



**BROWARD COUNTY LOCAL RULES OF COURT
DIVISION “18” (FAHNESTOCK)
(ALL-IN-ONE)**

{LAST UPDATED: 10/13/2022}

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BROWARD COUNTY RULES OF COURT

DIVISION 18

JUDGE FABIENNE E. FAHNESTOCK

LAST UPDATE 10/13/2022



LOCAL RULE 00 | BASIC INFO

Fabienne E. Fahnestock
Circuit Court Judge
Seventeenth Judicial Circuit
in and for Broward County,
Florida



Broward County
Courthouse
201 S.E. 6th Street,
Room **14-170**/Courtroom
14-125
Fort Lauderdale, FL
33301
(954) 831-7336
Katarzyna Zielinski
kzielinski@17th.FLCourts.org

PROCEDURES FOR CIVIL DIVISION 18

(Revised as of Oct 13, 2022)

JUDGE FABIENNE E. FAHNESTOCK

Courtroom #WW14170/ Chambers #WW14125

Judicial Assistant, Ms. Katarzyna Zielinski
(kzielinski@17th.FLCourts.org)

(954) 831-7336

<https://17thFLCourts.zoom.us/j/598494885>

Meeting ID: 598 494 885

Hearings are to be set on-line with the 17th Circuit's Case Management System (CMS)

Uniform Motion Calendar commences at 8:30 am.

Hearing Procedures

We will utilize the following procedures while the Civil Division is closed to the public.

Unless otherwise ordered, Uniform Motion Calendar and Special Set Hearings will be by video conference (Zoom) or telephone. Zoom sign on instructions are attached as Exhibit A. Please include the Zoom instructions in your Notice of Hearing. Do not designate the courthouse address as the hearing location. Hearings may only be cancelled with the permission of the presiding judge. All non-jury trials and evidentiary hearings are governed by AO 2020-42-Gen, Amendment 2 (June 29, 2021) with regard to the admission of evidence.



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 before the scheduled hearing. Instructions for uploading Supporting Documents are attached as Exhibit B. Instructions for hyperlinking case law are attached as Exhibit C. At a minimum, please "bookmark" your submissions.

Motion calendar begins at 8:30 am. Cases will be called on a first come, first served basis. Please mute your microphone upon entry to the hearing. Unmute your microphone and turn on your video to speak. The microphone and video control settings are in the lower left corner of your screen.

Please note the Court does not have access to Federal Express or mail. Please use email or CMS, but please do not email pleadings.

1. Motions - Page and Other Limitation
2. Motion - Generally
3. Hearings
4. Scheduling a Case for Trial
5. Trial Evidence
6. Electronic Agreed Orders and Judgements
7. Exhibit A -Zoom Sign on Instructions
8. Exhibit B - Uploading Supporting Documents via CMS
9. Exhibit C - Hyperlinking Case Law & Supporting Documents
10. Exhibit D - Electronic Calendar Call Form

LOCAL RULE 01 | MOTIONS – PAGE AND OTHER LIMITATIONS

(a) In a motion or other application for an order, the movant shall include a concise statement of the relief requested, a statement of the basis for the request and citation to legal authority in support of the request. Motions set on motion calendar shall not exceed four (5) pages and motions scheduled for special set hearing shall not exceed ten (10) pages. All motions and responses shall be double-spaced with margins not less than one inch. Font size shall not be less than 12 points.

(b) Each party opposing a motion or application may file a response that includes citation to legal authority in opposition to the request. A response to a motion calendar matter shall not exceed three (3) pages and a response to a special set matter shall not exceed seven (7) pages.

(c) No party shall file any reply or further memorandum directed to the motion or response allowed in (a) and (b) unless the Court grants leave.

(d) A motion requesting relief from the page limitation shall not exceed two (2) pages, shall not include any attachments, and shall specify what efforts have been made to comply with the page limitation and the length of the proposed filing.

If the motion to exceed page limitations is unopposed, a hearing is not required and a copy of the motion and a proposed order may be emailed to the division email for the Court's review. If the motion is opposed, please set a hearing on UMC.

If the motion is granted, please upload a copy of the order granting the motion as a supporting document for the hearing.

(e) Page limitations set forth in these procedures do not include the caption or certificate of service. For example, if the motion for a special set hearing is a total of eleven (11) pages, but the caption consumes half a page, and the certificate of service consumes half a page, then the motion has met the ten (10) page limit for special set hearings.

(f) The length of the motion is not dispositive of whether the matter is appropriate for UMC or if it requires a special set hearing. Please be advised that the Court may require that a matter be specially set, even if the motion does not exceed the Court's page limitations.



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.



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.).



