

SECTION 3 | 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.