motion calendar from 8:45 A.M. to 9:30 A.M., Monday through Thursday. Business and Complex Litigation divisions shall set any motion calendars per their procedures. All parties shall be prepared to proceed at 8:45 A.M., and if one party fails to timely appear, the matter may proceed on the merits in that party's absence. A party is defined as: (1) any entity or individual that is represented by counsel; or (2) any self-represented person.

2. All motions set on motion calendar shall be scheduled electronically using the 17th Judicial Circuit Online Scheduling System, which can be found at <http://www.17th.flcourts.org/index.php/self-help/online-scheduling>. Any person scheduling a motion calendar shall set same a minimum of five (5) days in advance of the hearing. Self-represented parties may obtain permission to utilize the Online Scheduling System. Prior to setting any matter on uniform motion calendar, the party or parties noticing the motion shall attempt to resolve the matter by direct communication with all parties, and shall also certify a good faith attempt to resolve or narrow the issues contained in the motion. Direct communication means by oral or written



communication, including by telephone, in person, email, or text messaging. All time requirements regarding the scheduling of hearings shall be governed by the Florida Rules of Civil Procedure, Florida Family Law Rules of Procedure, or Florida Rules of Judicial Administration, as applicable.

3. All persons scheduling cases on motion calendar or special set hearings shall review the practices and procedures of the assigned judge at <http://www.17th.flcourts.org>. As a matter of courtesy to the court, the moving party shall bring to the uniform motion calendar hearing a hard copy of the motion(s), pleading(s), or underlying document(s) that is/are the subject of the hearing. Failure to comply with this requirement of Rule 10A may result in sanctions, including an award of attorney's fees, or the suspension of online scheduling privileges.

4. To comply with the above good faith certification, every party scheduling a motion for a uniform motion calendar hearing shall execute the following certification in the body of the notice of hearing: I hereby certify that A) the movant has conferred or attempted to confer with all parties or self-represented parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion; and B) the issues in the motion may be heard and resolved by the court within five (5) minutes.

5. Cancelling motion calendar hearings. The scheduling party shall utilize the Online Scheduling System to cancel any hearing. The filing of a notice of cancellation, without also cancelling using the Online Scheduling System, is insufficient to cancel a uniform motion calendar hearing. Only the scheduling party or the court may cancel a uniform motion calendar hearing. The cancelling party shall also generate an email advising all parties of the cancellation of the hearing. It is the responsibility of all parties to check their email regarding the cancellation of hearings. Cancelling pending uniform motion calendar hearings in this manner is a courtesy to other parties who may schedule their matter in the cancelled time slot.

6. Hearings requiring the presentation of evidence are NOT permitted on uniform motion calendar, unless permitted by the division judge. Additionally, multiple discovery matters, including lengthy or complex disputes regarding interrogatories or requests for production, that exceed the



five (5) minute limitation on uniform motion calendar hearings, shall not be scheduled on uniform motion calendar, unless otherwise permitted by the assigned judge. However, motions to approve minor settlements in civil cases may be scheduled on uniform motion calendar. Any motion to withdraw from a case must evidence service on the client.

7. Ex parte matters, non-evidentiary motions, and uncontested proceedings for adoptions, paternity, or dissolution of marriage may be heard on uniform motion calendar, provided such matters can be heard and resolved by the court in five (5) minutes, as required by the certification in paragraph 4 above.

8. No more than a total of two (2) matters per case may be scheduled on any one uniform motion calendar day, unless otherwise approved by the division judge. Parties shall review each Judge's practices and procedures for guidance. This information can be found at <http://www.17th.flcourts.org>.

9. Any party requesting relief shall bring to the uniform motion calendar hearing a prepared proposed order with sufficient copies for all parties. The party submitting the order(s) for entry by the court shall be responsible to serve such order(s) on all interested parties, as required by applicable rules of the Florida Rules of Judicial Administration.

