



**DUVAL COUNTY RULES OF COURT
(ALL-IN-ONE)**

Last Update: 8/19/2024

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DUVAL COUNTY RULES OF COURT

DIVISION CV-A

JUDGE WADDELL WALLACE

LAST UPDATE 8/19/2024

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JUDGE WADDELL A. WALLACE III

CIRCUIT CIVIL DIVISION **CV-A**

NORMA PONDER, JUDICIAL ASSISTANT

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PROCEDURES FOR DIVISION CV-A - CIVIL

Currently hearings set for 30 minutes or less will be conducted by Zoom video or telephonic conference. The Zoom information is provided when the hearing is confirmed being set on the Court's calendar. The parties shall make arrangements to accommodate any court reporters being used for hearings. Please request an in person appearance at the time the request for the hearing is made.

SETTING CASES FOR TRIAL AND EX PARTE PROCEDURES

Setting cases for trial will be done through e-mail. The trial set memoranda, along with available trial dates, are posted on the judges' webpage at jud4.org/ex-parte-procedures-and-dates. The parties shall complete all information in the form, including the desired mediator and trial date, and submit it as an e-mail attachment to the judge's judicial assistant along with the Motion to Set Trial. Any disagreements on mediators or trial dates shall be included in the email along with each party's recommendation.

For any ex parte matters that need to be heard, counsel should forward the motion, supporting documentation and proposed order (in Word format) to the Judicial Assistant via the e-portal. The Court will review and act upon the paper record if appropriate. If a hearing is required, you will be notified of the need to set the matter for hearing and dates will be provided. Any items set during posted ex parte dates will need to be placed on the calendar and a confirmation email will be provided confirming the matter is set during ex parte.

SETTING HEARINGS FOR PENDING MOTIONS:

Before a hearing can be set the motion should be filed and appear on the Clerk's docket. Counsel should request hearing dates by email. Email the Judicial Assistant (nponder@coj.net) including all parties with the name of the motion, the amount of time needed for the hearing to receive dates/times. The parties will then coordinate amongst themselves, and if necessary, request more dates/times as needed. Once an agreed date/time for all parties is selected, email the JA with all parties copied. PLEASE DO NOT INCLUDE THE JA IN THE COORDINATING EMAILS. Once the hearing is calendared, the JA will respond to all parties confirming the hearing is set. Counsel should prepare and file the Notice of Hearing which should contain the docket line number of the motion being heard.

Information needed by the Judicial Assistant to schedule the hearing:

Case number in subject line of the email and brief case style. Include in the email Plaintiff or Defendant's motion to be heard, the docket line #, and the amount of time needed for hearing to be conducted.

PLEASE NOTE: HEARING DATES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS; HEARING DATES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THIS OFFICE.

COURTESY COPY:

The notice of hearings should include the docket line number of the motions being heard. Notice of Hearings should be filed with the Clerk of Court and may be emailed to the Judicial Assistant and after notice has been e-filed.

If counsel would like the Judge to have courtesy copies for a hearing, motions, memorandum of law, or case law, and these are 20 pages or over, hard copies should be inside the Courthouse at least **three to five** days prior to the scheduled hearing date. Please provide hard copies via U.S. mail, FedEx, UPS, or hand delivery.

TELEPHONIC APPEARANCES AT HEARING: Currently does not apply to hearings that are 30 minutes or less as they are being conducted by Zoom conference.

If counsel wish to appear telephonically at a hearing it is best to make this request when the hearing is being scheduled. Telephonic appearances are allowed provided there is no objection from opposing counsel. If there is an objection to a telephonic appearance, a motion to appear telephonic should be filed and a proposed order should be provided for the Judge's consideration.

INSTRUCTIONS FOR PROPOSED ORDERS:

1. *When an order is submitted where there is an unrepresented party or parties not receiving service through the e-portal, the attorney is responsible for ensuring copies of the Order are mailed to any unrepresented party or parties and a Notice of Service is filed on the case.

2. PLEASE DO NOT SUBMIT THE SAME PROPOSED ORDER THROUGH THE EPORTAL AND BY EMAIL — sending it both ways may cause duplicate entry of an order.

3. Service list should contain appropriate email addresses for all parties to be copied.

4. A consented or agreed to order should have in the caption “Consent” or “Agreed”, or it should have both or all parties’ signatures.

5. A cover letter indicating what the Order is for... i.e. hearing (including the hearing date), consent order, etc. and if it is consented to or if opposing party objects, and all parties are copied with same. The cover letter, copy of motion and order should be submitted through the e-portal. (Order only should be in Word format). See instructions below.

6. **Exceptions to submitting proposed orders through the e-portal:**

If there is an Exhibit or Exhibits to be attached to a Final Judgment/Order, please send via email, including a cover letter, copy of the motion and only the proposed order is in Word format.

If the Judge instructs council to submit order via email (in Word format), any complex Final Judgements following a hearing, or orders where counsel are not in agreement with the proposed order (competing proposed orders).

Orders submitted through the **e-portal** should contain: DDDD, JJJJ and CCCC

Orders submitted via **email** need to include place for the date to be inserted, year and line for the Judge’s signature. (... this ____ day of month, 2024.)

The word “Proposed” should **NOT** be in the title of the order.

Procedures for Submitting a Proposed Order for Division CV-A

***** PLEASE be sure you are using one of the Proposed Order templates found on our website at <https://www.jud4.org/Proposed-Orders-EFiling.aspx>. Save these templates to your own PC and re-use them for all Proposed Orders you submit in Duval County. Any Proposed Order received that does not include one of our templates will be subject to rejection by the Court. *****

1. Proposed Orders **MUST** be submitted in Microsoft Word .docx format (Word 2016 or newer).
2. A Cover Letter is also **REQUIRED**. Please submit a .pdf page as your Cover Letter with any details that would normally be given to the Judge/JA via email for the Proposed Order (Ex: Stipulation agreed upon by both attorney's). This Cover Letter will be uploaded to the portal as a separate document from your Proposed Order.
3. The corresponding Motion **MUST** be filed along with the Proposed Order and Cover Letter. This Motion must be attached behind the Cover Letter as a combined single document before being uploaded to the E-Portal.
4. Proposed Orders in Duval County **MUST** include DJMCA formatting.
 - A. DJMCA Format: DJMCA is how ICMS (Duval Judicial Bench-viewer) knows where to place a signature, signature date or other code details such as the service list. Please be sure to place the codes in the proper position on the Proposed Order. For example, be sure the DJMCA code for Judge's signature is right justified at the bottom of your Proposed Order just as a usual signature would be.
 - a. You must use DJMCA codes in pairs (e.g., JJJJ & DDDD for Judge's signature).
 - b. The codes **MUST** be in all CAPITAL LETTERS.
 - c. You must add **ONLY** 4 letters for each field.
 - d. These codes **MUST ONLY** be used once per line. Two codes per line will not work.

DJMCA Codes in Pairs:

- 1) DDDD = Judge Signature Date / JJJJ = Judge Signature
- 2) RRRR = Reported and Recommended Date / GGGG = General Magistrate or Hearing Officer Signature.
- 3) CCCC = Service list (pulls from the E-Portal service list)

PROPOSED ORDER DOCUMENT FORMATTING GUIDELINES

***** Failing to abide by any of the following formatting guidelines will subject your Proposed Order to rejection by the Court *****

Proposed Order Document:

- The Proposed Order must be a Microsoft Word Document (.docx).
- Once the Judge signs the Proposed Order electronically, all Proposed Orders are required to be converted to a PDF/A compliant document for E-Filing by the E-Portal. Therefore, check and save your Word document as a PDF to see if there are

any potential formatting issues that need attention. This includes any of the DJMCA codes).

- Plain text must be used; Any additional formatting like TEXT boxes, macros, formulas, Word field codes, etc., could present an issue for the Judge when signing electronically.
- If you or your system is using any system or application to bulk generate Word documents, please check all hidden fields or special characters by clicking the “Show/Hide” button in Word to discover hidden characters like spaces, paragraph markers or hidden tab marks.
- Your Word document should be completely void of any page breaks, line breaks and section breaks, as they pose a significant risk for PDF/A conversion and electronic signing.
- If you are submitting multiple Proposed Orders within a single filing, each order MUST be uploaded as a separate document on the E-Portal.
- All Proposed Orders MUST include the Unified Case Number (UCN).
- Be sure NOT to include or attach any exhibits to your Proposed Order as it will present an issue for the signature and PDF/A conversion process.
- When working from the templates we have provided to you on our website, please keep in mind the DJMCA code for Judge’s signature will be replaced by a signature that will occupy 4 lines. Keep your formatting such that the signature does not land on a page by itself.
- Please be sure your Proposed Order is void of ANY images.

BELOW IS EXAMPLE OF THE PROPOSED ORDER AND FORMATTING
NO BLOCK FORMATTING SHOULD BE USED

PLEASE DO NOT PUT “**PROPOSED**” IN THE TITLE OF THE ORDER

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT IN AND
FOR DUVAL COUNTY, FLORIDA

CASE NUMBER: 16-Year-CA-number
DIVISION: CV-A

Plaintiff,

vs.

Defendant.

_____ /

TITLE OF ORDER

THIS CASE is before the Court on

Accordingly, it is

ORDERED:

DONE and ORDERED in Jacksonville, Duval County, Florida on DDDD.

JJJ

CCCC

EMERGENCY MOTIONS / MOTION FOR REHEARING / MOTION FOR NEW TRIAL:

The motions should be e-filed with the Clerk of Court, and submit a courtesy copy emailed for review. However, any large documents (anything 20 pages or over) may be submitted but are **NOT** printed by the Court. PLEASE ONLY ONE COPY....one is sufficient. If any party would like a hearing set on the Motion, please contact the Judicial Assistant for a hearing date/time to be set on the calendar.

CANCELLATION OF HEARING and/or TRIAL:

When cancelling a hearing, please send an email notifying the Judicial Assistant of the canceled hearing and call the office and leave a brief voice message. The Judicial Assistant will confirm the cancellation. However, do NOT assume the hearing is automatically removed. If you do not receive a phone call or email confirming the cancellation, then please try contacting the Judicial Assistant again. For the record, a Notice of Cancellation shall be e-filed with the Clerk if the hearing is not going to be rescheduled right away. Please forward a copy of the Notice of Cancellation with your email notification. If it is rescheduled hearing, then an Amended Notice of Hearing shall be e-filed.

****** When a case settles, please contact the Judicial Assistant **ASAP** to have the case removed from the trial docket/calendar.

VOICE MESSAGES AND EMAILS:

Emailing tips: The subject line should contain the case number along with a brief case style. Placing “proposed order”, or “hearing request”, or “cancelling *date of hearing*” in the subject line which helps Judicial Assistants process emails in a timely and efficient manner. (EX: Hearing request/ proposed order/ cancelling/confirming hearing * Joe Smith v. Universal; Case 2024-CA-9876)

If you get the voice message, please speak clearly and leave a brief message with your name, telephone number, and case number. The call will be returned as time permits. DUE TO THE HIGH VOLUME OF CALLS AND EMAILS PLEASE ALLOW at least 3 BUSINESS DAYS BEFORE A FOLLOW-UP REQUEST. Please do not send an email then immediately leave a voice message stating you sent an email or asking if the email was received. Kindly allow at least 3 business days for a return on either an email or voice message before a follow-up request unless it is a truly emergent matter.

