



State of Florida
Ninth Judicial Circuit of Florida

Jeanette D. Bigney
County Judge

ORANGE COUNTY COURT BUILDING
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Guidelines and Procedures
County Civil Division 78
Judge Jeanette D. Bigney
Orange County Judge
Katelyn Acevedo, Judicial Assistant
(407) 836-2320
78orange@ocnjcc.org

In order to assist self-represented litigants (referred to as **pro se litigants**) and attorneys, the following guidelines and procedures are adopted for County Civil Division 78 in Orange County, Florida when practicing before Judge Jeanette D. Bigney. **Please note** these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below.

Small Claims Action

If you file a **Small Claims** action (damages sought are \$8,000 or less) it will be set for a **Pre-Trial Conference/Mediation** (Clerk sets the date and time on Summons). Assuming service of process timely perfected, parties will conduct a telephonic or Zoom Pre-Trial Conference. Parties are encouraged to resolve cases prior to the pre-trial date but they still must appear at the Pre-Trial Conference to meet with Judge and make sure the

agreement has been approved by the Court. Make sure to check in. Attorney can appear at Mediation without client in a Small Claims action if they have full settlement authority. **Pre-Trial Conference may only be continued by Court Order.**

If a party fails to appear at Pre-Trial Conference/Mediation, opposing side can request a Clerk's Default or Court Dismissal of Action. Attorneys wanting a Clerk's Default must submit the Order to the Clerk's office. Clerk will not provide a Default Order to an attorney. If default entered, submit Default Final Judgment packet to Judge, via the Clerk so all pleadings/affidavits are properly filed.

Note: Administrative Order effective October 7, 2021 (2009-12-03) regarding First Party Insurance Claims. While these cases maybe filed as Small Claims cases, the Rules of Civil Procedure are invoked upon filing of action.

County Court Action

If you file a **County Court** claim (\$8,001 to \$30,000) no mediation date will be set. Defendant typically has 5 to 20 days to reply after service (see Summons for response date). If Defendant fails to respond the Plaintiff can move for a Clerk's Default. If Defendant is pro se and files a response to complaint, Court likely to refer to Mediation office at Courthouse (\$60 mediation fee each party; Mediation office asks that you kindly pay in advance!). Landlord Tenant actions are treated differently pursuant to Florida law.

Hearings

Pro Se Litigants – Written requests for relief or judicial action, known as a **Motion**, must be mailed to or filed with Clerk of Court. Do not fax to Clerk. The Clerk will deliver the Motion to the Judge to review. If a hearing is necessary the Judicial Assistant will attempt to contact all parties to schedule a hearing. If unable to reach or fail to return a message, Judicial Assistant will set hearing date and time. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, email address (if any), printed name and signature. Mail copies of the Motion to all other litigants or their counsel if represented.

Ex Parte – Ex Parte hearings are held every Wednesday from 9:00- 9:30 a.m. in Room 14-A (14th floor) for **uncontested non-evidentiary hearings** that are **no more than 5 minutes**. Do not call Judicial Assistant to schedule. Give opposing side reasonable written notice of hearing. File Notice of Hearing with Clerk and serve a copy on opposing side. There is a **drop box** for Division 78 on the wall outside of hearing room 14-A for documents for the Courts review and Order for the Judge.

How to Schedule a Hearing/Cancel a Hearing

Cancellation of Hearings: It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are cancelled. The Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Notice of cancellations can be emailed to: 78orange@ocnjcc.org

For Contested Hearings:

ALL HEARINGS INVOLVING PRO SE LITIGANTS ON ONE OR BOTH SIDES ARE IN PERSON UNLESS A MOTION AND ORDER TO APPEAR VIRTUALLY IS PROVIDED TO THE JUDGE.

ALL HEARINGS INVOLVING ATTORNEY'S ON BOTH SIDES AND LONGER THAN 30 MINUTES ARE IN PERSON.

