

State of Florida
Ninth Judicial Circuit of Florida

John E. Jordan
Circuit Judge

Orange County Courthouse
425 North Orange Ave., Ste. 1430
Orlando, Florida 32801
407-836-0443
WWW.NINTHCIRCUIT.ORG

Cathy Stephens
Judicial Assistant

DIVISION 43 GUIDELINES –BUSINESS COURT

**Business Court location:
Orange County Courthouse
425 North Orange Ave., Orlando, Florida 32801**

**CHAMBERS: 1430 (14th floor)
HEARING ROOM: 1400.02 (14th floor)
COURT ROOM: 7B (7th floor)
43Orange@ninthcircuit.org**

BUSINESS COURT PROCEDURES:

The Court expects all parties appearing in Division 43 to be familiar with and to comply with the Business Court Procedures. Parties may find these Procedures on the Business Court website: www.ninthcircuit.org/about/divisions/business-court. Division 43 Guidelines supplement or modify Business Court Procedures.

**ONLY for ex parte / Short Matters (no video):
Telephonic Hearing Line: 1-904-900-2303 with access code: 173 997 6050##**

**ALL OTHER Hearings and Trials: in person / Webex Video:
<http://ninthcircuit.webex.com/meet/ctjuj1> with meeting code: 173 997 6050
or join by phone: 1-904-900-2303 with access code: 173 997 6050##**

Some hearings, for example, Pre-Trial Conference, require in person appearance.

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1. MOTION PRACTICE:

Please read Section 5 of Business Court Procedures (BCP). Majority of Motions will be decided without hearing. Unless otherwise indicated in Business Court Procedures, **once the underlying Motion is Fully Briefed**, any party can move for oral argument. All requests for oral argument must be made by motion. Motions for Oral Argument, opposed or unopposed, shall indicate the reasons why oral argument should be granted, the length of the hearing requested, whether evidentiary, if it is unopposed and must include a separate Certificate of Good Faith Conference under BCP 5.3. The Court will enter an order either granting or denying oral argument and setting forth the amount of time permitted for the hearing, if granted. If oral argument is granted, the movant shall coordinate the hearing time with opposing counsel without delay. Failure to timely schedule hearing may result in the vacating of Order for Oral Argument.

a. NOTICE OF FULLY BRIEFED

1. When a Motion is fully briefed, parties **shall submit via (43Orange@ninthcircuit.org) email, including all parties on said email**, (hard copy pursuant to BCP 5.14, is not required):

- a. The Notice of Fully Briefed Motion. Court will not accept compressed email documents (i.e. Dropbox, etc.).
- b. Fully Briefed Motion Checklist
- c. Proposed Order must be in the current version of Microsoft Word.
- d. If the parties **fail to timely comply with the above**, the Court may enter an Order Denying the Motion as Abandoned. Likewise, if a response/reply is not timely filed (see BCP 5.13) the Court may consider and decide as an uncontested motion.

2. ORDERS:

a. CONTENT OF ORDERS

1. Orders shall be in 14 pt. type Times New Roman, in Word; Proposed Order must be in the current version of Microsoft Word (**No PDF**) format when emailed to 43Orange@ninthcircuit.org. The title of

the Order shall have a full description of the motion and relief granted. The body of the Order shall state the date motion was filed and include page numbers.

2. The Order shall not include the word “Proposed”. Order must be specific as to the relief sought (i.e. “Grant” or “Denied” is not sufficient).
3. Certificate of Service must include service methods to include those parties not participating in the E-Portal. **Counsel shall submit to the Clerk a Notice of Filing which states a copy of the signed order served to any parties not participating in the E-portal.**
4. The Judge’s signature line shall **not start a new page**. “Done and Ordered” should also not begin the signature page. All or a portion of the order must appear above the Judge’s signature.

b. AGREED ORDERS

If the parties have filed a Motion and an agreement has been reached on a proposed Order, the Moving Party, may email to 43Orange@ninthcircuit.org:

1. A cover letter that reflects the agreement of the parties.
2. A Proposed Agreed Order for the Court’s consideration. **See Content of Orders above.**

c. ORDERS WITHOUT AGREEMENT AFTER HEARING

Pursuant to BCP 5.14, following a hearing, if the content of the order is not agreed upon, or if no response is received from opposing counsel, a short matter hearing is required. The Court will not hold orders to await objections.

To check the status of a specific proposed order to see if a ruling has been made by the Judge, Parties shall first review the clerk’s system to see if it has been docketed. If the order in question has not been filed with the Clerk, then an email to the JA at 43Orange@ninthcircuit.org may be sent (including all parties on the email), allowing a minimum of five (5) business days for agreed orders and 14 days for all other orders. The following information shall be included in the email: When and how was the order presented to the court

(email, U.S. Mail/Fed Ex/USPS/etc.) and the date the hearing was held (if applicable).

3. NOTICE OF HEARINGS:

Business Court is located at the Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 32801. Chambers 1430, Hearing Room 1400.02 and Court Room 7B.

