



STATE OF FLORIDA
NINTH JUDICIAL CIRCUIT OF FLORIDA

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JUDGE GABRIELLE N. SANDERS-MORENCY
Courtroom Guidelines, Procedures and Expectations
For Osceola County Civil Division 61-G, Courtroom 5E

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES¹, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE COUNTY CIVIL DIVISION NUMBER 61-G, IN OSCEOLA COUNTY, FLORIDA WHEN PRACTICING BEFORE JUDGE GABRIELLE N. SANDERS-MORENCY

Contact Information: The division e-mail is 61OSCEOLA@NINTHCIRCUIT.ORG. Please use this e-mail when requesting hearing time, cancelling a hearing, to obtain general information and to forward a copy of motion and/or proposed order in Word Format and when requesting hearing time (motion must already be e-filed and docketed by the Clerk). The Judicial Assistant's e-mail address is: CTJAOM1@OCNJCC.ORG (used for **specific questions only**).

CASE MANAGEMENT ADMINISTRATIVE ORDER

All parties are expected to be familiar with and strictly comply with the requirements of the Ninth Circuit Administrative Order No. 2021-04. First Party Insurance Cases shall also comply with the Ninth Circuit Administrative Order 2009-12-03.

¹The above standards, procedures, practices and guidelines are minimum standards. All counsel are presumed to be familiar with and are expected to abide by the *Rules Regulating The Florida Bar*, and the *Guidelines for Professional Conduct* promulgated by the Trial Lawyers Section of The Florida Bar and adopted by the Conference of Circuit Judges. Copies of each of these documents may be obtained from The Florida Bar and/or are available on-line on its website <http://www.floridabar.org>. In addition, counsel must be aware of the *Ninth Judicial Circuit Courtroom Decorum Policy* promulgated on February 11, 2003. (See <http://www.ninthcircuit.org> [For Attorneys/Information/Rules & Policies/Courtroom Decorum Policy.](#))

HEARINGS

To obtain hearing times, access the **aiCalendar** system from the Ninth Circuit Website, Osceola County, Division 61-G. Hearing times are listed in 15-minute increments. To schedule hearings longer than 15 minutes you may stack, consecutive increments (30-minute hearing would be two 15-minute increments i.e., 10:00 and 10:15). After coordinating hearing time(s) with opposing counsel or *self-represented* litigant, please contact the Judicial Assistant by EMAIL with the agreed upon date/time at 61OSCEOLA@NINTHCIRCUIT.ORG. Once the date/time is confirmed by the Judicial Assistant, prepare and file the Notice of Hearing with the Clerk of Court and provide a courtesy copy to the Judicial Assistant via e-mail no later than two weeks prior to the hearing.

For the convenience of everyone, the following rules apply to the setting and handling of hearings:

1. Setting hearings: Hearing time(s) must be cleared with opposing counsel or *self-represented* parties. Good faith cooperation is expected from counsel, their support staff, and *self-represented* litigants.

Cooperation of counsel/parties: If counsel/parties do not cooperate, the requesting party may unilaterally set a hearing giving at least two (2) weeks notice to the opposing counsel/party who failed to cooperate or respond. Should counsel, their staff, or *self-represented* litigants fail to respond within three (3) business days or refuse to cooperate in obtaining or setting a hearing, the difficulty should be specifically set forth either in the motion or in the notice of hearing.

Additional motions shall not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel, and the Judge’s Judicial Assistant, that sufficient additional time can be reserved in which to hear them. **Please note that only the party setting a hearing may cancel the hearing and that a notice of cancellation is required to be filed with the clerk (and a courtesy copy provided to the Judicial Assistant by e-mail) prior to the hearing being cancelled.**

2. Video hearings will be considered on a case-by-case basis. **A motion and order to appear by video is required. Video hearings are not permitted for Non-Jury Trials or evidentiary hearings.**
3. Emergency Hearings: If an emergency situation arises, counsel 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 filed with the Clerk and a copy e-mailed to the Judicial Assistant before a hearing will be set. The Court will review the motion and if it is determined an emergency, the Judicial Assistant will contact counsel to set the hearing.