DUVAL COUNTY RULES OF COURT

DIVISION CV-B

JUDGE KATIE DEARING

LAST UPDATE 12/7/2023

SIZE: 8 PAGES





DIVISION CV-B POLICIES AND PROCEDURES

JUDGE KATIE L. DEARING

Fourth Judicial Circuit Court of the State of Florida
Civil Division CV-B
Hearing Room 701

Duval County Courthouse
501 West Adams Street, Suite 7029
Jacksonville, Florida 32202

Sandra Powell, Judicial Assistant
Email: PowellS@coj.net
Telephone: (904) 255-1246
Zoom ID: 275150751

Website: <http://www.jud4.org/ex-parte-procedures-and-dates>

INTRODUCTION

Rule 1.010 of the Florida Rules of Civil Procedure and the Rules of Judicial Administration encourage the speedy, just and inexpensive determination of every action, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. To that end, these policies and procedures are published to assist counsel appearing in Division CV-B by addressing routine questions and issues that arise while litigating and trying cases and will be revised/updated periodically. They are not intended to relax or supplant the Florida Statutes, the Florida Rules of Court, local rules of Court, administrative orders, case specific court

orders, the Rules Regulating Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the “Applicable Law, Rules and Procedures”). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.

SETTING MATTERS FOR TRIAL

A. Jury Trials

When a case is at issue, any party may file a motion to set the case for trial. Setting cases for trial will be done only through e-mail. The movant shall e-mail the Motion to Set and a fully completed Division CV-B Trial Set Memorandum to the Court. The Trial Set Memorandum form can be found on the Court’s website, along with available trial dates, at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures.aspx>. The parties shall complete all information in the form, including the desired mediator and trial date, and submit it as an e-mail attachment to the judge’s judicial assistant along with the Motion to Set Trial. Any disagreements on mediators or trial dates shall be included in the email along with each party’s recommendation. The Court will then prepare and e-file the Trial Order.

B. Non-jury Trials

When a case is at issue, any party may file a motion to set the case for trial. Setting cases for trial will be done only through e-mail. The movant shall e-mail the Motion to Set and a fully completed Division CV-B Trial Set Memorandum to the Court. The Trial Set Memorandum form can be found on the Court’s website at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures.aspx>. The parties shall complete all information in the form, including the desired mediator, and submit it as an e-mail attachment to the judge’s judicial assistant along with the Motion to Set for Trial. Any disagreements on mediators or proposed trial dates shall be included in the email along with each party’s recommendation. The Court will then prepare and e-file the Trial Order.

Non-jury trials are set date-certain on the Court’s regular hearing calendar, not during a jury trial week. The trial set memorandum should advise the Court of a requested time frame for trial (*e.g.*, 12 months from the date of the trial set memorandum) and the number of days needed for trial.

If the case settles after it is set for trial, the parties **shall immediately** notify the court so that the trial and all pending hearings may be removed from the court's calendar.

IN-PERSON AND REMOTE APPEARANCES

Counsel, witnesses and all unrepresented parties are required to attend all hearings longer than 30 minutes in person. Prior to coming to the hearing, please ensure that counsel's access badge to the hearing room is activated so that counsel may enter the hearing room at or before the time set for the hearing. The Court's hearing schedule often results in "back-to-back" hearings that do not allow time for the Court to let counsel into the hearing room early. Unless the Court announces otherwise, the Court's hearings are public proceedings, and any party or counsel may come into the hearing room early to observe other proceedings.

For non-evidentiary hearings scheduled to take thirty minutes or less, counsel and unrepresented parties shall be permitted to appear in-person or via Zoom, pursuant to Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin. without further Order of the Court (unless the Court has specifically ordered otherwise in a particular case). Counsel or an unrepresented party do not have to agree on whether the hearing attendance is by Zoom or in-person. The Court will permit hearings to be conducted in a hybrid remote manner, with some counsel/parties appearing in-person and other counsel/parties appearing via Zoom.

Please notify the Court of counsel's intention to appear via Zoom at the time the hearing is scheduled and include all necessary information in the Notice of Hearing. Unless notified otherwise, the Court shall assume that all counsel and unrepresented parties will be appearing in person.

The Court shall host all Zoom hearings using the following Zoom information:

[HTTP://WWW.ZOOM.COM](http://www.zoom.com) or <https://zoom.us/j/2751507351>

Meeting ID: 275 150 7351

One tap mobile

+19292056099,,2751507351# US (New York)

+13126266799,,2751507351# US (Chicago)

When you dial in, you will be placed into a waiting room until the Court calls your case.

MOTION PRACTICE AND SCHEDULING HEARINGS

Before filing a motion, except a motion (a) for injunctive relief, (b) for judgment on the pleadings, (c) for summary judgment, or (d) relating to the maintenance of a class action, the moving party **shall** confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion. The moving party **shall file with the motion** a statement certifying that the moving counsel has conferred with opposing counsel and stating whether counsel agree on the resolution of all or part of the motion. **No hearing will be set on a motion which lacks this statement.** A certification to the effect that opposing counsel was unavailable for a conference before filing a motion is insufficient to satisfy the parties' obligation to confer. The moving party retains the duty to contact opposing counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether or to what extent the parties have resolved the issue(s) presented in the motion. Counsel for the non-moving party is obligated to promptly reply to a 'meet-and-confer' request and to provide availability for such conference.

If the interested parties agree to all or part of the relief sought in any motion, the caption of the motion shall include the word "unopposed," "agreed," or "stipulated" or otherwise succinctly inform the reader that, as to all or part of the requested relief, no opposition exists.

All motions do not require a hearing, and the Court may rule on motions without a hearing.

If the parties jointly agree to submit a motion to the Court without the need for a hearing, the moving party should forward to the Court the motion, a proposed order and a request for resolution without a hearing.

Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel or party if unrepresented. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties on the line or by email at PowellS@coj.net. **Dates provided for hearings are not held and may be given to other cases.** It is expected that all counsel will promptly respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. **Hearing dates/times are not secured until confirmation is sent from the Court.**

Once a hearing time is set, no party may add or notice additional matters for that time without the express consent of all parties.

The Court's hearing schedule has very little, and sometimes no, time in-between hearings. If attending in person, please arrive early and allow plenty of time for parking. Failure to timely appear for a hearing may result in the motion being denied (if moving party) or the motion being heard without you (if the non-moving party). Moreover, the Court will enforce the time limits set for each hearing. Any matters not resolved during the scheduled hearing time will have to be re-scheduled or decided after an opportunity for written briefing.

Any motion for which counsel is seeking more than one hour of hearing time must be scheduled with the Court directly.

Once a hearing is set, it may not be cancelled without the consent of the Court. A party filing a "Notice of Cancellation" does not cancel a hearing.

USE OF SPECIAL MAGISTRATES

The Court is aware that, for many reasons, there may be a significant delay in obtaining hearing times. The Court encourages the parties to consider the use of a Special Magistrate pursuant to Florida Rule of Civil Procedure 1.490(b). If all parties agree to the appointment of a Special Magistrate, please submit a Joint Motion to Appoint Special Magistrate along with a proposed Order identifying the Special Magistrate and the issues to be handled by him or her. The parties are responsible for the cost of the Special Magistrate.

COURTESY COPIES

Courtesy copies of motions and memoranda should be delivered to the Court **at least three days** before a scheduled hearing on the matter. Motions, pleadings and memoranda may be provided by e-mail as well as U.S. Mail or hand delivery. However, voluminous pleadings (more than 20 pages, including attachments) must not be emailed. They will need to be provided via hand-delivery, U.S. Mail, or other delivery service. Any binders containing case law shall be **received** by the Court **at least 5 days prior to the hearing**.

The Court encourages all parties to work together where possible to submit one copy of the supporting materials necessary for the Court's consideration.

EMERGENCY MOTIONS, MOTIONS FOR REHEARING AND MOTIONS FOR NEW TRIAL

These motions should first be e-filed with the Clerk of Court. The party filing the motion shall provide a copy for review by U.S. Mail, hand delivery or e-mail **at the time the motion is filed**. Any motion over 20 pages **shall not** be emailed but instead delivered by U.S. Mail or hand delivery. If a hearing is required, the Court will schedule a hearing with the parties.

DISCOVERY DISPUTES

As with all motions filed in this Division (as set forth above), prior to filing a motion to compel discovery, the moving party shall confer in good faith with the non-moving party in an attempt to resolve the discovery dispute. If, for any reason, the moving party is unable to confer with counsel for the non-moving party, the motion should describe actions taken by the moving party to confer.

Once a Motion to Compel or Motion for Sanctions is scheduled on the Court's calendar, **it will not be removed for any reason, even if agreed to by counsel for all parties**. The only exception is if the case is completely resolved and settled by the parties.

PROPOSED ORDERS FOLLOWING A HEARING

The Court may request the lawyers prepare proposed orders pursuant to the Court's verbal announcements of rulings made during a hearing. Such proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If there is an unrepresented party involved in the case not using the e-Portal, the proposed Order must be submitted to the Court in writing, with sufficient copies for an original to be entered by the Court and a copy for each party not using e-Portal. Further, the party presenting the proposed Order, shall be responsible for providing **addressed, stamped envelopes for parties not using the e-Portal**. The proposed Order service list must contain addresses for any unrepresented party or party not using the e-Portal.
2. If all parties before the Court are using the e-Portal, the proposed Order shall be submitted to the Court via the Florida Courts e-Portal.

All proposed Orders presented following a hearing **MUST INCLUDE A COVER LETTER INDICATING:**

1. What the Order is for (*i.e.*, the case, the motion heard, including date and time, the title of the Order, etc.); and
2. That all opposing counsel/unrepresented parties have been provided with the same materials being provided to the Court, and whether the parties agree with the language of the proposed Order.

All counsel and unrepresented parties must be copied on the cover letter, including any proposed Order, at the same time provided to the Court. If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed Order and letter to the Court consistent with the instructions above.

PROPOSED ORDERS WITHOUT A HEARING:

As set forth above, all motions do not require a hearing, and the Court may rule on motions without a hearing. If a party requests the Court rule on a motion without a hearing, the moving party should forward to the Court the motion, a proposed order and a request for resolution without a hearing, in the manner set forth below:

A. Proposed Orders without a hearing may be submitted to the Court via the Florida Courts e-Portal **with a cover letter** and courtesy copy of the motion, joint stipulation, etc. related to the proposed Order, which must be copied to all opposing counsel/unrepresented parties. The cover letter **must** state (i) that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court, (ii) whether opposing counsel/unrepresented party consents to the relief requested in the motion and proposed order and, if so, (iii) whether opposing counsel/unrepresented party agrees with the language of the proposed order.

B. If there is an unrepresented party involved in the case not using the e-Portal, the proposed Order must be submitted to the Court in writing, with sufficient copies for an original to be entered by the Court and a copy for each party not using e-Portal. Further, the party presenting the proposed Order, shall be responsible for

providing **addressed, stamped envelopes for parties not using the e-Portal**. The proposed Order service list must contain addresses for any unrepresented party or party not using the e-Portal.

C. All consent Orders shall include the word “Consent” or “Agreed” in the caption of the proposed Order.

TRIAL TECHNOLOGY

The Court allows parties to utilize technology in their trial presentations. Counsel is responsible for having any technology set-up and ready to use during the trial without causing unnecessary delay. Please contact the Court’s Information Technology department at <https://www.jud4.org/Technology.aspx> to coordinate any technological issues in advance of the trial or hearing.

