

Division 43/23 – Business Court Open House

Friday, October 13, 2023

**Judge John E. Jordan and
Cathy Stephens, Judicial Assistant**


Business Court – Information

See Exhibit A

Home > Divisions of Court > Business Court

Overview **Business** Civil Criminal Domestic Relations Juvenile Probate

Business Court



Divisions 43 (Orange County) and 23 (Osceola County)

NINTH
Judicial Circuit Court
OF FLORIDA

Our Court
Judges
Divisions
Jury Duty
Programs & Services
Resources & Tools
Communication & Outreach
Court Directory

Contact Information

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Ninth Judicial Circuit Court of Florida

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Available Hearing Times

Policies and Procedures

- Business Court Procedures
- Division 43 Guidelines - Orange County
- Division 23 Guidelines - Osceola County

Resources

- [Administrative Order 2019-08-02](#)
- [Civil Cover Sheet with Business Court Addendum - PDF](#)
- [Notice of Hearing and Order on Case Management Conference - PDF](#)
- [Notice of Fully Briefed Motion - Word](#)
- [Fully Briefed Motion Checklist - Word](#)
- [Standard Case Management Form - PDF](#)
- [Complex Construction Case Management Order - PDF](#)
- [Pre-Trial Checklist - pdf](#)
- [Exhibit List - Word](#)
- [Example of Electronic Courtesy Copy](#)

How to get your case into Business Court

See Exhibits B and C

ADMINISTRATIVE ORDER
NO. 2019-08-02

Cases Subject to Business Court.

- A. Any of the following where the amount in controversy is \$500,000.00 or more: see list
- B. Any of the following without regard to the amount in controversy: see list
- C. Cases Not Subject to Business Court: see list

FORM 1.997. CIVIL COVER SHEET



CIVIL COVER SHEET BUSINESS COURT ADDENDUM
PARTY OR ATTORNEY FILING ACTION MUST SELECT WHICH APPLIES

Cases Subject to Business Court. The principles set out below shall guide the parties and the Court in the assignment of cases to Business Court. All jury, non-jury, injunction and class action cases shall be assigned to Business Court if they are among the following types of actions:

E-Portal filing selections

**Addendum Form not provided by Clerk;
See Business Court Webpage**

Type: Trial County: Orange Division: Circuit Civil Total Fee: \$400.00

Case #: New Case Type: Business Court / Construction Defect Status:

Case Title:

Case Information Case Parties Documents ServiceList Fees and Payments Review and Submit

County: Orange Division: Circuit Civil

Case Type: Business Court

Sub Type: Construction Defect

Select Circuit Civil

Select Business Court

*Clerk will issue summons and not delay or require Case Management Plan to be filed.

Case Management Conferences

See Exhibits
D and E

- Make sure to email the Joint Case Management Report to the Court by the **ORDERED** deadline (fourteen (14) days prior to the CMC).
- Parties may provide the Court with an Agreed Case Management Order. (Email the JA for PTC and Trial Periods or assistance with deadlines)
- Agreed Case Management Order that is entered cancels the Case Management Conference.

File Motion with proper Certificate of Good Faith Conference and Memorandum (if required). See BCP 5.3

See Exhibits F and G

Motions

Notice of Fully Briefed packet or Agreed Order

- 20 day Response / 10 day Reply
- 30 day Response / 10 day Reply (Summary Judgments)
- File Notice of Fully Briefed
- File Fully Briefed Checklist
- File Motion for Oral Argument (if requested)

Timely email packet to Court with a Proposed Word Order (recognized as not agreed upon).

or

- Email copy of filed cover letter that reflects the agreement of the Parties and the Agreed Order (in Word format). (Do not mail copy of agreed orders)



Motions not timely acted upon will be struck as abandoned.