10. Judges have limits on the number of cases that can be scheduled using the Online Scheduling System. If you are unable to schedule your matter on a specific date, it is likely because the docket is full and there are no additional time slots available. Please schedule on an alternate date.

11. Agreed Orders. All agreed orders shall be uploaded and transmitted to the court via the 17th Circuit Court agreed order portal. Information relating to uploading an agreed order can be found at <http://www.17th.flcourts.org/index.php/self-help/eorders>.

Agreed orders that are permitted to be uploaded, include: (1) orders which are agreed as to the form and content; (2) Local Rule 10A ex parte orders; (3) orders which are the result of a ruling by the court in which the language is agreed to by all parties; (4) final judgments approved by the court at a hearing; (5) any order which a judge orders a party to submit

via the online agreed order portal; and (6) orders re-validating subpoenas for trial. No correspondence should be uploaded with any agreed order. Any final order or final judgment approving a stipulation for dismissal or settlement agreement shall not be uploaded for approval until the stipulation or settlement agreement is electronically filed and accepted by the Clerk of Court.

12. When a motion to compel alleges a complete failure to respond or object to discovery, and no request for extension has been filed, an ex parte order may be entered requiring compliance with the original discovery demand within ten (10) days of the execution of the order. The moving party must submit a proposed order via the 17th Judicial Circuit online agreed order portal indicating a complete failure to respond to the discovery citing non-compliance with Local Rule 10A. Any ex parte discovery order under this rule shall not contain language regarding attorney's fees. Sanctions may be imposed if discovery is not completed within ten (10) days from the date the judge executes the ex parte order.

SPECIAL SET HEARINGS

1. All matters, other than uniform motion calendar hearings, shall be scheduled in accordance with the practices and procedures of each individual judge. This information can be found at <http://www.17th.flcourts.org>. All pleadings, affidavits, or other materials shall be provided to the court as required by each judge's published practices and procedures. The parties are directed to comply with all time requirements as set forth in the Florida Rules of Civil Procedure, Florida Family Law Rules of Procedure, or the Florida Rules of Judicial Administration, as applicable.

2. Cancelling special set hearings. It shall be the responsibility of the scheduling party to utilize the Online Scheduling System to cancel any hearing set using the Online Scheduling System. The filing of a notice of cancellation, without also cancelling using the Online Scheduling System, is insufficient to cancel a special set hearing. The cancelling party shall also generate an email advising all parties and the court's judicial assistant of the cancellation of the hearing. It is the responsibility of all parties to check their email regarding the cancellation of hearings. Any special set hearing that is scheduled by the court may only be cancelled when: (1) the parties have reached



an agreement on the matter(s) subject of the specially set hearing; (2) there exists an emergency; or (3) the court has approved the cancellation. Cancelling in this manner is a courtesy to other litigants who may schedule their matter in the cancelled time slot. Email addresses for each division can be located on each individual judge's practices and procedures webpage on the Seventeenth Judicial Circuit's website.

3. All special set hearings shall contain the following language in the body of the notice of hearing: I hereby certify that I have made a good faith attempt to resolve this matter by having direct communication about the matter with all parties, prior to my noticing this motion for hearing. Direct communication means by oral or written communication, including by telephone, in person, email, or text messaging.

4. Prior to appearing before the court, the parties shall have direct communication regarding the issues raised in the pending motion, and all parties shall be prepared to certify at the hearing that they have made a good faith effort to resolve the issues, as required to be included in the notice of hearing by paragraph (3) above.

5. Failure to comply with the procedures designated in Local Rule 10A may result in a hearing being stricken from the docket, suspension of online scheduling privileges, an award of attorney's fees, or such other sanction as may be permitted by Florida law or other rules of court.

MOTIONS FOR EMERGENCY RELIEF

1. Any motion seeking emergency relief as to any circuit civil or family matter shall comply with existing Administrative Orders governing emergencies, which can be found at <http://www.17th.flcourts.org/index.php/rules-and-policies/administrative-orders>.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida, on March 5, 2018.

/s/ Jack Tuter

Jack Tuter, Chief Judge