DUVAL COUNTY RULES OF COURT

DIVISION CV-C

JUDGE ROBERT DEES

LAST UPDATE 11/8/2023

SIZE: 4 PAGES



JUDGE ROBERT M. DEES

Circuit Civil Division CV-C
Foreclosure Division FC-C

Duval County Unified Courthouse
501 W. Adams Street, Suite 7259
Jacksonville, Florida 32202

Linda Blackman, Judicial Assistant
(904) 255-1234
Email: lblackman@coj.net

Hearing Room 734 (Division CV-C)
Courtroom 609 (Division FC-C)

Website: <http://www.jud4.org>

CV-C (CIVIL PROCEDURES)

SETTING CASES FOR TRIAL:

1. E-file a Motion to Set Case for Trial (jury or non-jury trial).
2. After the Motion to Set Case for Trial appears on the Clerk's docket, email the Motion and a completed Trial Set Memorandum for Division CV-C to lblackman@coj.net and copy all other attorneys and pro se parties.
3. The Trial Set Memorandum can be found on the Court's website. As noted on the form, please include telephone numbers and email addresses for counsel and e-filing addresses, as well as the name and e-filing address of the mediator chosen by the parties. **All sections of the Trial Set Memorandum must be completed. Please type or print clearly.**
4. The Judicial Assistant will provide via email available trial dates and will prepare the trial Order once all required information is received.
5. When a case settles, please contact the Judicial Assistant **ASAP** to have the case removed from the trial docket.

EX PARTE HEARINGS:

Ex parte hearings are currently suspended. Motions to set for trial are being handled by email only. All other ex parte matters will be handled by hand delivery, mail or email.

SETTING HEARINGS FOR PENDING MOTIONS:

The motion must appear on the docket prior to requesting hearing time. The party requesting the hearing can email the Judicial Assistant and copy the assistant(s) for opposing counsel or pro se party. Please provide the case number in the subject line of the email and in the body of the email provide the motion(s) to be set for hearing and how much time is being requested. The Judicial Assistant will respond to all with available hearing dates/times. PLEASE NOTE: HEARING DATES/TIMES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES/TIMES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THIS OFFICE.

If the parties come to an agreement to add a motion to an already scheduled hearing, this agreement must be properly communicated with the Court. A confirmation email must be received from this office that the motion has been added before a notice of hearing is filed.

When counsel file a motion to compel and notice of hearing, counsel must comply with First Amended Administrative Order 88-2.

CANCELLATION OF HEARING:

When canceling a hearing that you have set, email the Judicial Assistant and copy opposing counsel's office notifying the Judicial Assistant of the cancellation. DO NOT assume the hearing is automatically removed from the Court's calendar. If you do not receive an email confirming the cancellation, please try contacting the Judicial Assistant again. **A Notice of Cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. Cancellation of a hearing MUST be confirmed by the Judicial Assistant.**

COURTESY COPIES:

Courtesy copies (hard copies) of all Court filings pertaining to a motion set for a time certain scheduled hearing **MUST be provided to the Court no later than the date included in the Judicial Assistant's email confirming the scheduled hearing. Courtesy copies of each filing should be stapled or submitted in a binder and hand delivered with a cover letter or mailed with a cover letter.** All opposing counsel/unrepresented parties must be copied with the letter and the enclosure(s) if the enclosure(s) were not previously provided through the e-portal/service of process and specify in letter. Not complying with the Court's request for copies may result in the hearing being cancelled without notice.

EMERGENCY MOTION/MOTION FOR REHEARING/MOTION FOR NEW TRIAL:

The motion must first be e-filed with the Clerk of Court. The Court requires a copy for review to be delivered to the office by mail, hand delivery or email. However, any large documents (over 20 pages, including attachments) must NOT be emailed. If any party would like a hearing set on the motion, that party will contact the Judicial Assistant consistent with the instructions above.

PROPOSED ORDERS AFTER A HEARING:

Proposed orders after a hearing are to be timely submitted in Word format to the Judicial Assistant via email with opposing counsel/unrepresented party copied. The email should include **a cover letter to the Court signed by counsel** stating that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court, the date of the hearing and whether opposing counsel/unrepresented party agrees with the language of the proposed order. The order service list must contain e-filing addresses for opposing counsel/unrepresented party. If an unrepresented party does not receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed order and letter to the Court consistent with the instructions above.

PROPOSED ORDERS WITHOUT A HEARING:

Proposed orders can be submitted to the Court once the unopposed motion, joint stipulation, etc. appears on the docket, and can be submitted via email in Word format, mail or hand delivery, **with a cover letter to the Court signed by counsel**, which must be copied to opposing counsel/unrepresented party. A courtesy copy of the unopposed motion, joint stipulation, etc. related to the proposed order must be provided. However, any documents over 10 pages, including attachments, must NOT be emailed. The letter must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether opposing counsel/unrepresented party agrees with the language of the proposed order. The service list on the order must contain e-filing addresses for opposing counsel/unrepresented party. If an unrepresented party does not receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed order and letter to the Court consistent with the instructions above.

FC-C (RESIDENTIAL FORECLOSURE PROCEDURES)

Motions and non-jury trials in residential mortgage foreclosure cases may be scheduled by emailing to the Judicial Assistant a completed Request for Hearing Time and Date form, which can be found on the Court's website.

5. Please use the Request for Hearing Time and Date form specific for Division FC-C and email your request copying opposing counsel, if any.

6. The Judicial Assistant will respond via email with the hearing/trial date and time.

7. The requesting party is responsible for noticing the hearing. All hearings will be by telephone or video conference until further notice.

8. An Order Setting Non-Jury Trial must be submitted to the Court via hand delivery or U. S. mail after scheduling the non-jury trial. The order must be accompanied with a letter signed by counsel, which must be copied to opposing counsel/unrepresented party. Sufficient copies of the order are to be provided along with addressed, stamped envelopes for unrepresented parties not receiving e-filings. The Judicial Assistant will e-file the order once signed by the Judge.

DUVAL COUNTY RULES OF COURT

DIVISION CV-D

JUDGE VIRGINIA NORTON

LAST UPDATE 4/25/2024

SIZE: 5 PAGES



**JUDGE VIRGINIA B. NORTON DIVISION CV-D
501 WEST ADAMS STREET, ROOM 7038
Hearing Room 703
Jacksonville, FL 32202**

**Alexis Gainers, Judicial Assistant
Email: Againers@coj.net
Phone #: 904-255-1300**

**DATES & TIME can be obtained from the JA Alexis Gainers via
email: Againers@coj.net**

**Please be sure to add all parties to the email, as well as the
amount of time needed for the hearing.**

***Please visit the Court Website (<http://www.jud4.org/Ex-ParteProcedures-and-Dates.aspx>) frequently to confirm that
changes have not been made.***

**These procedures are not all inclusive. If you cannot find a
topic that answers your questions, please email the J.A.**

DIVISION PROCEDURES

Setting Hearings: Hearings may be set by contacting the Judicial Assistant. **Please schedule hearings via e-mail.** Please include **all (including pro se)** interested parties in the e-mail when requesting dates and include the amount of time you are requesting for your hearing. The JA will not be able to resolve disputes regarding when a matter should be placed on the calendar. **PLEASE DO NOT ASSUME THE HEARING IS AUTOMATICALLY SCHEDULED UNTIL YOU RECEIVE CONFIRMATION FROM THE JA.** **If materials for the hearing are collectively over 20 pages, please have a binder delivered to the courthouse no later than two (2) weeks prior to the hearing.**

Setting A Case For Trial: (1) File a Motion to Set Case for Trial (whether jury or non-jury) when case is at issue. (2) Complete a Trial Set Memorandum. (3) Choose and agree on a Trial date. (4) Email the Motion to Set, Trial Set Memo, and agreed upon Trial date to JA.

1. Moving/Requesting party must:
 - a Complete Trial Set Memorandum form located in hearing room and on the Court's Website. Stamped, addressed envelopes are only needed if there are pro se parties involved.
2. Should a telephonic appearance be requested by an out-of-town attorney, the JA must be notified in advance of the hearing. Additionally, the attorney appearing by telephone is required to provide a courtesy copy of the Notice of Hearing to the JA so the JA can be aware of the incoming call. **Only one line may be transferred into the Hearing Room, so multiple attorneys appearing by phone must arrange one conference call to include all others participating.**

Preparing Trial Order: The Judicial Assistant will prepare the first trial order, which includes the Pre-Trial Conference date and the Mediator's name. ***If the trial is continued, it is the responsibility of the Plaintiff's attorney to prepare any Amended Trial Orders.***

*****IF A CASE SETTLES, IMMEDIATELY CONTACT THE
JUDICIAL ASSISTANT TO REMOVE FROM THE TRIAL
DOCKET. *****

Emergency Motions: The original motion should be properly filed with the Clerk. The Court requires a copy for review to be delivered to the office either by hand delivery, or email. However, any large documents (more than 30 pages, including attachments) must NOT be emailed. Each request will be reviewed by the Court to determine whether it is deemed an emergency. The JA will contact the attorney(s) if it is necessary to set a hearing.

A. **Cancellation of Hearings:** Only the party setting a hearing may cancel it. You may email the Judicial Assistant and copy opposing counsel notifying the Judicial Assistant of the cancellation.

B. DO NOT assume the hearing is automatically removed from the Court's calendar. If you do not receive a telephone call or email confirming the cancellation, please try contacting the Judicial Assistant again. **A Notice of Cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. Cancellation of a hearing **MUST be confirmed with and by the J.A.****

Courtesy Copies: Courtesy copies of motions and memoranda should be delivered at least two (2) weeks prior to the scheduled hearing. Counsel shall only send memoranda to the Judge which has been served on opposing counsel. **However, any large documents (more than 30 pages, including attachments) must **NOT** be emailed. They will need to be provided via hand delivery, U.S. mail or overnight mail.**

Court Filings: E-filings by the parties ARE NOT forwarded to the Judge's office.

Proposed Orders After A Hearing:

A. Proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If there is an unrepresented party involved in the case not using e-Portal, the proposed Order must be submitted to the Court in writing, with sufficient copies for an original to be entered by the Court and a copy for each party not using ePortal. Further, the party presenting the proposed Order, shall be responsible for providing **addressed, stamped envelopes for parties not using the e-Portal;**

2. If all parties before the Court are using e-Portal, the proposed Order may be emailed to the Court in Microsoft Word format.

3. The proposed Order service list **must contain E-filing addresses for opposing counsel/unrepresented party.** If an unrepresented party does not receive e-filings,

counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

B. ALL PROPOSED ORDERS PRESENTED FOLLOWING HEARING, whether submitted to the Court in writing or via email as contemplated *supra*, MUST INCLUDE A COVER LETTER INDICATING:

1. What the Order is for (i.e. the case, the motion heard, including date and time, the title of the Order, etc.); and

2. That all opposing counsel/unrepresented parties have been provided with the same materials being provided to the Court, and whether the parties agree with the language of the proposed Order.

C. **All counsel and unrepresented parties must be copied on the cover letter, including any proposed Order, at the same time provided to the Court.** If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed Order and letter to the Court consistent with the instructions above.

D. The Judge will direct when complex Orders are due.

Proposed Orders Without A Hearing:

A. Proposed Orders without a hearing may be submitted to the Court **with a cover letter**, which must be copied to all opposing counsel/unrepresented parties. A courtesy copy of the motion, joint stipulation, etc. related to the proposed Order must be provided. The letter must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether opposing counsel/unrepresented party agrees with the language of the proposed Order. The service list on the Order must contain e-filing addresses for opposing counsel/unrepresented parties.

B. If counsel does not have an email address for an unrepresented party, counsel must mail or hand-deliver the proposed Order, cover letter and all attachments to the Court consistent with the instructions above. If an unrepresented party does not receive efiling, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope for that party.

C. All consent Orders shall include the word "Consent" or "Agreed" in the caption of the proposed Order.

Telephonic Appearances: The Court allows out-of-town attorney(s) to appear telephonically if opposing counsel has no objection. Prior to the hearing, the attorney appearing by phone will initiate the call to the JA. **Only one line may be transferred into the Hearing Room, so multiple attorneys appearing by phone must arrange one conference call to include all others.** A Motion to Appear Telephonically is not required to be submitted to the Court.