1. **Complete the mandatory meet and confer process** outlined in the Ninth Judicial Circuit Administrative Order No. 2012-03-01. 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 in the Notice of Hearing filed with the Court. Review Exhibit A in the Administrative Order. The court prefers these meeting to be face to face, in person or virtually.
2. **Using the Judicial Automated Calendaring System (JACS), select an available hearing date and time.** Go to www.ninthcircuit.org, Click on JACS located on the bottom of the page next to the handicap logo, Then click on "Go to JACS now", In the pull down menu click on "County Civil Division 78" and , Click on the "Retrieve" button.
 - a. Available hearing time for approximately the next 60 days is displayed in fifteen minute increments.
 - b. Any hearing requests for longer than 1 hour must be approved by Judge Bigney by letter to the Judge detailing the reasons for the excessive time. The letter may be emailed to 78orange@ocnjcc.org. After review, you will receive a response to the request.
 - c. Coordinate the date and time with opposing counsel/pro se party. Hearing times must be cleared with opposing counsel and pro se party.
 - d. Good faith cooperation is expected both from counsel, their support staff and pro se litigants. If after 3 attempts on separate days to coordinate a hearing, counsel does not cooperate or respond, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing

counsel who failed to cooperate or respond. Efforts to coordinate the hearing should be noted on the Notice of Hearing. See, Admin. Order 2012-03 ¶6.

3. **Email the Judicial Assistant at 78orange@ocnjcc.org, with a copy to all counsel/ProSe litigants, for the hearing to be added to the docket.** The emailed hearing request to the JA must include all of the following:

CASE NO:

CASE STYLE:

PLAINTIFF(S):

PLAINTIFF'S ATTY:

DEFENDANT(S):

DEFENDANT'S ATTY:

TITLE OF ALL MOTIONS TO BE HEARD:

DATE EFILED:

MEET AND CONFER HELD Y/N OR N/A:

DATE/TIME REQUESTED AND HOW MUCH TIME:

COORDINATED BY BOTH PARTIES Y/N OR N/A):

4. **Receive confirmation time for your hearing.** Your hearing time is not confirmed until you receive a reply from the Judicial Assistant.

Court Reporter - If you want a record of hearing/trial you must make arrangements for a **Court Reporter**. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present in the hearing room/courtroom.

Interpreters- Unlike criminal cases, **County Civil does not provide language interpreters for litigants. You must make your own arrangements. Caveat** –Under the ADA, Court Administration will provide sign language interpreter in civil matters. Contact Court Administration no later than 2 working days in advance to arrange accommodation for hearing or voice impairment. See Administrative Order 2008-01-02.

Hearings/Trials cannot be cancelled unilaterally. You must email or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with Clerk's Office and fax/email to Judicial Assistant a notice of cancellation. If you settle a case, file dismissal with Clerk's Office, email copy to Judicial Assistant and advise Judicial Assistant to take case off hearing/trial docket.

Emergency Hearings - If an emergency situation arises, counsel/pro se litigant may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. **The motion must be delivered to the Court before a hearing will be set.** The Court will review the motion and, if it is determined an emergency

exists, the Judicial Assistant will attempt to contact counsel/litigants to set the hearing. In light of the short setting, opposing counsel/litigant may attend the hearing virtually if their schedule will not allow them to appear in person.

Cooperation of Counsel – If counsel/pro se litigant does not cooperate in scheduling a hearing, the requesting party may unilaterally set a hearing giving at least 14 days written notice (plus 5 days if mailed) to the opposing counsel/litigant who failed to cooperate. Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time.

Faxes – **Division 78 does not accept any submissions via fax.**

Filing of Pleadings – E-File using Florida e-Filing Portal. If you go to the Clerk’s Office, Room 350, to file a document/pleading in a case set for hearing within 48 hours, please tell the Clerk at the counter. He or she will make sure it makes it into the Court file/Odyssey.

Proposed Orders - Bring proposed Orders, with proper number of copies, and addressed envelopes with sufficient postage to all hearings. Same when you mail them in. If there is an attorney on both sides and the parties agree to the form of the Order, the Order can be emailed to 78orange@ocnjcc.org in WORD format to the signed and e-filed.

Discovery Disputes

Discovery Disputes – Attempt to resolve discovery disputes in good faith prior to scheduling a hearing. All County Civil Judges follow the guidelines set out in the 2021 Handbook on Discovery Practice.