Court Reporters must announce their presences prior to the beginning of any hearing. Attorneys are responsible to notify Court Reporters of this requirement.

Court does not print hearing documents. The Court requires courtesy copies **via USB preferred (no Notebooks)**, on all matters set for hearing to be delivered at least five (5) business days prior to hearing. Marked and tagged evidence should be hard copy and submitted to the Clerk of the Court. **USB Drive must be indexed and/or bookmarked/hyperlinked.** A sample electronic courtesy copy is located on the Business Court website. **Do not assign a password to USB**, unless materials confidential.

a. EX PARTE and SHORT MATTER HEARINGS

Pursuant to BCP 5.12, 5.15 and 5.16, Monday through Thursday at 8:30 a.m. in Hearing Room 1400.02 (unless otherwise specified on JACS), short matter non-evidentiary hearings are 20 minutes or less. Motions will be heard on a first come, first served basis with Telephonic hearings (**NO VIDEO DURING EX PARTE / SHORT MATTERS**) heard first and deemed closed at 9:30 am (9:00 am on trial days). Counsel is limited to (1) one motion at a time. These hearings are not coordinated with the JA but must be coordinated with opposing counsel on a date that Judge Jordan is available. **Please check JACS for Judge Jordan's unavailability before scheduling ex parte or short matters hearings.** The Court does not arrange for alternate Judges to cover during his absence.

The Court requires courtesy copies for all short matter hearings at least two (2) calendar days before the hearing occurs via US Mail or hand delivery. Failure to provide courtesy copies before a short matter hearing may result in a delayed ruling or Court order to reschedule the hearing.

Attorneys/Parties may appear at ex parte/short matter hearing by telephonic without motion and order (**NO VIDEO DURING EX PARTE / SHORT MATTERS**). Please note that Telephonic hearing line is a virtual “room” with other participants. Please mute (do not put on hold) all computers/telephones until the judge calls for the case. If there are any issues, contact the Judicial Assistant, Cathy Stephens at 407-836-0443.

b. ALL OTHER HEARINGS

Notice of Hearings must specify: 1) if it is an Evidentiary Hearing (if applicable), 2) date of hearing 3) time of hearing 4) hearing room (including courthouse address) 5) instructions for parties to appear in person, **Webex (include meeting number and Webex call-in numbers)** or a combination (hybrid of both in person and Webex).

Requests for oral argument see paragraph 1 (Motion Practice).

Please note: Once filed, Summary Judgment Motions shall be scheduled for oral argument unless all parties waive oral argument. BCP 5.5 is modified. Motion for Oral Argument is not required. For scheduling purposes, allow for 40 day briefing. Notice of Hearings on Summary Judgement motions **must** schedule the hearing no earlier than 40 days from service of the Notice to allow responding party to comply with Fla. R. Civ. P. 1.510.

When requesting hearing time, please refer to the “Available Hearing Times” link of the Business Court page on the Court’s website (JACS). All Motions **must** be filed with the Clerk prior to scheduling for hearing. Once hearing time is coordinated, **email** the JA at 43Orange@ninthcircuit.org to secure and confirm the time. **All parties must be included when emailing the Judicial Assistant to avoid ex parte communications.** The JA does not set hearing time over the phone. Your hearing time is not confirmed until you receive an email from the Judicial Assistant. Please notify the JA immediately of any cancellations. Last-minute cancellations prevent use of the hearing time by other parties. Parties may not cross-notice (piggy back) other motions without prior approval of opposing counsel and the JA.

c. WEBEX HEARINGS/REMOTE WITNESS OATH

With the exception of ex parte / short matters, and as Ordered by the Court, attorneys/parties/witnesses may appear by Webex for scheduled hearings, no matter the duration of hearing, without the requirement to file a motion.

Five minutes before the hearing, all participants should connect to Webex. At the time of the hearing, the judge will connect to the Webex hearing. *Please Note: You will be entering a virtual “room” with other participants. There will be others on the line. Please mute your computer/telephone until your case is called.*

In light of Covid-19 experience, Business Court suggests attorneys/parties/witnesses appear remotely as it eliminates travel time, scheduling delays and is cost effective. Clients are invited to listen in/watch all proceedings, unless otherwise ordered by the Court.

Attorneys should be prepared to electronically share, via Webex, document(s) in evidence with witness(es) appearing remotely. It is the responsibility of counsel to confirm witnesses have Webex capable equipment and valid identification.

Remote Witness Oath:

1. Any witness appearing remotely shall take the following oath:
“Do you swear or affirm that the evidence you’re about to give will be the truth, the whole truth, and nothing but the truth, and that there is no one else in the room with you who is not identified and no unauthorized person shall communicate with you while you are giving your testimony, including electronic messages from your attorney.”
2. Remote witnesses must truthfully answer the following questions from the Court and witness has a continuing duty to supplement their answers:
 - A. *Please identify any one else in the room.*
 - B. *If someone comes in during the testimony, please stop and tell us.*

C. Do you agree not to look at any paperwork or electronic displayed information without first telling us that you need to do that?

d. CASE MANAGEMENT CONFERENCE HEARINGS

Case Management Conference Hearings are heard via Webex. The Court Ordered, **Joint Case Management Report** (see **BCP 6.3**) is to be emailed to the Court (43Orange@ninthcircuit.org) **and** filed with the Clerk no later than 10 days prior to the Case Management Conference date. If one or more parties refuse to cooperate or no agreement made, the remaining party or parties shall file their own Case Management Report.