Proposed Orders

- Header of Order should not include word “Proposed”.
- Order shall include the complete language of the relief sought (not just motion granted) and the date Motion was filed.
- Include “Done and Ordered in Orlando, Orange County, FL on _____ day of _____, 2023” and Judges’ signature line. (Osceola County cases are ruled from Orlando – not Kissimmee).
- The above line should not begin a new page.
- Certificate of Service should reflect service by E-Portal and (if applicable) Counsel of Record to serve a copy of the Order on any parties not on the E-Portal with proof to the Clerk of the Court.

**Not on
E-Portal**

Caveat: Never Say Never

B.C.P./Guidelines do not necessarily trump Supreme Court Rules: For example, Motion to Appear Remotely, under Rule 2.530(b) Fla. R. Gen. Prac. & Jud. Admin. requires written objection within ten (10) days after service of the motion or notice. Motion for Summary Judgment, under Rule 1.510 (c)(5) Florida Rules of Civil Procedure requires a response that includes the nonmovant's supporting factual position at least twenty (20) days prior to the time fixed for the hearing.

ex parte / Short Matters

- See BCP 5.12 for a precise list of Motions that are acceptable Short Matter items. Other than Discovery Motions, they do not require Memoranda/Fully Briefed. Other Motions will not be considered.
- Monday thru Thursday at 8:30 am (See JACS for exception dates). These hearings are in person and/or telephonic.
- At a minimum, Notice of Hearing (NOH) should include the following:
 - 1 • Motion to be heard and date Motion filed.
 - 2 • Hearing Room number with address.
 - 3 • Webex Telephonic information.
- Email Court with courtesy copy of NOH and include Proposed Order.
- Parties are allowed one (1) Motion.

How to Schedule a Hearing

If you have an Order Granting Oral Argument, directly schedule your hearing:

1st

Review JACS Available Hearing Times and Coordinate with all parties for the correct allotted time.

- Hearing time must comply with Case Management Order deadlines.
- Add together hearing times to create your allotted time.
- Hearing time in excess of one (1) hour should be coordinated for afternoon hours

2nd

Email the Court for confirmation of the hearing time and include the following:

- Case Number, Motion to be heard, date motion filed, date Court granted Oral Argument, date and time requested.
- Consider including a back up time in case the first requested hearing time is taken.

3rd

Once you receive confirmation from the Court you may then immediately file your Notice of Hearing.


Notice of Hearings

- Notice of Hearings (NOH) must include the title of the motion to be heard as well as the date Motion was filed.
- **If Hearing is Evidentiary, the Notice of Hearing MUST reflect “Evidentiary”.** See Division 43 Guidelines 3b for disclosure of potential witness(es) requirements.
- If Remote appearance was granted for the hearing, the Webex information should be included.
- Email courtesy copy of the NOH with proposed order in Word format to Court.
 - Hearing documents are mailed/hand delivered to be received no later than 5 business days prior to hearing.

Reminder

Hearing Documents

Don't miss it

- Hearing Documents are due to the Court no later than five (5) business days prior to the scheduled hearing.
- **The Judicial Assistant does not print or forward emails that include hearing documents or changes to the hearing documents.**
- Thumb Drives (preferred) or notebooks via mail or hand delivery to chambers 1430.
-  FedEx receipt is overnight to the Courthouse. Documents are routinely delivered by the mail room about noon the following workday.
- Include a cover letter that provides the date of hearing and the case number that the hearing documents are to cover.

Motions to Withdraw as Counsel

Agreed Written Consent

- Agreed Orders must include written consent from client in the Motion.
- If Hearing or Trial scheduled within thirty (30) days, Order should include status of said Hearing/Trial.
- If Client is a Corporation, Order should provide for example, twenty (20) to thirty (30) days to secure new counsel.
- Proposed Order must include all the current contact information (i.e. Address, phone number, email address).
- Certificate of Service should include language of filed through the E-Portal and Counsel to serve copy of the Order on all parties not on the E-Portal with proof to Clerk of Court.

