

LOCAL RULE 02 | MOTIONS - GENERALLY

(a) **Motions for Rehearing/Reconsideration.** Please see Adm. Order No. AO 2022-5-GEN

Motions may NOT be set for hearing unless authorized by the Court. The clerk's office does not serve a copy of the motion to the judge or judge's chambers. An electronic copy of the motion with a cover letter and proposed order, must be submitted to be considered. In many cases, a response may be required.

(b) **Motions to Continue Trial.** Pursuant to the Uniform Pretrial Order, continuances will only be considered for good cause on motion **prior to calendar call. Any requests for continuances (including agreed motions) must be placed on UMC at least seven (7) days prior to calendar call. Client consent must also be filed in advance of the scheduled hearing.** Also, please comply with Fla. R. Civ. P. 1.460 and Fla. R. Jud. Adm. 2.545 (e) regarding party consent. If the case is continued the parties will be notified of the new calendar call date. If the case was previously mediated and neither party wishes to return to mediation please so indicate in your cover letter to the court enclosing the new Uniform Trial Order. If a case is settled prior to the trial date, the scheduling party **MUST** immediately notify our office.

(c) **Motions to Withdraw.** Even with consent, the client must be present on Zoom for the motion to withdraw regardless if it's a individual or a corporation. In the body of the proposed order granting withdrawal please include the client's address, email address and phone number.

If the client is not an individual please include a statement that the entity must be represented by counsel who **MUST** file an appearance within 20 days from the date of this order or a default may be entered. [Click here for Template Motion.](#)

(d) **Motions to Dismiss.** A copy of the complaint **MUST** be attached to the motion to dismiss. **Please schedule on CMS as UMC. (There may be exceptions for complex cases.)**

(e) **Motions for Approval of Minor Settlement.** The motion **MUST** be set for a special set hearing before being ruled upon. The Court reviews all motions/responses. Any responses must be uploaded to supporting documents before the hearing.



(f) **Ex parte Motions.** Please submit “proposed” orders online through the CMS workbench. A copy of the ex parte motion must be attached for the judge to review.

(g) **Summary Judgment.** Pursuant to the recently amended Florida Rule of Civil Procedure 1.510(a)- A party moving for Summary Judgment shall identify each claim or defense-or part of each claim or defense- on which summary judgment is sought.

The moving party shall file a statement of material facts at the time of filing a motion for summary judgment as a **separate filing**.

Rule 1.510(c) (1) - A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, ESI, affidavits, stipulations, admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

Rule 1.510(c) (5) - The supporting materials must be served with the motion and with the response.

By way of example:

Movant’s Statement of Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)
2. John Smith owns Green Acres. (Exhibit 2)

Respondent’s Opposing Statement of Material Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)

Admitted that Green Acres is located at 123 Main Street. (Exhibit Denied that the property is vacant. (Exhibit 5)
2. John Smith owns Green Acres. (Exhibit 2)

Denied as phrased. Admitted that the last recorded deed to Green Acres names John Smith. (Exhibit 2)

Rule 1.510(d)- requires an Affidavit or Declaration stating specific reasons when facts are unavailable to the nonmovant party.



Remember, Rule 1.510(b), requires the motion be served at least 40 days before the time fixed for the hearing, and Rule 1.510(5) requires nonmovant to serve a response at least 20 days before the time fixed for the hearing.