LOCAL RULE 04 | SCHEDULING A CASE FOR TRIAL

Please see Administrative Order # [2019-5-CIV](#). No unilateral trial settings are permitted. Any disputes regarding a trial date are to be set on the Court's uniform motion calendar. Please also see and review [Administrative Order 2021-19-CIV](#), Amendment 2 (May 19, 2021) in reference to the establishment and implementation of civil case management plan issued pursuant to Florida Supreme Court Administrative Order AOSC20-23, Amendment 13 (May 6, 2021).

(a) **Attendance at calendar call is mandatory.** The order of the trial docket will be determined at calendar call. If your case settles prior to calendar call please email Ms. Zielinski so that your attendance may be excused. **No motions will be heard at calendar call.** Failure to attend calendar call may result in dismissal or other sanctions.

In an effort to be more efficient, Division 18 is rolling out an electronic calendar call system. The form must be **jointly** completed by all parties. If the completed form is returned by at least one week prior to calendar call, along with the Joint Pretrial Stipulation, Jury Instructions and verdict form (all in Word format), you will receive an email excusing you from appearing at calendar call. You must attend calendar call if you do not receive an email confirming your excused absence from calendar call. Please note that if you do not submit the form timely or the form is incomplete, you will be required to attend calendar call.

(b) **Civil Trial Pool.** Please see Administrative Order # [2017-34-CIV](#). If you would like to go to the pool please advise the Court at calendar call.

(c) **Roll overs.** If your case is not reached on the trial docket, you will be placed on the next available trial docket. If you have not received such an order within 10 days of the end of the trial period, email Ms. Zielinski to inquire when your case will be reset.

(d) **Settlement.** If your case settles, please email Ms. Zielinski immediately. Please file the closing paperwork promptly.

(e) **Hybrid proceedings.** AOSC21-17, Amendment 3 (January 8, 2022) states that remote jury selection and trial proceedings (witnesses, etc.) may be remotely conducted if all parties consent to participating in the remote proceeding. The court



will allow for remote proceedings in trial as long as the parties consent.



LOCAL RULE 05 | TRIAL EVIDENCE

(a) **Exhibits.**

See AO 2020-42-Gen.

(b) **Deposition Designations.** No later than **20 days prior to Calendar Call**, each party shall serve his, her or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than **10 prior to Calendar Call**, each opposing party shall serve his, her or its counter (or "fairness") designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than calendar call, each party shall serve his, her or its objections to counter designations served by an opposing party.

(c) **Video Depositions.** Any video deposition which will not be played in its entirety must be edited prior to trial. "Turning down" the audio, to exclude testimony, while the video is playing will not be permitted.

(d) **Joint Pretrial Stipulation Status Conference.** Parties who have not fully complied with the Joint Pretrial Stipulation requirement of the Uniform Pretrial Order or the Division's Procedures may be required to attend a status conference subsequent to calendar call.

For Information on Evidence Presentation System in courtrooms please review either of these videos:

<http://www.17th.FLCourts.org/evidence-presentation-system/>

<https://youtu.be/V8aqOA0fZ5g>



LOCAL RULE 06 | ELECTRONIC AGREED ORDERS AND JUDGMENTS

(a) **Generally.**

(1) Proposed and Agreed Orders may be uploaded via CMS. Attach Supporting Documents as appropriate.

(2) Do not include a "Done and Ordered" line. This will be added by CMS. Please preview the order to verify that the judge's signature line is not on a page by itself.

(3) Please do not submit duplicate orders by mail.

(b) **Agreed Orders.** The sender MUST certify the submitted order is in fact an agreed order.

(c) **Orders After Hearing.** The order reflects the court's ruling at a previous hearing and the language is agreed to by all parties. The order must contain the date of hearing and type of motion. If the language is not agreed to, then competing orders (redlined to show the parties' disagreement) may be emailed to Ms. Zielinski.

(d) **Local Rule 10A Discovery Orders.** See [Local Rule 10A](#). If there has been a request for an extension of time, an *ex parte* motion may not be utilized. Please attach the motion as a supporting document.

CMS will send the approved electronic order to the E-portal for service by the portal to all registered eservice parties' email addresses and any additional email addresses added manually by the filer or judge. Electronic orders will not be mailed.

If you have additional questions please see:

<http://www.17th.FLCourts.org/online-scheduling-help-page-2/>

If you have technical questions or need assistance with the Online Scheduling System or with the submission of e-orders, please e-mail the JIS Department at: calendar@17th.FLCourts.org

Additional Assistance can be found at:

http://www.17th.FLCourts.org/images/stories/17th_pdf_files/AttorneyCMSManual.pdf

Thank you for your cooperation, and please let us know if you have any suggestions.



EXHIBIT A

Zoom Sign on Instructions

Please become familiar with Zoom prior to your hearing. See Zoom.US.

Judge Fahnestock is inviting you to a scheduled Zoom meeting. You may appear by phone or computer. Appearance by computer is preferred.