No Written Consent

- If no written consent is obtained, then a short matter hearing should be coordinated with notice to all parties (including client).
- Hearing time should be set out far enough to allow client to receive Notice of Hearing.

Summary Judgment Motions

Don't Wait

- Once filed, **immediately** coordinate hearing, setting out a minimum 40 days from date of Notice of Hearing, to allow briefing and compliance with BCP and Fla. R. Civ. P. 1.510.
- 30 day Response / 10 day Reply
- You may schedule competing Summary Judgment hearings at the same time, but all others to be scheduled on separate days.
- Summary Judgment Motions must be filed prior to requesting hearing time.

Pre-Trial Conference

See Exhibits H and I

- All Division 43 (Orange County) and 23 (Osceola County) Pretrials are heard in Orange County Courtroom 9A.
- Motions are not heard during Pre-Trial Conferences.
- Joint Pre-Trial Statements must be filed and courtesy copy emailed to the Court no later than (fourteen) 14 days prior to the PTC.
- **Current** completed/signed Joint Pre-Trial Conference Checklist must be emailed to the Court no later than five (5) days prior to the PTC. Include copy of the Jury Instructions and Verdict Forms (may want to provide this via thumb drive).
- After the PTC the parties will receive, through the E-portal, the Checklist with the date of the Trial and the number in which the trial order is set.

Hints

- Don't forget to pickup your evidence cards and the Evidence Pre-Marking Instruction from the Clerk.
- Redact personal/sensitive information from evidence. See Fla. R. Gen. Prac. & Jud. Admin. 2.425.
- When setting trial lineup, Court acknowledges those cases that complied with all the PTC deadlines.

Pre-Trial Checklist and Order Controlling Trial

- This document must be emailed to the Court (do not file with Clerk) by the ordered deadline (default date is no later than five (5) business days prior to the PTC). **If completed and signed Checklist is not received timely by Court, the trial lineup may be affected.**
- A new Checklist must be submitted for each PTC. Court does not retain Checklists.
- Make sure to use the current form (see Business Court Webpage).
- On a good trial day, allowing for breaks and lunch, plan on six (6) hours of trial time.

First Day: **+** **6 hrs Daily Trial:** **+** **Last Day:** **=** **Total Trial Days Requested**
voir dire, jury selection and maybe opening statements. Direct, Cross and Redirect, etc. charging the jury, closings and deliberations.

Non-Jury and Jury Trials

- Courtroom 9A will open up about 8:20 am on the day of Trial.
- The number one case should bring all of their trial materials to the Courtroom.
- Backup cases should have their trial materials in the car and ready to go if called. You may be sent to another Judge.
- Parties may request from the Deputy a small “Conference Room”. The conference room will remain unlocked until the end of each day.
- Parties may set up when doors open, while the Court conducts *ex parte* / Short Matters and while waiting for voir dire panel to arrive.
- Court will hold attorneys to their estimated trial times from the Pre-Trial Checklist.
- Drinks with lids are acceptable in the Courtroom with no advertisement printed on the cups. **No food or gum in Courtroom.**
- Make certain to clean your area at the end of each day (i.e. throw away trash, put any materials in a box off the floor and mark that it is not trash (no basura)).
- Please note the Court is not responsible for any items left behind.

Notice of Settlements

See Exhibit J

The Court will remove a Pre-Trial Conference and Trial from the docket once a signed (by all parties) Notice of Settlement is filed.

- The Notice of Settlement should include information as to the amount of time to present the Closing Documents to the Court.
- The court may then remove the PTC/Trial and set for a Status Conference to allow the parties to file the closing documents.
- Closing documents are to be filed prior to the Status Conference.
- **Consider Order Ratifying Settlement Agreement; Dismissing Claims; Court retaining jurisdiction to enforce settlement. (No Status Conference required). No need to set out to allow payments to be processed.**

If Settlement is not signed by all the parties, consider an agreed upon order resetting the PTC/Trial, **at least seven (7) days prior to the PTC**, to allow settlement documents to be executed and filed. **This must be agreed upon by all parties.**

Emergency/Reconsideration/ Clarification Motions

A copy of the **filed Motion** (make sure in compliance) must be provided to the Court via email once filed. The Court will Review/Rule:

- Grant or Deny Emergency Motion.
- Deem not an Emergency and direct parties to comply with requirement of Fully Briefed packet.
- Direct the Parties to coordinate hearing on the Emergency Motion.
 - Parties to review JACS for hearing time and may contact JA if emergency hearing time is not available.
- Court may make other appropriate ruling.