Samples of the Case Management Order and Complex Construction Case Management Order are available on the Business Court website at <https://ninthcircuit.org/about/divisions/business-court>. Parties are encouraged to email the Court a Proposed Case Management Order with agreed upon additions/deletions. Future Trial dates are available from the Judicial Assistant upon request. Agreed deadlines are subject to change by Court.

4. EVIDENCE:

Evidence received in previous hearings must be ordered from the Clerk of the Court prior to the hearing. A seven (7) day notice is recommended. Scheduled evidentiary hearings and trial documents that parties intended to admit into evidence shall be pre-marked and/or Bates stamped. The Court should be provided an indexed and hyperlinked USB Drive. Only official Clerk evidence cards are accepted.

5. EMERGENCY MOTIONS:

A copy of the filed motion must be provided to the Court via email (43Orange@ninthcircuit.org), at which time the motion will be reviewed. If the Motion includes a Request for Emergency Hearing the Court will review the Motion. If the Court grants the request for hearing, the JA will then contact counsel by telephone or email to either provide emergency hearing time or, if the Court determines that the matter is not an emergency, to instruct the parties to schedule a hearing on the first available time on the regular calendar. The Court may rule in chambers on the Motion.

6. DISCOVERY MOTIONS:

Sections 5 and 7 of the Business Court Procedures outline the rules for the submission, preparation and filing of discovery motions. Please review BCP 7.5 regarding filing of discovery materials.

7. JOINT FINAL PRE-TRIAL STATEMENT:

Court expects parties to meet, prepare and file a **Joint Final Pre-Trial Statement**. **Dueling Pre-Trial Statements will not be accepted.** BCP 9 is modified as follows: If one or more party(ies) fail to meet/participate/sign for purpose of preparing a Joint Final Pre-Trial Statement, the complying parties shall file a unilateral Pre-Trial Statement. Non-Complying parties are subject to sanctions, including striking pleadings, witnesses and exhibits.

Joint Pre-Trial Statement **must** be filed, and a courtesy copy **emailed** to the Judicial Assistant at (43Orange@ninthcircuit.org), no later than 10 (ten) days prior to the Pre-Trial Conference.

8. PRE-TRIAL AND TRIAL:

Trials are heard within a three-week trial period. The Court's Pre-Trial Conference Checklist and Order Controlling Trial can be found on the Business Court Website at www.ninthcircuit.org/about/divisions/business-court. **Parties shall complete Pre-Trial Conference Checklist and email to the Judicial Assistant (43Orange@ninthcircuit.org) in addition to a courtesy copy of the Pre-Trial Statement (see above) no later than 48 hours prior to the Pre-Trial Conference.** Do not file the Pre-Trial Checklist and Order Controlling Trial with the Clerk. **Lead attorneys must appear in person at the Pre-Trial Conference and trial unless excused by Court Order.** Motions are not heard during Pre-Trial Conference. All motions must be properly filed and brought before the Court no later than seven (7) days prior to the Pre-Trial Conference.

9. MOTION FOR CONTINUANCE:

The Court does not automatically grant unopposed motions or stipulations for continuance. After following the Business Court Procedures, including BCP 5.12(c) and 13.4, the parties should submit courtesy copy to the Judicial Assistant

via email (43Orange@ninthcircuit.org) of the filed Motion with a proposed Agreed Order for the Courts' consideration. **See Content of Orders above.**

10. MOTIONS FOR WITHDRAW OF COUNSEL:

Unopposed Motions to Withdraw as Counsel **with signed client consent** should be filed with the Clerk. A copy of the filed Unopposed Motion (with signed client consent) and a proposed order may be emailed to the Court.

The proposed order should include the name, address, phone number and email of the client to whom the pleadings will be sent in the body of the order as well as in the certificate of service. If the client is a corporation or other legal entity, the proposed order must include the requirement to obtain substitute counsel within 30 days. Certificate of Service must include service methods for those parties not participating in the E-Portal. **Counsel shall submit to the Clerk a Notice of Filing which reflects copy of the signed order served to any parties not participating in the E-portal.**

Should the Motion to Withdraw as Counsel be opposed **or if signed client consent cannot be obtained**, the moving party shall coordinate a Short Matter hearing with notice to all parties and **must** include the client.

11. VOICE MAIL:

If you reach the voice mail during the work day, the JA has been called away from her desk to assist the Judge or a litigant, make copies, attend a pre-trial conference, or any one of her many other duties. Please leave a brief message with your name, phone number and case number. Your call will be returned. **The JA responds to emails before voicemails.** If you receive a busy signal, the JA is on the line helping someone else, so please call again or email at 43Orange@ninthcircuit.org.