Unavailability: Due to the budgetary constraints, substitute Judicial Assistants are not available to cover for the Judicial Assistants when they are ill or on vacation. When the Judicial Assistant for Division CVD is not present, efforts will be made to inform you via e-mail message.

Foreclosure Matters (Division FC-D):

Motions, disposition matters and non-jury trials in Division FC-D foreclosure cases may be scheduled by e-mailing the Judicial Assistant Againers@coj.net. All parties should be included in the e-mail.

1. Please include the case number, amount of time needed, type of motion/hearing and information for Plaintiff's and Defendant's counsel: name and phone number.
2. The Judicial Assistant will respond via e-mail to all with available dates/times. **PLEASE NOTE: HEARING DATES/TIMES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES/TIMES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THE COURT.**
2. The requesting party is responsible for noticing the hearing. All hearings are held in Courtroom 604 unless otherwise indicated.
3. An Order for Non-Jury Trial must be submitted to the Court after scheduling the non-jury trial. Sufficient copies of the order are to be provided along with addressed, stamped envelopes for unrepresented parties not receiving e-filings.

DUVAL COUNTY RULES OF COURT

DIVISION CV-E

JUDGE BRUCE ANDERSON

LAST UPDATE 3/13/2024

SIZE: 19 PAGES





DIVISION CV-E POLICIES AND PROCEDURES¹

JUDGE BRUCE R. ANDERSON, JR.

Fourth Judicial Circuit Court of the State of Florida
Division CV-E

Duval County Courthouse
501 W. Adams Street, Suite 7259
Jacksonville, Florida 32202

Paula Fields, Judicial Assistant
Email: pfields@coj.net
(904) 255-1258

Chambers 739
(904) 255-1636 (Telephonic Hearings Only)

Division CV-E Website: [HTTP://www.jud4.org/ex-parte-procedures-and-dates](http://www.jud4.org/ex-parte-procedures-and-dates)

¹ These “Policies and Procedures” are published to assist counsel appearing in Division CV-E by addressing routine questions and issues that arise while litigating and trying cases and will be revised/updated periodically. They are not intended to relax or supplant the Florida Statutes, the Florida Rules of Court, local rules of Court, administrative orders, case specific court orders, the Rules Regulating Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the “Applicable Law, Rules and Procedures”). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.

INTRODUCTION²

The effective administration of justice requires the interaction of many professionals and disciplines, but none is more critical than the role of the lawyer. In fulfilling that role, a lawyer performs many tasks, few of which are easy, most of which are exacting. In the final analysis, a lawyer's duty is always to the client. In striving to fulfill that duty, a lawyer always must be conscious of his or her broader duty to the judicial system that serves both attorney and client. To the judiciary, a lawyer owes candor, diligence, and utmost respect. To the administration of justice, a lawyer unquestionably owes the fundamental duties of personal dignity and professional integrity. Coupled with those duties is a lawyer's duty of courtesy and cooperation with fellow professionals for the efficient administration of our system of justice and the respect of the public it serves. In furtherance of these fundamental concepts, the lawyers should familiarize themselves with the current "Guidelines for Professional Conduct by the Trial Lawyers Section of the Florida Bar" (adopted by the Conferences of Circuit and County Court Judges), that can be found on the Court's website. It is recognized that these Guidelines must be applied in keeping with the advocacy of the interests of one's client and the long tradition of professionalism among and between members of the Trial Lawyers Section of The Florida Bar. These Guidelines are subject to the Florida Rules of Civil Procedure, the Florida Rules of Professional Conduct, and the specific requirements of any standing or administrative order, local court rule, or order entered in a specific case. The lawyers should also familiarize themselves with the "2019-2021 Professionalism Handbook" by the Florida Bar Standing Committee on Professionalism that can be found on the Court's website.

These policies and procedures have been revised in response to various legal developments since I was assigned to Division CV-E on January 1, 2020, including, but not limited to, the greater use of communication technology to participate in remote court proceedings, the amendments to Rule 1.510, various Florida Supreme Court Administrative Orders reemphasizing the trial court's responsibility to actively case manage, and the anticipation of significant amendments to the Florida Rules of Court that will likely increase demands on trial court resources already stretched thin with duty obligations and hearing and jury trial responsibilities. These divisional policies and procedures are intended to streamline litigation, reduce the need for hearing time, avoid the unnecessary stress that arises during final trial preparations, and reduce the number of trial cases continued.

Judge Bruce Anderson

² In part from the 2019 "Guidelines for Professional Conduct by the Trial Lawyers Section of The Florida Bar."

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I. EX PARTE HEARINGS:

A. Ex parte hearings are only for **uncontested** matters that can be heard and addressed by the Court in five minutes or less.

B. Ex parte will be held from 9:00 a.m. to 10:00 a.m. on certain, identified dates. Ex parte dates are posted on the website above, as well as outside Chambers 739.

C. Given the nature of ex parte hearings, in-person appearances telephonic appearances and appearances via the Zoom videoconferencing platform (“Zoom”) will be allowed for both local and out-of-town counsel/parties pursuant to Rule 2.530, Fla. R. Jud. Admin.

D. **Hybrid Zoom Ex Parte Hearings.** The Court will permit ex parte hearings to be conducted in a hybrid remote manner, with some counsel/parties appearing in-person and other counsel/parties appearing via Zoom pursuant to Rule 2.530, Fla. R. Jud. Admin..

E. **Hybrid Telephonic Ex Parte Hearings.** In the event any counsel elect to attend ex parte in-person while other counsel/parties elect to attend telephonically, counsel must have a specific plan for the Court to either call a conference call-in number to reach all other counsel/parties or a direct dial phone number for the Court to call the counsel/party who shall be responsible for conferencing in any other counsel/parties electing to attend telephonically at the time of the commencement of the ex parte hearing. The brief time limits and format of ex parte hearings will not permit the Court to act as the phone operator to coordinate the connections, act as the “host” or otherwise connect counsel/parties together who separately call the Court’s hearing room to participate in ex parte hearings.

F. If any counsel, local and/or out-of-town counsel plan on attending the ex parte hearing by phone or by Zoom, please contact the Court to schedule a time-certain hearing and file a Notice of Hearing containing specific telephonic instructions or a Zoom invitation, identifying any parties/counsel appearing in-person at such hearing, and e-mail the Notice to the Court at pfields@coj.net.

G. All attorneys, parties, or other persons participating in or observing the ex parte hearing remotely through the use of communication technology shall comply with “The Florida Bar Recommended Best Practices for Remote Court Proceedings” that can be found on the Court’s website.

II. SETTING CASES FOR TRIAL (JURY AND NON-JURY):

A. **Notice for Trial:** Plaintiff shall and any party may file a notice that the action is at issue and ready to be set for trial pursuant to Florida Rule of Civil Procedure 1.440(b) and submit to the Court a completed Trial Set Memorandum no later than ten (10) days after the date the case is at issue as defined by Florida Rule of Civil Procedure 1.440(a) to schedule the case for trial pursuant to the division’s procedures (See Section II.) *infra*.

B. If the parties agree to set the case for trial via e-mail, the movant shall e-mail the Motion to Set and a fully completed Division CV-E Trial Set Memorandum to the Court. The Trial Set Memorandum form can be found on the Court's website. The movant's enclosure e-mail to the Court shall copy all opposing counsel/parties and provide several trial dates agreed to by all counsel/parties. A list of all available Division CV-E trial dates can be found on the Court's website. The enclosure e-mail should also identify for the Court a mediator agreed to by all counsel/parties. In the event the parties are unable to agree to a mediator, then the enclosure e-mail should advise the Court that the parties were unable to agree to a mediator and provide a list of three (3) mediators for the Court to consider.

C. In the event the parties are unable to agree to a trial date, the movant may obtain ex parte dates from the Court's website and coordinate with opposing counsel which date is best for all parties. **Ex parte hearings shall be coordinated between the parties and scheduled with the Court, if necessary, pursuant to the provisions for in-person, telephonic and/or remote appearances pursuant to Section I. supra.**

D. The movant then must file a Notice of Ex Parte Hearing for the agreed-upon date. Courtesy copies of the uncontested Motion and Notice of Hearing **do not** need to be provided to the Court, unless any counsel plan on attending the ex parte hearing by phone or by Zoom pursuant to Section I. F. In that case counsel shall e-mail the Court courtesy copies of the Notice of Hearing, Motion to Set, and a fully completed Division CV-E Trial Set Memorandum.

E. At the ex parte hearing, the in-person movant must present to the Court a **fully completed Division CV-E Trial Set Memorandum form**. The form can be found on the Court's website and in Chambers. As noted on the form, **please include telephone numbers and email addresses for counsel AND for e-filing**. If the movant is appearing via telephone or Zoom, then the Trial Set Memorandum form shall be e-mailed to the Court.

F. The Movant shall be responsible for providing **addressed, stamped envelopes for parties not receiving pleadings and orders via the e-Portal**. Further, the Movant shall provide a **blank, stamped envelope for the appointed mediator** (if the mediator is not using e-Portal). Envelopes are not necessary for all individuals or entities using e-Portal.

G. The Court will prepare the Order Setting Case for Trial. For information purposes, the form Case Management Orders Setting Case for Jury Trial and Non-Jury Trial for Division CV-E can be found on the Court's website.

H. The parties must comply with the "Trial Conduct and Courtroom Decorum Policy" that can be found on the Court's website.

I. If a case settles, the parties must immediately contact the Court to have the case removed from the calendar/trial docket. In addition, the parties must comply with the Court's "Procedures for Settlement or Dismissal of Cases" (See Section XV) *infra*.

III. SETTING HEARING FOR PENDING MOTION:

A. The party requesting the hearing shall email the Court at pfields@coj.net and copy the assistant(s) for opposing counsel and provide the case number, the motion(s) to be set for hearing and how much time is being requested.

B. The Judicial Assistant will “Reply to All” with available hearing dates/times. PLEASE NOTE: HEARING DATES/TIMES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES/TIMES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THE COURT.

C. For non-evidentiary hearings scheduled to take **thirty (30) minutes or less**, counsel shall be permitted to appear in-person, telephonically and/or via Zoom, regardless of whether they are local or out-of-town pursuant to Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin.

D. If counsel would like to attend a non-evidentiary hearing scheduled for **thirty (30) minutes or less** via telephone or Zoom, counsel may do so without further Order of the Court, pursuant to Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin. Please notify the Court of counsel’s intention to appear telephonically or via Zoom at the time the hearing is scheduled and include all necessary information in the Notice of Hearing for the Court to dial into the conference call, direct dial counsel or log into the Zoom hearing room.

E. Should counsel desire to attend a non-evidentiary hearing scheduled for **more than thirty (30) minutes via telephone or Zoom**, counsel must seek leave of Court by filing a written Motion and providing a courtesy copy of the Motion setting forth good cause to grant the Motion pursuant to Rule 2.530, Fla. R. Gen. Prac. & Jud. Admin. and proposed consent Order to the Court via electronic mail. In the event all parties do not consent to use communication technology for a **non-evidentiary** hearing scheduled for **more than thirty (30) minutes**, any party desiring to use communication technology shall seek leave of court by filing a written motion setting forth why good cause exists pursuant to Rule 2.530, Fla. R. Gen. Prac. & Jud. Admin. to grant the motion and schedule a **fifteen (15) minute** hearing on such a motion to be heard **prior** to the **non-evidentiary** hearing scheduled for **more than thirty (30) minutes**.