Court Reporters and Interpreters

Court Reporters:

- CRs must be in in the same room as the Judge, unless Order entered allowing remote appearance.
- CRs must announce their presence prior to the beginning of the hearing.
- Attorneys are responsible to notify Court Reporters of the requirements.

Interpreters:

- Civil division does not provide Interpreters. Parties to secure qualified Interpreters for those requiring service.
- Interpreters must announce their presence prior to the beginning of the hearing.

Remote Appearances

- *Ex parte* / Short Matters are heard via Telephonic or in person. (No Court Order Required).
- Court Case Management Conferences are heard via Webex as the Order setting the hearing reflects.
- **All other hearings are in person unless an Order has been entered Granting Remote Appearance (Webex) pursuant to Fla. R. Gen. Prac. & Jud. Amin. 2.530.**
- Agreed Orders for Remote Appearance should be received by the Court no later than 5 business days prior to hearing.
- Court Reporters are to be in the same room as the Judge for all hearings unless by Court Order.

Courtroom/Hearing Room Technology

See Exhibit K

If Order entered Granting Remote Appearance, note the following:

- Five (5) minutes before hearing, all remote participants should connect to Webex.
- You are entering a virtual “room” with other participants. Please mute your computer/telephone until your case is called.
- Always consider your attire and your background/surroundings. Parties are appearing as an extension of the Courtroom.
- Courtroom 9A uses “Wolfvision”, Webex, or Elmo for remote appearances and/or for document share.
- **See Technology Support for assistance/requests:**
[https://ninthcircuit.org/programs-services/technology-support.](https://ninthcircuit.org/programs-services/technology-support)

Hints from the JA/Judge

- When emailing the Court, you must always include all parties on the email, in the subject line enter the Court Case Number (not your file number) and the Style of the Case.
- Having problems getting summon(s) issued on BC case? Note: Business Court does not require a “Case Management Plan” to be filed. Orders are routinely entered vacating this requirement and directing parties to comply with Order Setting Case Management Conference. If problem persists in getting summon(s) issued on BC case, contact Clerk and remind the “Plan” is not required and ask them to issue summon(s).
- JA does not “reserve” hearing times or schedule over the phone.
- Trial lineup is done after PTCs.
- If you want future PTCs/Trial Periods - email the Court (with all parties included).

Hints from the JA/Judge (Continued)

- If Court rules at a hearing and directs Counsel to prepare an Order for the Courts, email the required Order within three (3) business days unless instructed otherwise.
- Avoid emails that include a proposed order that is improper (i.e. “Done and Ordered”/date lines excluded; Judges signature line missing; Order does not include relief sought by Order.) **Must be in Word format.**
- Court does not accept any condensed/compressed files under any circumstances (i.e. Dropbox, etc).
- Remote Appearances will not be addressed by a phone call to the JA.
- “Unopposed” Motions are not “Agreed” Motions.

Hints from the JA/Judge (Continued)

- JACS is going to switch to aiCalendar. aiCalendar is in final testing and some division are currently using it. Divisions 43 and 23 have not made the switch, but it is coming once our currently unresolved issues are addressed.
- After emailing Cover Letters and proposed Agreed Orders to the Court, do not send U.S. Mail copies of agreed order packets. (This creates duplications).
- The JA does not have a “back up”. When in Court/copier/ill/vacation, emails and phone calls are monitored and will be returned as I become available.