Discovery Motion – The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. Motion must be set for hearing to bring the matter to the Court’s attention. If no response or objection has been filed to initial Supreme Court approved discovery requests (e.g. Fact Information Sheet, Interrogatories, etc.), the moving party may submit proposed order with the Motion. No hearing will be necessary.

Attorney Fees - **If you are seeking attorney fees you must, before filing a Motion to Compel** pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a **Motion for a Protective Order**, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, **confer with counsel** for the opposing party in a **good-faith effort** to resolve by agreement the issues raised, and **shall file** with the court at the time of filing of the motion a statement certifying that he/she has conferred with opposing counsel and that counsel have been unable to resolve the dispute.

As provided in Section (a) (4) of Rule 1.380, if the motion is granted, the court shall award expenses which may include attorney's fees. Review the 2021 Handbook on

Discovery Practice, which is available on the Ninth Judicial Circuit website, www.ninthcircuit.org.

County Court Trial

County Court actions will be set for trial when they are at issue.

Non-Jury Trial - All hearings and trials are held in Room 14-A unless otherwise noted. In Division 78, for a **non-jury trial**, file a Notice for Trial (i.e. that the case is at issue) with the estimated time needed by all sides and Court will schedule a Status Conference Hearing, issue a Case Management Order/ Uniform Order Requiring Pre-Trial Matters to be completed or coordinate with parties to set trial date. You can also review JACS docket for available times, clear with opposing counsel/pro se litigant and then contact Judicial Assistant with your request for a date, time and length of trial. Court will ultimately decide trial date and how much time will be allocated for trial. If you need more than an hour suggest you set out reasons in writing to Judge.

Jury Trial - For a **jury trial** in Division 78, file a Notice for Trial, filing party shall coordinate a Status Conference Hearing date through JACS with opposing counsel. Court will determine at hearing if case is at issue and if so, set on a Jury Trial Docket. Order of cases will be determined at Pre-Trial Conference, usually 10 days before start of trial period. After status conference court will issue a **Uniform Order Setting Case for Jury Trial and Pre-Trial Conference**.

All Pre-Trial matters including Mediation, all hearings, and discovery must be completed before the Pre-Trial Conference.

Have A Question About Your Case?

Please understand that the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and pro se litigants, the Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file or by simply filing an appropriate Motion.

When the Court signs an Order it is delivered to the Clerk for filing. Copies are mailed to the parties. If you want to know if an Order has been entered check with Clerk or wait for mailed copy. Court does not maintain copies of signed Orders.

Myclerk - County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for “myclerk”. Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember “o” as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the

Clerk. You cannot open up a particular document (unless you go to Room 310 and use a computer in the Viewing Room); you essentially are looking at a docket index. It is the same one that the Judicial Assistant is looking at if you were to call with a question. Please use “myclerk” instead of calling the Judicial Assistant.

Electronic Filing - County Civil is part of the Electronic filing system used in Circuit Civil. You can electronically file County Civil pleadings. **Note:** the Judicial Assistants print mailing envelopes using the Odyssey system. If you know a name/address is erroneously listed in Odyssey, contact Clerk’s Office to modify. If address has changed, file Notice of Change of Address with Clerk’s Office. Clerk has complete authority over what goes into Odyssey. **Court Files** - Technically County Civil is “file less”. In other words the Judges do not need files as they can access Odyssey. If you file something today the Clerk’s policy is to have it displayed in Odyssey in 72 business hours. The reality is that it may be much longer.

Review File - If you want to review a file in person or see the pleadings listed in Odyssey go to **Viewing Room** located in Room 310. Using available computers, type in password “public” and navigate to file. No charge to view; \$1 per page to print out.

Confirm Upcoming Hearing - Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Click the “Attorney” link on right side and click the “Dockets” link toward the bottom of the Information column. Select the division and it will display scheduled hearings/trials for approximately the next two weeks.

Legal Advise: The Judge and Judicial Assistant are prohibited from giving legal advice. ProSe parties are encouraged to contact the Orange County Clerk of Courts Self Help Center located in Room 340 of the Orange County Courthouse. Appointments can be made by calling 407-836-6300. This service is available for all Small Claims and Residential Eviction Cases.

Contact Information

Judge Jeanette D. Bigney

Hearing Room: 14-A

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