F. Should counsel desire to participate in an **evidentiary hearing or trial** and present testimony through telephone, Zoom, or other communication technology, regardless of the duration of the hearing, counsel must seek leave of Court by filing a written motion setting forth good cause to grant the motion pursuant to Rule 2.530(b)(2), Fla. R. Gen. Prac. & Jud. Admin. and providing a courtesy copy of the Motion and a proposed Consent Order to the Court via electronic mail. In the event all parties do not consent to use communication technology for an **evidentiary** hearing, any party desiring to use communication technology shall seek leave of court by filing a written motion setting forth why good cause exists pursuant to Rule 2.530(b)(2), Fla. R. Gen. Prac. & Jud. Admin. to grant the motion and schedule a **fifteen (15) minute** hearing on such a motion to be heard **prior** to the **evidentiary** hearing.

G. Telephonic appearance is a privilege. **Counsel must call the Court's Chambers at the number above promptly at the time of the telephonic hearing.** If multiple attorneys will telephonically appear at a hearing, please have all counsel on the line prior to calling the Court's chambers. Any difficulties may require the Court to not allow future telephonic appearances. If the telephone hearing is being held via a conference call-in number, the host shall dial-in no less than five (5) minutes before the hearing is scheduled to begin.

H. Zoom appearance is a privilege. Counsel hosting a zoom hearing shall promptly "start" the zoom meeting no less than five (5) minutes before the hearing is scheduled to begin. All non-hosting counsel/parties shall log in no less than five (5) minutes before the hearing is scheduled to begin. All attorneys, parties, witnesses, or other persons participating in or observing court proceedings remotely through the use of communication technology shall comply with "The Florida Bar Recommended Best Practices for Remote Court Proceedings" that can be found on the Court's website.

I. Courtesy copies: Courtesy copies (hard copies) of all Court filings pertaining to a motion set for a time certain scheduled hearing **MUST be provided to the Court no later than ten (10) business days prior to the scheduled hearing or immediately if the hearing is scheduled within that time period.** Courtesy copies are to be hand delivered with a cover letter or mailed with a cover letter. All opposing counsel/unrepresented parties must be copied with the letter and the enclosure(s), if the enclosure(s) not previously provided through the e-portal/service of process, and specify on letter. Not complying with the Court's request for copies may result in the hearing being cancelled without notice.

J. Hearing Notebooks, Legal Memorandums and Citations: Any hearing notebooks, legal memorandums or briefs, along with hard copies of the significant cited authorities, **must be provided to the Court at least ten (10) business days before the hearing**, or immediately if the hearing is scheduled within that time period. Such item(s) are to be hand delivered with a cover letter or mailed with a cover letter. *Please be sure to provide all opposing counsel with the same cover letter and item(s).* The Court will attempt to review the motion(s) and the memorandums, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered. Highlighting pertinent sections of case law is appreciated. Brevity is also appreciated. Case law and Memoranda provided to the Court less than ten (10) business days prior to the scheduled hearing or for the first time during the hearing may not (in the Court's discretion) be considered. **The Court, on occasion, may rule on motions without a hearing. Therefore, counsel are encouraged to timely file written argument supporting and opposing their positions with the Court.**

K. Limitation on Hearings: All hearings related to dispositive motions and trial matters must be **filed and heard prior to the pre-trial conference pursuant to the deadlines set forth in the Court's Case Management Order Setting Case for Trial.** Motions in Limine (MIL) are governed by Section XVIII *infra*. Motions for Summary Judgment (MSJ) are governed by Section XIV *infra*. **NO HEARINGS DIRECTED TOWARDS MATTERS INVOLVING THE TRIAL, MSJ, OR MIL WILL BE HEARD DURING THE ACTUAL TRIAL PERIOD** absent unanticipated events occurring.

L. Meet and Confer Requirement: A mandatory meet and confer process is hereby established as set forth below, for all motions to be ***set for hearing*** in Circuit Civil Division CV-E and to occur ***before*** scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; default, default final judgment, default summary judgment; or to permit maintenance of a class action.

Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion and include a Certificate of Compliance (attached hereto as “Exhibit A” “First Option”) that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

The term “confer” requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.

Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel (attached hereto as “Exhibit A” “Second Option”).

Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

Counsel who notices the hearing shall ensure that the court and the court’s judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.

IV. REQUEST FOR EMERGENCY HEARING:

The Court will decide whether the reasons set forth in a motion for emergency hearing and/or the allegations contained in the motion constitute an actual emergency. If the Court determines that the motion does allege an actual emergency, it will take whatever action deemed appropriate, including entry of an *ex parte* order if permissible by law.

V. HEARING REQUIRING MORE THAN ONE (1) HOUR:

Any Motion, regardless of whether the hearing will be conducted in-person, telephonically, and/or via Zoom, for which counsel is seeking more than one hour of hearing time must be scheduled with the Court during Ex Parte (See Section I, *supra*).

VI. CANCELLATION OF HEARING:

A. When cancelling a hearing, please call the Court with opposing counsel's office on the line. You may also email the Judicial Assistant and copy opposing counsel notifying the Judicial Assistant of the cancellation.

B. DO NOT assume the hearing is automatically removed from the Court's calendar. If you do not receive a telephone call or email confirming the cancellation, please try contacting the Judicial Assistant again. **A Notice of Cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. Cancellation of a hearing MUST be confirmed with and by the Court.**

C. When a hearing on a motion to compel discovery or a motion for protective order has been placed on the Court's calendar, the hearing may not be cancelled without the Court's consent and an order or agreed order submitted to the Court ruling on said motion(s). *See First Amended Administrative Order No. 88-2* on the Court's website.

VII. MOTION TO COMPEL OR MOTION FOR SANCTIONS FOR FAILURE TO PRODUCE DISCOVERY AND MOTION FOR PROTECTIVE ORDER:

To avoid recurring discovery problems and curtail perceived abuses in discovery and unnecessary delays, counsel should comply not only with the technical provisions of the discovery rules, but also with the purpose and spirit of these rules. *Bainter v. League of Women Voters of Fla.*, 150 So. 3d 1115, 1118 (Fla. 2014). Whether conducting or responding to discovery, and in both oral and written practice, counsel must conduct themselves consistent with the standards of behavior codified in (1) the Oath of Admission to The Florida Bar; (2) The Florida Bar Creed of Professionalism; (3) The Florida Bar Ideals and Goals of Professionalism; (4) The Rules Regulating The Florida Bar; (5) the decisions of the Florida Supreme Court and (6) the applicable code of conduct and standing orders promulgated by the Fourth Judicial Circuit and Division CV-E. Counsel should also familiarize themselves with the current "Florida Handbook on Civil Discovery Practice" as a quick reference for many recurring discovery problems and quickly access legal authority for various topics. This handbook can be found on the Court's website.

Once a Motion to Compel or a Motion for Sanctions is scheduled on the Court's calendar, **it will not be removed for any reason, even if agreed to by counsel for the parties.** *See First Amended Administrative Order No. 88-2* on the Court's website. The only exception is if the case is completely resolved and settled by the parties.

All discovery motions and motions to compel must be set for hearing to bring the matter to the Court's attention. The mere filing of a motion is insufficient. Any motions filed but not set

for hearing will be considered abandoned. All such discovery motions must comply with the Florida Rules of Civil Procedure including, but not limited to, a certification of a good faith attempt to resolve that matter without court action. *See Fla. R. Civ. P. 1.380(a)(2)* and the “Meet and Confer Requirement” (See Section III. L.) *supra* for motion hearings.

The filing of a Motion for Protective Order, without attempting to set it for immediate hearing, is insufficient to protect from any discovery requested. The Court will make itself available for immediate hearings on said motions where the motion could not have been filed and heard in the due course of discovery. Where necessary, and when possible, the Court will hear and, if possible, rule by telephone on motions or substantive objections that occur during depositions where a failure to do so would require the stopping of a deposition and the resetting of same depending on the Court’s ruling.

VIII. COMPULSORY MEDICAL EXAMINATIONS (CME):

See Division CV-E Guidelines Regarding Compulsory Medical Examinations on the Court’s website.

IX. ELECTRONICALLY STORED INFORMATION DISCOVERY (ESI):

See Division CV-E Standing Order on Electronically Stored Information Discovery on the Court’s website.

X. DISCLOSURE OF PROTECTED HEALTH INFORMATION:

See Division CV-E Standing Order on Disclosure of Protected Health Information on the Court’s website.

XI. POST-ACCIDENT SURVEILLANCE VIDEO:

It is well-established that upon receipt of a proper request to produce or interrogatories under Rule 1.280 of the Florida Rules of Civil Procedure, the existence of post-accident surveillance video ***must be disclosed*** whether or not it will be used at trial. *Dodson v. Percell*, 390 So.2d 704, 707-08; *see also Huet v. Trump*, 912 So.2d 336, 338 (Fla. 5th DCA 2005) and *Hunt v. Lightfoot*, 239 So.3d 175, 177-78 (Fla. 1st DCA 2018) (emphasis added).

It is also well-established that although the ***existence*** of the surveillance must be disclosed upon request whether or not it will be used at trial, the ***content*** of the surveillance is discoverable only if it will be used at trial for substantive, corroborative, or impeachment purposes. Thus, the contents of post-accident surveillance video not intended to be presented at trial are considered attorney work product and subject to protection, not discoverable unless a showing of extraordinary circumstances can be made. *See Dodson*, 390 So.2d at 707-08; *Huet*, 912 So.2d at 340-41; and *Hunt*, 239 So.3d at 177-78.

The type of post-accident surveillance video at issue in *Dodson* of a purportedly injured plaintiff taken after the accident occurred characterized by the Florida Supreme Court as work

product should be distinguished from a static, permanent store security surveillance video of the accident itself which is generally considered non-work product, discoverable under the Rules of Civil Procedure, which are designed to “prevent the use of surprise, trickery, bluff and legal gymnastics.” *Target Corporation v. Vogel*, 41 So.3d 962, 963 (Fla. 4th DCA 2010) quoting *Surf Drugs v. Vermette*, 236 So.2d 108, 111 (Fla. 1970).

The Florida Supreme Court in *Dodson* held that judges have discretion to order the depositions of parties to be conducted before requiring production of post-accident surveillance video that is going to be used at trial. *Dodson*, 390 So.2d at 708. Post-*Dodson*, a bright line rule has been established that such surveillance video need not be produced until the surveilling party has had the opportunity to depose the subject of the video. *Hankerson v. Wiley*, 154 So.3d 511 (Fla. 4th DCA 2015).

Generally, post-accident surveillance video that is going to be used at trial is subject to discovery and may not be used as a last-minute surprise at trial. Therefore, late or surprise disclosures of such surveillance videos are discouraged and disfavored as such tactics frequently lead to, at best, otherwise unnecessary and inefficient extensions of the Court’s existing pretrial deadlines or at worst trial continuances resulting in the Court failing to manage a case to its presumptively reasonable time period for the completion of cases in the trial courts of this state. See Rules 2.250 and 2.545, Fla. R. Gen. Prac. & Jud. Admin. In order to permit adequate time to incorporate the disclosure of such surveillance videos into the natural flow of the fact and expert discovery proceedings and other pretrial deadlines in the Court’s *Case Management Order Setting Case for Jury Trial and Pretrial Conference and Requiring Matters to be Completed Prior to Pretrial Conference* the surveilling party must disclose such post-accident surveillance videos, together with a written disclosure filed with the Court containing the names and business addresses of each person (i.e., videographer, private investigator) involved in conducting the surveillance and obtaining the surveillance videos together with a brief description of the nature of their involvement, and produce such unedited surveillance video to opposing counsel, or the opposing party if *pro se*, **no later than ONE HUNDRED EIGHTY (180) DAYS** prior to the Pretrial Conference.

