

SECTION 7 | 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.

