

LOCAL RULE 03 | HEARINGS

(a) **Generally.** All hearings must be coordinated with opposing counsel. The scheduling attorney or party shall certify that they have consulted with all other parties in obtaining the hearing time in the notice of hearing pursuant to Local Rule 10A which governs the Uniform Motion Calendar, Ex Parte Motions to Compel Discovery and Special Set Hearings. The scheduling attorney or party shall secure the hearing time necessary to give all parties adequate time to argue the merits of the motion.

DO NOT ask the judicial assistant to get involved in the unilateral scheduling of online hearings. The CMS system was created so that both parties can coordinate the hearings. The judicial assistant is not an arbitrator of your scheduling disputes.

When the hearing is set on CMS, please upload the motion and all related papers as Supporting Documents at least three (3) business days prior to the scheduled hearing. For motions to dismiss, please include the complaint. For discovery matters, include the request if it is not part of the response. Instructions for uploading Supporting Documents are attached as Exhibit B. ***Please note - the Court does not have access to Lexis Nexis, therefore please include the Westlaw citations for all cases cited.***

(b) **Uniform Motion Calendar (UMC).** Please see [Local Rule 10A](#) with regard to UMC limitations and good faith certifications.

(1) Judge Fahnstock attempts to review each matter prior to the hearing. If your matter is resolved, please timely cancel your hearing online in the same manner in which it was set. Where possible, please cancel by 3:00 p.m. on the day prior to the hearing. If you have any difficulty with Online Scheduling please email calendar@17th.flcourts.org.

(2) Matters will be heard on a "first come, first served" basis. If opposing counsel is not present, please call them before your case is called.

(3) Please do not set matters on UMC that require a special set hearing. If you cannot find a special set hearing, please contact the JA to discuss your options.

(c) **Special Set Hearings - 15 and 30 minutes.** Special Set Hearings for up to 30 minutes may be set online. Please do not contact Ms. Zielinski to set a hearing requiring 30 minutes or less, or to



confirm the hearing after it has been scheduled. No add-on or cross-notices are permitted without agreement of the parties.

(d) **Special Set Hearings - Over 30 minutes.** Hearings over 30 minutes must be coordinated through Ms. Zielinski. Please email a copy of your motion (with all attachments) to Ms. Zielinski and indicate how much time is requested for both sides. Counsel for all parties must be copied on your email. Ms. Zielinski will email potential hearing dates to you. ***Please note that the dates sent to you are sent to multiple other parties for other cases and the hearing gets set on a first come first serve basis and they fill up rather quickly.*** You must confer with the opposing side BEFORE you respond to Ms. Zielinski with an agreed date. Once a date has been agreed to by all parties, please advise Ms. Zielinski by email with a copy to all parties. Ms. Zielinski will then authorize you, by email, to serve and file a notice of hearing for the appropriate date. Failure to strictly comply with this procedure may result in the inability to schedule future special set hearings. Once the hearing has been set please do not contact Ms. Zielinski for additional confirmation.

No add-on or cross-notices are permitted without the Court's approval.

(e) **Cancellation of a Special Set Hearing.** In accordance with [Local Rule 10A](#), special set hearings may not be cancelled absent an agreement on the merits or court approval. If your matter is resolved, please cancel your hearing online in the same manner in which it was set. Please cancel as soon as possible so that someone else may use the time slot. Otherwise, please cancel by 3:00 p.m. on the day prior to the hearing.

(f) **Phone/Videoconference Hearings.** For the time being, all non in-person hearings will be by video conference (Zoom). Please see Exhibit A. If you require a telephonic hearing, please file a motion and email a copy of the motion to the Court and advise whether the motion is opposed or unopposed. Please include opposing counsel or the opposing party on all communications with the Court. The Court will advise you if a hearing is necessary on the motion. If you would like an in-person hearing, please upload a copy of your joint motion and a proposed agreed order to CMS and the Court will review your request. If the parties do not agree, please set the motion for hearing.

(g) **Attorney Fee Hearings.** An attorney fee hearing will not be scheduled until there has been compliance with the attorney fee



scheduling order. If entitlement is disputed, it will be determined first. Please provide Ms. Zielinski with a copy of your attorney fee motion so that a scheduling order may be issued.

(h) **Emergency Hearings.** Please see Administrative Order # [2014-32-CIV](#).

(i) **Case Management Hearings.** The Court welcomes case management hearings and encourages the use of agreed case management orders.

Courtesy Copies. This Court requires courtesy copies for each hearing noticed or re-noticed. The Court no longer accepts hard copies of motions and related papers. All motions and related papers must be uploaded as Supporting Documents at least three (3) business days prior to the scheduled hearing. Instructions for uploading Supporting Document are attached as Exhibit B. Instructions for hyperlinking case law are attached as Exhibit C. At a minimum, please "bookmark" your submissions, and please upload the following as individual documents when either setting the hearing, or after a hearing has been set:

- (1) the notice of hearing;
- (2) the motion together with exhibits;
- (3) any supporting case law (please name each uploaded file by case law name);
- (4) any other attachments (responses, reply, etc.).