XII. GUIDELINES REGARDING PRIVILEGE LOGS AND *IN CAMERA* REVIEW PROCEDURES:

See *Division CV-E Guidelines Regarding Privilege Logs and Procedures for In Camera Review and Inspection of Documents, Materials, and Records* on the Court’s website.

XIII. PROCEDURES FOR SCHEDULING F.S. 90.702 (“*DAUBERT*”) TYPE HEARINGS:

See *Procedures for Scheduling F.S. 90.702 (“Daubert”) Type Hearings in Division CV-E* on the Court’s website.

XIV. PROCEDURES FOR PLEADING, SCHEDULING, AND HEARING MOTIONS FOR SUMMARY JUDGMENT MOTIONS:

See *Procedures for Pleading, Scheduling, and Hearing Summary Judgment Motions in Division CV-E* on the Court's website.

XV. PROCEDURES FOR SETTLEMENT OR DISMISSAL OF CASES:

If a case settles or is voluntarily dismissed and there are future hearings, or a trial scheduled on the Court's docket, please provide the Court's Judicial Assistant with a courtesy copy of an e-filed Notice of Settlement or Dismissal immediately by email to allow the Court to free up hearing/trial time for other cases. Counsel shall also notify the Court of any pending hearings that will be canceled as a result of the settlement. Parties are directed to file appropriate dismissal papers including the Final Disposition Form (see Form 1.998) as required by the Florida Rules of Civil Procedure (Rule 1.545). In the event of settlement, the parties shall immediately file a Notice of Settlement. The parties shall immediately meet and confer to prepare an *Agreed Case Management Order Regarding Settlement* (template found on the Court's website in Word format) to be submitted to the Court detailing the anticipated timeline for final disposition of the action pursuant to Rule 1.545 Fla. R. Civ. P. Additionally, the parties shall submit a stipulation for an order of dismissal or shall file a dismissal with prejudice. A copy of the mediation report is insufficient to remove the case from the Court's hearing calendar or trial docket.

XVI. MINOR'S SETTLEMENT:

See *Guidelines Regarding Approval of Minor's Settlement* on the Court's website.

XVII. ATTORNEY'S FEES AND COSTS:

If entitlement has not been found, a hearing on entitlement must be set first. If entitlement has previously been found or if entitlement is not being contested, counsel seeking attorney's fees and costs shall prepare the Order finding entitlement incorporating by reference Division CV-E's *Procedures on Motion to Tax Costs and Award Attorney's Fees* found on the Court's website. The parties shall comply with said procedures prior to the Court holding an evidentiary hearing on reasonableness.

XVIII. MOTIONS IN LIMINE (MIL):

A. MIL may not be scheduled for a hearing unless counsel have complied with the "Meet and Confer Requirement" (See Section III L.), *supra* and such MIL contain a certification of a good faith attempt as to each item to resolve the matter without court action in the form of a Certificate of Compliance (attached hereto as "Exhibit A") that the conference has occurred in the Notice of Hearing filed with the Court. Notices of hearing on MIL must identify the specific issues which remain in controversy after counsel have met and conferred. MIL will not be heard during the trial.

B. All case specific MIL shall be filed, served, noticed, and heard or agreed to by the parties no later than the deadline set forth in the case management order or the order setting case for jury trial. The MIL shall state with particularity the grounds upon which it is based and the substantial matters of law to be argued and shall identify any evidence or supporting material on which the movant relies.³ Opposing counsel shall have five (5) business days to file a written response if they wish. Courtesy copies of such MIL, Notices of Hearing, written response(s), hearing notebooks, legal memorandums and citations are governed by Sections III I. and J. *supra*.

C. The Court may summarily rule on any MIL not written with particularity as described above. Any MIL not timely filed and/or not discussed by counsel at the meet and confer and (if unresolved) not set for hearing will be considered abandoned.

D. The party filing the MIL will prepare the proposed order on any contested hearing reflecting the Court's rulings(s). All counsel is reminded that rulings on MIL are non-final orders subject to modification during trial as evidence is presented.

XIX. EMERGENCY MOTION/MOTION FOR REHEARING/MOTION FOR NEW TRIAL:

The Motion should first be e-filed with the Clerk of Court. The movant must provide the Court a courtesy copy of the Motion by mail, hand delivery or email. However, any large documents (more than 20 pages, including attachments) must NOT be emailed, rather, in such case, the movant should follow the procedures set forth in Section III. I. and J. *supra*. If any party requests a hearing set on the Motion, that party should contact the Court consistent with the instructions above (See Section III). *supra*. The request for hearing may or may not be granted.

XX. PROPOSED ORDERS WHEN THE COURT MAKES A RULING:

The Court will strive to issue orders and rulings in a timely manner. Every effort will be made to rule the day of the hearing.

³ "Omnibus" and "boilerplate" motions in limine are discouraged. *Boyles v. A&G Concrete Pools, Inc.*, 149 So.3d 39, 43-44 (Fla. 4th DCA 2014) ("Motions in Limine can serve an important function in streamlining a trial. The excessive use of them, however, can clog the docket and become a trap. Boilerplate motions in limine filed early in a case have dramatically increased since the amendment of section 90.104, Florida Statutes in 2003. This amendment modified the rule requiring a contemporaneous objection to preserve an objection to the admission of evidence on appeal.... Civil litigants now attempt to obtain blanket rulings well in advance of trial on every conceivable reason to object to evidence at trial, whether or not those matters apply to the facts of the case. Therefore, when the trial is held later, litigants believe that they do not have to object at all, and appellate issues will still be preserved. Trial judges may be put in the position of having to sua sponte strike evidence or hazard an appellate reversal with the requirement of a new trial.... Trial judges do not have to consider such motions well in advance of trial. Many times, they should not rule in advance. Evidentiary issues often depend upon the context in which they are raised or the other evidence which is admitted or developed through discovery. Where evidence excluded by a prior order in limine is admitted inadvertently, simply because it was not pointed out to the trial court that the evidence violated the order, this provides an appealable issue and an opportunity for a new trial, even though the error could have been easily corrected had it been pointed out by the parties. To prevent that from occurring in this case, the trial judge astutely required the parties to object to any evidence sought to be excluded. Because the Plaintiff did not object, this issue was not preserved for appeal").

A. Proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If counsel is asked to prepare an order, the order should be drafted and circulated to opposing counsel within three (3) working days and must be submitted to the Court within seven (7) days of the hearing, with a copy to opposing counsel.

2. All orders must describe, in the caption, the subject and ruling of the court, i.e. “*Order Granting Plaintiff’s Motion for Partial Summary Judgment on Liability.*” See Fla. R. Civ. P. 1.100(c)(1).

3. If there is an unrepresented party involved in the case not using e-Portal, the proposed Order must be submitted to the Court in writing, with sufficient copies for an original to be entered by the Court and a copy for each party not using e-Portal. Further, the party presenting the proposed Order, shall be responsible for providing **addressed, stamped envelopes for parties not using the e-Portal;**

4. If all parties before the Court are using e-Portal, the proposed Order may be emailed to the Court in Microsoft Word format; and

5. The proposed Order service list must contain e-filing addresses for opposing counsel/unrepresented party. If an unrepresented party does not receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

6. If the parties are unable to agree on the form of the order that accurately reflects the Court’s ruling, both sides shall present their respective proposed orders to the court for consideration within seven (7) days of the hearing with copies to opposing counsel. The party objecting to the proposed order shall also present a “redline” or “blackline” version, in Microsoft Word format, of the proposed order to the Court, together with a transcript of the hearing if a Court Reporter was requested by any party. The purpose of providing the Court with a “redline” or “blackline” version, in Microsoft Word format, of the proposed order is to allow the Court to compare the versions of the competing proposed orders to consider and comprehend what has been changed, revised or added. Copies of any such “redline” or “blackline” version of the proposed order and hearing transcript shall be provided to opposing counsel/unrepresented party.

7. If you want to know if a specific order has been signed by the Judge, you should first check the Clerk of Court’s records system to confirm it has been docketed as the Judicial Assistant is unable to track the signing of a specific order.

B. ALL PROPOSED ORDERS PRESENTED FOLLOWING HEARING, whether submitted to the Court in writing or via email as contemplated *supra*, MUST INCLUDE A COVER LETTER INDICATING:

1. What the Order is for (i.e. the case, the motion heard, including date and time, the title of the Order, etc.); and

2. That all opposing counsel/unrepresented parties have been provided with the same materials being provided to the Court, and whether the parties agree with the language of the proposed Order.

C. **All counsel and unrepresented parties must be copied on the cover letter, including any proposed Order, at the same time provided to the Court.** If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed Order and letter to the Court consistent with the instructions above.

NOTE: Any complex proposed Orders should be submitted in Microsoft Word format via email to the Court with a cover letter consistent with the instructions above.

XXI. PROPOSED ORDERS WITHOUT A HEARING:

A. Proposed Orders without a hearing may be submitted to the Court **with a cover letter**, which must be copied to all opposing counsel/unrepresented parties. A courtesy copy of the motion, joint stipulation, etc. related to the proposed Order must be provided. The letter must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether opposing counsel/unrepresented party agrees with the language of the proposed Order. The service list on the Order must contain e-filing addresses for opposing counsel/unrepresented parties.

B. If counsel does not have an email address for an unrepresented party, counsel must mail or hand-deliver the proposed Order, cover letter and all attachments to the Court consistent with the instructions above. If an unrepresented party does not receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope for that party.

C. All consent Orders shall include the word “Consent” or “Agreed” in the caption of the proposed Order, and must describe in the caption, the subject and ruling of the court, i.e., “*Agreed Order Granting Plaintiff’s Motion for Partial Summary Judgment on Liability.*” See Fla. R. Civ. P. 1.100(c)(2).

D. The proposed Order service list must contain e-filing addresses for opposing counsel/unrepresented party. If an unrepresented party does not receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

E. If you want to know if a specific order has been signed by the Judge, you should first check the Clerk of Court’s records system to confirm it has been docketed as the Judicial Assistant is unable to track the signing of a specific order.

XXII. PROPOSED ORDERS AFTER COURT TAKES MATTER UNDER ADVISEMENT:

If it is necessary to take an issue or matter under advisement, the Court will endeavor to self-impose a reasonable and prompt deadline by which it will issue its ruling.

A. The Court will give the movant(s) and nonmovant(s) specific instructions and deadlines for submitting proposed orders to the Court at the close of the hearing, however, in general, the movant(s) and nonmovant(s) and counsel for the movant(s) and nonmovant(s) should expect and be prepared to comply with the following requirements:

1. file the respective proposed orders as exhibits attached to a “Notice of Filing Plaintiff/Defendant’s Proposed Order on Defendant’s/Plaintiff’s Motion _____” cover pleading in the court file;
2. generally, the Court will establish a reasonable deadline for filing the proposed orders within 7 days following the hearing;
3. a courtesy copy of the proposed orders must be emailed to the Court’s Judicial Assistant in Word format by the same deadline as the filing of the proposed orders;
4. not as an additional written argument or legal briefing requirement, but to provide counsel an opportunity to plead any exceptions or objections to the form of opposing counsel’s proposed orders (i.e., citing materials not in the record or citing to materials in the record, but not previously cited in the factual positions supporting the motion/response; findings not based on the record testimony/evidence), generally the Court will establish a reasonable deadline for filing the exceptions/objections pleading within 5 days following the filing of the proposed orders;
5. a courtesy copy of any such filed exceptions/objections pleading must be emailed to the Court’s Judicial Assistant by the same deadline as the filing of the same.

