

LOCAL RULE 02 | MOTIONS - GENERALLY

(a) **Motions for Rehearing.** Please see Adm. Order # [2017-33-GEN](#)

(b) **Motions to Continue Trial.** In accordance with the Uniform Pretrial Order, continuances will only be considered for good cause on written motion prior to calendar call. Also, please comply with *Fla. R. Civ. P. 1.460* and *Fla. R. Jud. Adm. 2.545* (e) regarding party consent. If a case is settled prior to the trial date, the scheduling party MUST immediately provide email notification to Ms. Zielinski.

(c) **Motions to Withdraw.** If you do not have client consent in accordance with *Fla. R. Jud. Adm. 2.505*, please notice the client with both the motion and the notice of hearing. 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.

When an Order is granted on a Motion to Withdraw Attorney of Record, it is the attorney's responsibility to log on to the State Portal and remove his name permanently from the service list <https://myflcourtaccess.com/>.

(d) **Motions for Summary Judgment - Generally.** Pursuant to the Florida Supreme Court's [amendment to Florida Rule of Civil Procedure 1.510 effective May 1, 2021](#), parties moving for summary judgment must support or oppose the motion with a statement of material facts. In the interest of judicial economy, in the interest of proper and careful consideration of each party's statement of material facts, and in the interest of determining matters on summary judgment on the merits, the Court orders the parties to file any statements of material facts as follows:

(1) The moving party shall file a statement of material facts as a separate filing from a motion for summary judgment.

(2) The statement shall not exceed ten (10) pages.

(3) Each material fact in the statement that requires evidentiary support shall be set forth in an individually numbered paragraph and supported by a specific citation. This specific citation shall reference pages (and paragraph or line numbers, if applicable) of the cited exhibit(s). When a material fact requires evidentiary support, a general



citation to an exhibit, without a page number or pincite, is not permitted.

(4) Each exhibit referenced in the motion for summary judgment and/or in the statement of material facts must be filed on the docket. Exhibits which have already been filed on the docket need not be refiled. If a deposition transcript is referenced, a complete copy must be filed which includes all exhibits. Within twenty-four (24) hours of filing a motion for summary judgment, the movant shall separately file an index of the cited exhibits which names each exhibit and references the docket entry at which that exhibit may be found.

(5) The responding party may file an opposing statement of material facts which responds to the moving party's statement of material facts.

(6) The opposing statement of material facts shall not exceed ten (10) pages.

(7) A responding party's opposing statement of material facts must specifically respond to each statement in the movant's statement by setting forth each of the individually numbered paragraphs contained in the movant's statement and after each paragraph, detail respondent's response or opposition. By way of example:

Movant's Statement of Material Facts

1. Blackacre is a vacant property located at 123 Main Street. Exhibit A 1.
2. Sarah Jones owns Blackacre. Exhibit B 12.

Respondent's Opposing Statement of Material Facts

1. Blackacre is a vacant property located at 123 Main Street. Exhibit A 1.

Admitted that Blackacre is located at 123 Main Street. Exhibit A 1. Denied that the property is vacant. Exhibit C at 5.

2. Sarah Jones owns Blackacre. Exhibit B 12.

Denied as phrased. Admitted that the last recorded deed to Blackacre names Sarah Jones. Exhibit B 12.



(8) Each exhibit referenced in the response to the motion for summary judgment and/or in the opposing statement of material facts must be filed on the docket. Exhibits which have already been filed on the docket need not be refiled. If a deposition transcript is relied upon, a complete copy must be filed which includes all exhibits. Within twenty-four (24) hours of filing a response to the motion for summary judgment, the responding party shall separately file an index of the cited exhibits which names each exhibit and references the docket entry at which that exhibit may be found.

(9) In the event that cross motions for summary judgment are filed, the Court may order the parties to submit a consolidated statement of material facts and responses as appropriate. If cross motions are anticipated, the parties may jointly move for an order to file consolidated statements prior to filing the motions for summary judgment.

(10) A reply statement of facts is not permitted.

(e) **Motions for Default Final Judgment.** A hearing may not be required if you have pled a specific dollar amount in the complaint. Please include a copy of that portion of the complaint that states the specific dollar amount with your Affidavit of Indebtedness. If you are seeking any relief beyond well-pled liquidated damages, a hearing is required. [Minkoff v. Caterpillar Financial Services Corp., 103 So.3d 1049 \(Fla. 4th DCA 2013\)](#). Attorney fees and other unliquidated damages will require a hearing. Quiet Title and Partition actions require an affidavit or certified copy of the deed upon which you rely.