Topic: Judge Fahnestock Docket

Join Zoom Meeting

<https://17thFLCourts.zoom.us/j/598494885> (Click on this link)

Meeting ID: 598 494 885

One tap mobile

+1 646 876 9923, 598494885# US (New York)

+1 312 626 6799, 598494885# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

+1 253 215 8782 US

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

Toll Free:

(888) 475-4499

(833) 548-0276

(833) 548-0282

(877) 853-5257

Meeting ID: 598 494 885

Find your local number: <https://17thFLCourts.zoom.us/j/598494885>



EXHIBIT B

Uploading Supporting Documents Via CMS

For hearings that have not been scheduled

- Log in to CMS (Court Management System)
- **Click** on New Event
- Select the Category Type
- Pick a date Both Parties agree on
- Enter Case Number - Make sure Case Style Matches
- Type in the Motion that is set to be Heard
- **Click** - Add Attachment
- Once the Attachment has uploaded- Select the Category the document falls under
- **Check off** both boxes for the Terms and Conditions listed at the Bottom

For hearings that have been scheduled

- Log in to CMS (Court Management System)
- **Click** on the Calendar Tab
- Select the Show Events by Case Tab
- Type in the case number
- Enter a date range for when the hearing was set or Enter the exact date
- Choose the Event for which the Documents go
- Once the Event has been chosen, **Click** Add Attachment
- Select the File from the Computer drive (**DESKTOP or A SAVED FOLDER ON YOUR COMPUTER**)
- Please make sure all documents have been previously E-filed
- Once the Document has been Selected, Select the **Document Category**
- **Click** Save

Once the Documents have been Saved, it will reflect on the screen a PDF, Name of the Document and the Date the Document was Attached

The Link Below Provides a Step by Step Tutorial

<https://www.youtube.com/watch?v=04elG0CDPJs&feature=youtu.be>



For additional assistance using CMS, please see:

- <http://www.17th.FLCourts.org/cms-manuals/>
- <http://www.17th.FLCourts.org/cms-faq/>



EXHIBIT C

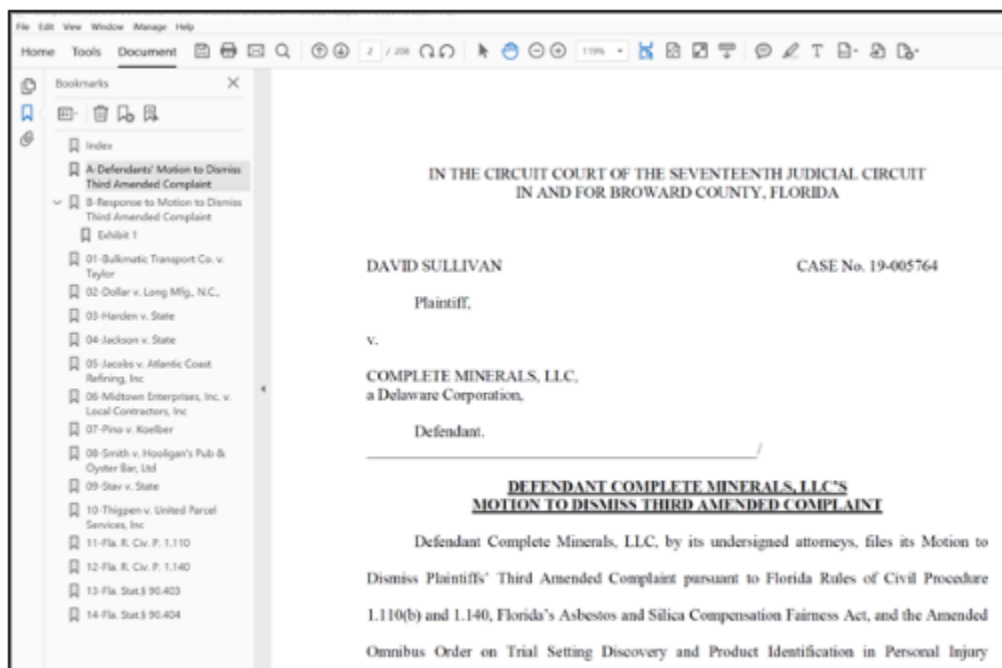
Hyperlinking Case Law & Supporting Documentation to Briefs

Preparation

- Create Combined PDF of brief, case law and supporting documents in order.
- Make sure all documents are OCR'd or you will not be able to create Hyperlinks.