XXIII. JURY TRIAL DEADLINES:

See the form *CV-E Case Management Order Setting Case for Jury Trial and Pretrial Conference and Requiring Matters to be Completed Prior to Pretrial Conference* found on the Court’s website.

XXIV. NON-JURY TRIAL DEADLINES:

See the form *CV-E Case Management Order Setting Case for Non-Jury Trial and Pretrial Conference and Requiring Matters to be Completed Prior to Pretrial Conference* found on the Court’s website.

XXV. MEDIATION:

See the form *CV-E Order Referring Parties to Mediation* found on the Court’s website.

XXVI. WITHDRAWAL OF COUNSEL:

All Motions to Withdraw must set forth reasons for withdrawal and be set for hearing, with proper notice to the client, in accordance with Fla. R. Gen. Prac. & Jud. Admin. 2.505(f)(1), and

all parties/attorneys. If the motion is granted, the attorney moving to withdraw shall prepare a written order setting forth the client's last known address, telephone number, and email address. In addition, the order should provide the client a reasonable time period to retain an attorney. If the client is a corporation or other entity, the order should also contain a provision putting the client who is a business entity, trustee or a trust, personal representative of an estate, or otherwise named in a representative capacity, not an individual person, on notice that it cannot represent itself pro se through its owners, officers, directors, managers, or other representatives in Circuit Court. A template Division CV-E *Order Granting Motion to Withdraw* can be found on the Court's website in Word format.

XXVII. EX PARTE PERSONAL COMMUNICATIONS/CORRESPONDENCE:

The Court **CANNOT** and **WILL NOT** engage in nor accept any ex parte personal communications or correspondence on a case. If you have a matter to bring to the Court's attention, please file the proper motion with the Clerk of Court and copy all parties and/or counsel in the case with said motion.

"Exhibit A"

First Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person or by telephone with opposing counsel in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

/S/ _____

Counsel for the party who noticed
the matter for hearing.

Second Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person or by telephone on:

1. _____ (Date) _____ at _____ (Time) _____;
2. _____ (Date) _____ at _____ (Time) _____; and
3. _____ (Date) _____ at _____ (Time) _____;

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

/S/ _____

Counsel for the party who noticed
the matter for hearing.

DUVAL COUNTY RULES OF COURT

DIVISION CV-F

JUDGE JAMES H. DANIEL

LAST UPDATE 5/28/2024

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JUDGE JAMES H. DANIEL
DIVISION CV-F
JENNIE PRATHER, JUDICIAL ASSISTANT
501 West Adams Street, Chambers # 736
Jacksonville, FL 32202
Phone: (904) 255-1240
jprather@coj.net
CV-F Procedures

To find out any information about division CV-F please call the office, email, or look up our information on the web. Fourth Judicial Circuit web page for the Judges' procedure info:

<https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>

Ex Parte: Ex parte hearings are currently suspended.

- Motions to set for trial are being handled by email or time certain hearings.
- For any ex parte orders counsel wish to have addressed, counsel should provide the Court with a cover letter, the motion, supporting documentation and proposed order (in Word format) via the e-portal. The Court will review and enter order if appropriate. If a hearing is required, you will be notified of the need to set the matter for hearing and dates will be provided.

Setting Case for Jury Trial:

- Setting a case for a jury trial will be done through e-mail, if the parties agree on a trial week, mediator, and the JT is 5-days or less.
- Once a Motion to Set for Trial or Notice of Trial is filed, the moving party shall submit a copy of the motion/notice and **completed** trial set memorandum by email to the judicial assistant and copy all other attorneys and pro se parties. The parties shall complete all information in the form, including the desired mediator and trial date. The trial set memorandum and available trial dates are posted on the judges' webpage at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>.

-Judicial Assistant will set a time certain for a Motion to Set, if there are any disagreements on mediators, trial dates or if the JT will take longer than 5-days.

Setting Case for Non-Jury Trial:

-Once a Motion to Set for Trial or Notice of Trial is filed, the moving party shall submit a copy of the motion/notice and completed trial set memorandum by email to the judicial assistant and copy all other attorneys and pro se parties. The parties shall complete all information in the form, including the desired mediator. The trial set memorandum is posted on the judges' webpage at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>.

-Judicial Assistant will set a time certain hearing for a Motion to Set a Non-Jury Trial.

**** When a case settles please contact the Judicial Assistant **ASAP** to have the case removed from the trial docket/calendar.

Motion to Continue Trial:

A Motion to Continue Trial must be heard by the Judge. Consented or Contested.

Cancellation of Trial(s):

It is the responsibility of the Plaintiff/Petitioner to contact the office to remove a trial from the docket. Please contact the office by email to cancel the trial and copy all other Attorney's office(s) **(assistants)**. The Judicial Assistant will confirm the cancellation. If you do not receive a phone call or email confirming the cancellation, please try contacting the Judicial Assistant again. **Do NOT assume the hearing is removed by filing a notice of cancelation, notice of dismissal, etc. The Clerk of Court does NOT send all pleadings to the Judge's office.**

****All trials and pretrial conferences are set by the Judge and are subject to change.

Scheduling a Hearing for Pending Motions/CMC/SC:

- To put a pending motion and/or issue on the Judge's calendar the Attorney's office requesting the hearing must email the Judicial Assistant copying all other Attorney's office(s) **(assistants)**.
- Please include the case style, case number, length of time requested and docket line number of pleading. Hearings will **only** be set if the corresponding motion is on the docket.
- Hearing dates provided are **NOT** held and may be given to others. Hearing dates are **NOT** secured until confirmation is sent from the judicial assistant.
- Additional motions may NOT be added and will not be heard to previously scheduled hearings without court approval.
- Proposed orders for hearings should be submitted via email to the Judicial Assistant. For cases where any of the parties are not utilizing E-filing Portal, proposed orders must be submitted via U.S. mail with the appropriate number of copies and envelopes.

Duration Times for a Hearing:

Hearings that require more than 1 (one) hour of time must be approved by the Court. Fill out the *trial/hearing set memorandum* and email to Judicial Assistant.

Telephonic/Zoom Appearances:

Telephonic or Zoom appearances may be permitted for short, non-evidentiary hearings. The Court allows attorney(s) to appear telephonically or by Zoom for motion hearings consisting of thirty (30) minutes or less without permission from the Court. Please notify the judicial assistant of the telephonic/zoom appearance when setting a hearing. Hearings longer than 30-minutes require permission from the Court. Remote appearances are not permitted for hearings exceeding 1-hour in duration, except upon motion, good cause shown and leave of Court. The Court may deny remote appearances.

Cancellation of Hearing(s):

It is imperative the Court be notified. The moving party who set the hearing is the party required to contact the office to cancel the hearing. The parties shall immediately file a Notice of Cancellation and e-mail a copy of the Notice to the Judicial Assistant. The Judicial Assistant will confirm the cancellation. If you do not receive a phone call or email confirming the cancellation, please try contacting the Judicial Assistant again. **Do NOT assume the hearing is removed by filing a notice of cancelation, notice of dismissal, etc.** **The Clerk of Court does NOT send pleadings to the Judge's office.**

Courtesy Copy of Motions on the calendar:

A courtesy copy of the motion(s) and any pleadings pertaining to the motion/hearing for **ALL** time certain scheduled hearings for division CV-F are required. Send a copy of any pleadings that may be referred to during the scheduled hearing... i.e. Motion Dismiss requires a copy of the Complaint, any memorandum(s) and/or any other pleadings regarding the motion. **Please DO NOT send case law, Judge Daniel can look up quoted case law...only send pleadings.** Please submit the copies **at least three (3) business days prior** to the scheduled hearing. Any materials pertaining to a hearing over 30-pages should not be emailed but delivered by U.S. Mail or hand delivery. **PLEASE SEND ONLY ONE COPY.** Not complying with the Court's request for copies may result in the hearing being canceled without notice.

Emergency Motions/ Motion for Rehearing/Motion for New Trial:

The original motion/petition should be properly filed with the Clerk of Court. The Court requires a copy to be delivered to the office by email, mail or hand delivery. **PLEASE SEND ONLY ONE COPY.** The Judicial Assistant will contact the attorney's office if it is necessary to set a hearing.

Motion to Compel or Motion for Sanctions for Failure to Produce Discovery:

A hearing for a Motion to Compel or Motion for Sanctions is an **in-person** hearing and will be set for 30-minutes. Once a Motion to Compel or a Motion for Sanctions is scheduled on the calendar, it will remain on the calendar. Even if the issue is resolved the attorneys will still have to come in-person before the Judge to explain the reason(s) of the filed motion and the necessity of it to be placed on the Judge's calendar. **A hearing set for a Motion to Compel or Motion for Sanctions will NOT be removed from the calendar for any reason.** The only exception a Motion to Compel or Motion for Sanctions will be removed from the calendar is when the case completely settles.

Instructions for Proposed Orders:

All proposed orders should be filed through the e-portal, **except** when directed by Judge Daniel.

You may click on this link for order templates and instructions on how to file your proposed orders via the e-portal: <https://www.jud4.org/Proposed-Orders-EFiling.aspx>

1. A cover letter indicating what the Order is for... i.e. hearing date and time, etc. The cover letter should also indicate if it is consented to or if opposing party objects, and all parties are copied with same. The cover letter, copy of motion and order should be submitted through the e-portal. (Order only should be in Word format). (One cover letter is sufficient for all proposed order(s) – you do not need to submit cover letter for each order).
2. A consented or agreed to order should have in the caption “Consent” or “Agreed”, or it should have the agreeing parties' signatures.
3. When an order is submitted where there is an unrepresented party or parties not receiving service through the e-portal, the attorney submitting the order is responsible for ensuring copies of the order(s) are mailed to any unrepresented party or parties and a Notice of Service is filed on the case. The following language should be on all orders for party or parties not receiving service through the e-portal:

Counsel shall serve a copy of this Order, by regular mail, to all parties not receiving service of court filings through the Florida Courts E-Filing Portal and shall file a certificate of service in the court file.

4. Please **DO NOT** submit an order by email unless Judge Daniel **REQUESTS** the order to be sent via email. Sending an order via email without a request may cause a delay in an order being entered.

a. Requested orders from the outcome of a hearing should be emailed in Word format for any potential modifications.

DUVAL COUNTY RULES OF COURT

DIVISION CV-G

JUDGE MICHAEL SHARRIT

LAST UPDATE 2/14/2022

SIZE: 2 PAGES





JUDGE MICHAEL S. SHARRIT

FOURTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA

HEARING ROOM 705

DUVAL COUNTY COURTHOUSE

501 WEST ADAMS STREET

JACKSONVILLE, FLORIDA 32202

LISA CARPENTER, JUDICIAL ASSISTANT

LRCARPENTER@COJ.NET

(904)255-1249

CIVIL DIVISION CV-G PROCEDURES

Ex Parte – Scheduling Cases for Trial

Following consultation with opposing counsel, the moving party shall submit a copy of the motion to set case for trial and completed trial set memorandum by email to judicial assistant, Lisa Carpenter at LRCarpenter@coj.net. The trial set memorandum may be found on the Court's website. All cases shall be referred to mediation (exceptions by leave of Court only). Please include the requested trial period and mediator's full name and email address on the memorandum. Envelopes must be provided for any pro se litigant(s) by the moving party, unless an email address is provided for service.

Motions, Hearings and Orders

Scheduling is done via email. Submit hearing requests to LRCarpenter@coj.net. Please include the case style, case number, length of time requested and docket number. Hearings will only be set if the

corresponding motion is on the docket. Hearing dates are not held nor are they secured until you have received a confirmation email. Courtesy copies of hearing notices are not required to be sent to our office.

Hearing location information is as follows, unless other noted:

Duval County Courthouse
501 West Adams Street, Hearing Room 705
Jacksonville, Florida 32202

- Video or telephonic appearances may be permitted for short, non-evidentiary hearings. Remote appearances are not permitted for pre-trial conferences; foreclosure proceedings; case management conferences; or hearings exceeding 30 minutes in duration, except upon motion, good cause shown and leave of Court.
- Additional motions may not be added to previously scheduled hearings without court approval.
- Proposed orders should be submitted via email to LRCarpenter@coj.net in Microsoft Word or PDF format. For cases where one or more of the parties is pro se, proposed orders must be submitted via U.S. mail with the appropriate number of copies and envelopes.
- Memoranda of law and supporting material should be submitted at least three days prior to the scheduled hearing.
- Requested hearing cancellations must be communicated to LRCarpenter@coj.net.
- Proposed orders submitted following a hearing should be accompanied by a cover letter verifying approval by opposing counsel.
- Consent orders submitted without a hearing should be accompanied by motion and cover letter certifying non-objection by opposing counsel.
- All motions do not require a hearing. The Court may issue rulings on a motion without a hearing, and without prior notice to counsel or parties.

USE OF SPECIAL MAGISTRATES

The Court is aware that, for many reasons, there may be a significant delay in obtaining hearing times. The parties are encouraged to consider the use of a Special Magistrate pursuant to Florida Rule of Civil Procedure 1.490(b). If all parties agree, please submit a Joint Motion to Appoint Special Magistrate along with a proposed Order identifying the Special Magistrate and the issues to be referred.

CASE SETTLEMENT

If a case settles after it has been set for trial or hearing, Plaintiff's counsel shall immediately notify the Court by email addressed to LRCarpenter@coj.net.

DUVAL COUNTY RULES OF COURT

DIVISION CV-H

JUDGE GI FELTEL, JR

LAST UPDATE 9/12/2023

SIZE: 6 PAGES



JUDGE G.L. FELTEL, JR.
Circuit Civil Division CV-H
Hearing Room 712

Duval County Courthouse
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Zoom ID: 876 863 2186

Website: <http://www.jud4.org/ex-parte-procedures-and-dates>

INTRODUCTION

Rule 1.010 of the Florida Rules of Civil Procedure and the Rules of Judicial Administration encourage the speedy, just and inexpensive determination of every action, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. These policies and procedures are intended to most efficiently and effectively apply the Florida Rules of Civil Procedure, which shall control if there is any conflict between the two.

EX-PARTE HOURS

The Court finds that unopposed matters are almost exclusively transmitted electronically (whether proposed orders or trial set memoranda). **Accordingly, the Ex Parte hearings are suspended until further notice.**

SETTING MATTERS FOR TRIAL (JURY AND NON-JURY)

When the case is at issue, any party may file a Motion to Set Matter for Trial. The parties may obtain a trial date without the requirement to appear during Ex-Parte hours by jointly completing the Trial Set Memorandum (found under CV-H at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures.aspx>) and providing it by e-mail to HanrahanT@coj.net along with (i) the proposed mediator and (ii) the proposed trial week(s).

Alternatively, the parties can also coordinate the best Ex-Parte date and file a Notice of Hearing. Neither the Motion to Set nor the Notice of Hearing need to be

provided to the Court. At the Ex-Parte hearing, the parties shall provide a completed Trial Set Memorandum (available on the Court's web page or in Hearing Room 712) along with (i) the proposed mediator and (ii) the proposed trial week(s). The movant shall also provide the Court with pre-stamped, addressed envelopes for any party not receiving electronic filings. **(Accordingly, the Ex Parte hearings are suspended until further notice.)**

In either event, the Court will then prepare and e-file the Trial Order.

If the case settles, the parties shall immediately notify the Court so that it may be removed from the trial calendar.

SCHEDULING HEARINGS

ALL hearings must be coordinated with opposing counsel. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties in an email. If there are more than four parties, then the moving party's attorney may contact the Judicial Assistant to request available dates and then coordinate with all other parties. Please do not include or copy the Judicial Assistant on those coordinating emails. Dates provided for hearings are not held and may be given to other cases. It is expected that all counsel will promptly respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. This office will confirm once a hearing date is secured.

Once a hearing time is set, the moving party shall file and serve a Notice of Hearing within 2 business days emailing a courtesy copy to the Judicial Assistant after it has been filed. No party may add or notice additional matters for that time without the express consent of all parties and confirmation from the Court.

If the parties cancel a hearing, the parties shall immediately file a Notice of Cancellation and e-mail the Notice to the Judicial Assistant. It is imperative the Court have the opportunity to repost the hearing time for use in other cases.

Any party seeking to appear telephonically for a hearing shall move the Court for permission at the time the hearing is requested. Telephonic appearances are a privilege, not a right. Attendance by telephone is usually permitted in non-evidentiary hearings of 30 minutes or less. The Court may deny telephonic appearances if there is a history of problems or issues that impede the Court's scheduled hearings. If permission to appear telephonically is granted, the counsel attending telephonically shall comply with Rule 2.530 of the Florida Rules

of Judicial Administration and make all necessary arrangements in advance with the Judicial Assistant to be on the phone and ready to proceed at the scheduled hearing time. If more than one person is appearing telephonically, the parties are responsible for making arrangements in advance so that only one line is calling into the Court at the time of hearing. (**Accordingly, the Ex Parte hearings are suspended until further notice.**)

The Court's hearing schedule has very little, and sometimes no time in-between hearings. Please arrive early and allow plenty of time for parking. Failure to timely appear for a hearing may result in the motion being denied (if moving party) or the motion being heard without you (if the non-moving party). Moreover, the Court will enforce the time limits set for each hearing. Any matters not resolved during the scheduled hearing time will have to be re-scheduled or decided after an opportunity for written briefing.

USE OF SPECIAL MAGISTRATES

The Court is aware that, for many reasons, there may be a significant delay in obtaining hearing times. The Court encourages the parties to consider the use of a Special Magistrate pursuant to Florida Rule of Civil Procedure 1.490(b). If all parties agree to the appointment of a Special Magistrate, please submit a Joint Motion to Appoint Special Magistrate along with a proposed Order identifying the Special Magistrate and the issues to be handled by him or her. The parties are responsible for the cost of the Special Magistrate.

COURTESY COPIES

If, in the attorney's professional judgment, providing the Court with a courtesy copy of a motion, accompanying memoranda or case law would assist the Court in deciding a motion more expeditiously, the attorney should provide those materials **at least 5 days prior to the hearing**. Any motion(s), accompanying memoranda or case law over 20 pages should not be emailed **but** delivered by U.S. Mail or hand delivery. Although the Court operates with limited resources and a substantial caseload, it endeavors to decide motions as promptly as reasonably practical. The Court appreciates efficiency and brevity in all motions and memoranda.

Motions, pleadings and memoranda may be provided by e-mail as well as U.S. Mail or hand delivery. Any binders containing case law shall be **received** by the Court **at least 5 days prior to the hearing**, with copies provided to all other parties

at the same time. Failure to abide by these terms may result in the hearing being canceled by the Court without notice.

The Court encourages all parties to work together where possible to submit one copy of the supporting materials necessary for the Court's consideration.

MOTIONS FOR REHEARING, NEW TRIAL OR EMERGENCY MOTIONS

These motions should first be e-filed with the Clerk of Court. The party filing the motion shall provide a copy for review by U.S. Mail, hand delivery or e-mail **at the time the motion is filed**. Any motion over 20 pages should not be emailed but delivered by U.S. Mail or hand delivery. Motions for Rehearing are generally ruled upon on the face of the Motion and any response. If a hearing is required, the Court will schedule a hearing with the parties. Requests for "Emergency" hearings will be reviewed by the Court and scheduled accordingly.

CERTAIN MOTIONS TO BE DECIDED WITHOUT HEARING

There are several motions that restrict the Court to the four corners of the pleadings and/or are routinely addressed in the Court's discretion. To achieve a prompt resolution of those motions and to provide available hearing time for other motions, the Court will routinely handle the following motions without a hearing: (i) **Motions to Dismiss**; (ii) **Motions for Judgment on the Pleading**; (iii) **Motions to Strike**; (iv) **Motions for Leave to Amend** (except ones seeking to plead punitive damages); and (v) **Motions for Extension / Enlargement of Time to Respond**.

Upon the filing of one of these motions, the non-moving party may either file a response within 14 days or send a copy of the Motion to the Judicial Assistant via e-mail for ruling. The moving party may reply to a response within 14 days. The moving party shall e-mail the Judicial Assistant (and copy all other parties) with the motion, response and reply when the motion is ripe for determination. After reviewing the submissions the Court may, in its discretion, rule or schedule a hearing as appropriate.

When sending a proposed order to the Court, email the proposed order in Word format, along with the motion attached, to the Judicial Assistant with all parties copied.

DISCOVERY DISPUTES

Florida Rule of Civil Procedure 1.380 provides for the recovery of expenses by the prevailing party in a discovery dispute absent certain findings. Thus, it is the Rule to award expenses to the prevailing party, not the exception. With this in mind, the parties should make every effort to resolve discovery disputes without judicial intervention.

Prior to filing a Motion to Compel the moving party shall confer in good faith with the non-moving party in an attempt to resolve the discovery dispute. The Court does not believe this is merely a “box to check” before filing such a motion. Indeed, the Court fully expects that the description of the good faith conferral may be the lengthiest part of the Motion to Compel. If, for any reason, the moving party is unable to confer with counsel for the non-moving party, there should be a detailed description in the motion of all actions taken by the moving party to confer. The good faith requirement imposes the obligation upon all counsel to promptly reply to a ‘meet-and-confer’ request and to provide availability for that meeting.

Once a Motion to Compel or Motion for Sanctions is scheduled on the Court’s calendar, **it will not be removed without permission of the Court.**

Florida law does not provide for “General Objections.” Any objections to discovery requests must be specific and detailed. Discovery responses listing “General Objections” will be stricken and subject to monetary sanctions.

PROPOSED ORDERS FOLLOWING HEARINGS

Proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If there is an unrepresented party involved in the case not using e-Portal, the proposed Order must be submitted to the Court in writing, with sufficient copies for an original to be entered by the Court and a copy for each party not using e-Portal. Further, the party presenting the proposed Order, shall be responsible for providing **addressed, stamped envelopes for parties not using the e-Portal;**
2. If all parties before the Court are using e-Portal, the proposed Order may be emailed to the Court in Microsoft Word format; and
3. The proposed Order service list must contain e-filing addresses for opposing counsel/unrepresented party. If an unrepresented party does not

receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

All proposed Orders presented following a hearing, whether submitted to the Court in writing or via e-mail as contemplated above, **MUST INCLUDE A COVER LETTER INDICATING:**

1. What the Order is for (i.e. the case, the motion heard, including date and time, the title of the Order, etc.); and

2. That all opposing counsel/unrepresented parties have been provided with the same materials being provided to the Court, and whether the parties agree with the language of the proposed Order.

All counsel and unrepresented parties must be copied on the cover letter, including any proposed Order, at the same time provided to the Court. If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed Order and letter to the Court consistent with the instructions above.

TRIAL TECHNOLOGY

The Court allows parties to utilize technology in their trial presentations. Counsel is responsible for having any technology set-up and ready to use during the trial without causing unnecessary delay. Please contact the Court's Information Technology department at (904) 255-1818 to coordinate any technological issues in advance of the trial or hearing.

9/12/2023

APPENDIX



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CONTACT INFORMATION

E: TextBookDiscrimination@gmail.com

W: www.TextBookDiscrimination.com

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