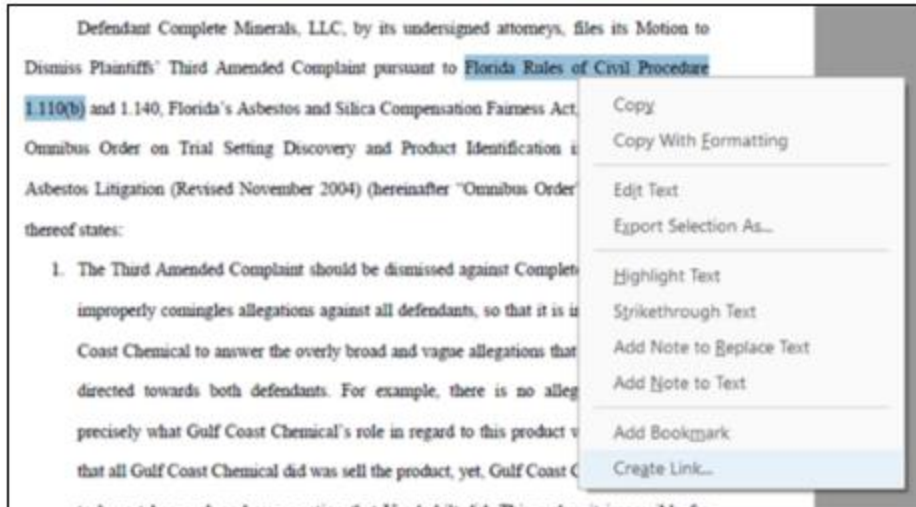
Bookmarking

- Bookmark the motion, cases and/or supporting documents

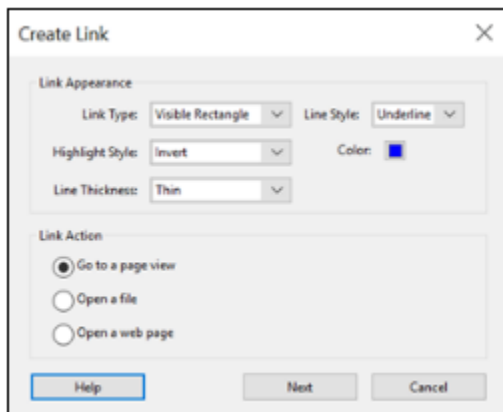


Creating the Hyperlink

- **Highlight the area** where you want the link to appear.
- Right mouse click and **select, Create Link.**



- Choose how you want your links to appear.
- Under Link Action you must choose "Go to a page view".
- Select "Next".



- **After "Create Link" Parameters are Set, Select the Bookmark you want to associate with the Link**

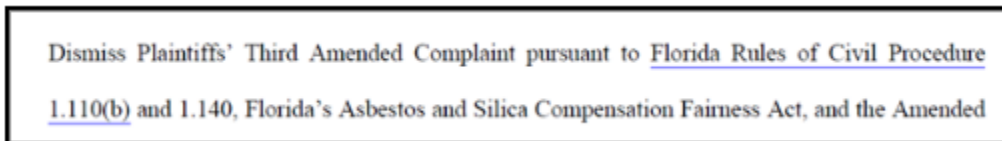


(This will take you directly to the Bookmarked page)

- **Select Set Link**



- **Completed Links will show up per your configuration.**



- **Close or leave Bookmarks open**
- **Save your document**

(Courtesy of Karen Kaufman Castillo, FRP)

EXHIBIT D

JUDGE FAHNESTOCK'S CALENDAR CALL FORM

Your case has been set for calendar call on _____ for the trial period commencing _____ through _____. Please provide the information requested below, along with a copy of your joint pretrial stipulation, by email to div18@17th.FLCourts.org **NO LATER THAN ONE WEEK PRIOR TO CALENDAR CALL.**

PLEASE DO NOT SUBMIT INDIVIDUAL FORMS; PLEASE SUBMIT ONE FORM AFTER ALL PARTIES HAVE CONFIRMED THEIR AVAILABILITY.

Upon timely receipt of all of the requested information, you will receive an email excusing you from calendar call. If you do not receive an email, you must attend calendar call as scheduled. Thank you.

Case Number: _____
Case Name: _____

Plaintiff's trial counsel name and contact information:

_____	_____
_____	_____
_____	_____
_____	_____

Defendant's trial counsel name and contact information:

_____	_____
_____	_____
_____	_____
_____	_____

___ Jury ___ Nonjury Total number of hours/days requested: ___



Dates you are NOT available during the trial period and the reason for your conflict:

****NOTE** - if your conflict is due to another trial, please include the case number, jurisdiction and the judge's contact information in your response.

Plaintiff:

Defendant:



APPENDIX



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ORIGINAL SOURCE

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Original Source	17th.FLCourts.org/division-18/

INTERACTIVE VERSION

<u>#</u>	<u>Item</u>	<u>Link</u>
1	Web	TextBookDiscrimination.com/Rules/Court/FL/Broward/18/

CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com
W: www.TextBookDiscrimination.com

Congratulations! You're now ***booked up*** on Division 18's Local Rules of Court (Broward County, FL) which are pertinent to civil rights litigation!