4. Discovery Motions and Motions to Compel: The mere filing of a Motion is insufficient. The motion must be set for hearing to bring the matter to the Court's attention. Motions to Compel, as well as all 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)*. If no response or objection has been filed to the initial Supreme Court approved discovery requests, the moving party may submit a proposed order (in Word Format) with the Motion. If, after review, the Court determines a hearing is necessary, the Judicial Assistant will advise accordingly.
5. Motions for Protective Orders: The filing of a Motion for Protective Order, without presenting it to the Court, is insufficient. The Court will make itself available for hearings on said motions as soon as possible where the motion could not have been filed and heard in the due course of discovery.
6. Motions in Limine (MIL) - MIL may not be scheduled for a hearing unless they contain a certification of a good faith attempt (as to each item) to resolve the matter without court action. Notices of hearing on MIL must specifically identify the specific issues which remain in controversy after counsel has conferred. **MIL will not be heard at trial.** Motions in Limine must be filed prior to trial, scheduled to be heard after the pre-trial conference, but not later than **3** days prior to the first day of the trial docket.
7. Legal Memorandum and Citations: Any legal memorandums or briefs, along with hard copies of the significant cited authorities, **must be provided to the Court and copies to opposing counsel, at least three (3) business days before the hearing.** The Court will attempt to review the motion 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 Memorandums provided to the Court during the hearing may not be considered.
8. Limitation on Hearings: All motions related to discovery or trial matters must be filed and heard prior to the trial date. **NO HEARINGS DIRECTED TOWARDS MATTERS INVOLVING THE TRIAL WILL BE HEARD DURING THE ACTUAL TRIAL PERIOD.**
- 9- Orders and Rulings of the Court: All Orders must describe, in the caption, the subject and ruling of the court, *i.e.* "*Order Granting Plaintiff Motion for Partial Summary Judgment on Liability.*" *See Fla.R.Civ.P. 1.100(c) (1)*. If counsel is/are asked to prepare an order, the order **should be** drafted and circulated within 2 working days and must be submitted **to the Court** within 10 days of the hearing, with a copy to opposing counsel. The Court should be notified if opposing counsel agrees with the content and form of the proposed order. Opposing counsel must advise the Court of any objection to the proposed order. If parties are unable to agree on the form and content of the order, the objecting party must provide specific objection by e-mail to the Judicial Assistant. Orders are to be submitted to

the Court via e-mail. If the parties bring proposed orders to the hearing, please make certain that (1) a copy is provided to opposing counsel; (2) the party has stamped, addressed envelopes (for persons not registered with the E-portal Filing); and, (3) the caption contains more than the word "Order." **When saving the Order use the following format: Case Number-Title of Order**. The Certificate of Service must state the name and e-mail for the parties being served via E-portal Service and the full mailing address for parties who are not participating in the E-portal Service.

10. Hearings on Motions for Rehearing, Reconsideration or New Trial. Upon filing said Motion, please send a courtesy copy directly to the Division E-mail. The Court will either rule without a hearing, direct a written response be filed by opposing counsel, or the JA will contact the moving counsel to schedule a hearing.

CANCELLATION POLICY

Please file the Notice of Cancellation immediately and notify the Judicial Assistant via e-mail of all cancellations or settlements so that the calendar may be opened up for other matters. It is the responsibility of the moving party to file a Notice of Cancellation in the court file and submit a courtesy copy to Chambers as well as the responsibility to contact the opposing party to notify them of the cancellation. For all Pre-Trial Conference waivers, a joint stipulation must be signed by both parties and filed and provided by 4:00 p.m. the day prior. You must attach a copy of the joint stipulation with a proposed order (in Word Format) and e-mail it to the Division e-mail.

SETTING OF TRIALS

A case should not be noticed for trial unless mediation has been conducted and discovery completed. The Judicial Assistant can advise counsel, upon inquiry, as to future trial dockets. The Court may issue an *Order Setting Case Management Conference to Determine Date of Trial*, setting a Case Management Conference and providing upcoming available trial dockets.

PRIOR TO TRIAL

A *Pre-Trial Compliance Order* will be issued when the dates are set for pre-trial and trial. The Uniform Order should be reviewed in detail and the dates for completion of various items calendared. The Court will presume that each attorney and each party is familiar with the requirements of that order. **THE COURT EXPECTS STRICT COMPLIANCE WITH THE ORDER ABSENT A TIMELY MOTION AND ORDER OF COURT MODIFYING THE CONDITIONS THEREIN.** Joint stipulations to extend times set forth therein are not permitted.

1. Mediation: The Mediation **MUST BE COMPLETED** prior to trial. The Plaintiff is charged with timely submitting the mediation order. The parties must make certain that the mediator files a final report with the Court.

2. Witnesses, Exhibits and Experts: The pre-trial order requires disclosure of witnesses, exhibits and experts with specificity in a timely manner. Exhibits must be presented for review, initialed by opposing party, and annotation of objections lest said objections be deemed waived. Experts must be disclosed and must be made available for discovery by the retaining party without the necessity of a subpoena for the retained expert. Opinions rendered at trial will be limited to those disclosed to opposing counsel in either a written report prior to the depositions or in response to deposition or written discovery questions prior to the close of Discovery.
3. Joint Meeting of Counsel: Plaintiff is charged with arranging a meeting of all counsel at least 30 days prior to trial. Attendance is mandatory by the attorneys who will actually be trying the case.
4. Motions to Continue: Trials are set with the agreement of all parties. If counsel believes the trial date is not workable, an immediate request for continuance should be made. All Motions to Continue must be (1) in writing; (2) signed by the attorney and the parties requesting same; (3) identify the position of opposing counsel on the motion; (4) set forth when the parties will be ready for trial, if granted; and (5) comply with [Fla.R.Civ.P. 1.460](#). Stipulated Motions to Continue will not result in the trial being continued unless and until the Court reviews the motion and enters an order on same. The Court may require a hearing on the Motion.

CASE MANAGEMENT CONFERENCE

A Case Management Conference will be utilized to discuss witness issues, jury instructions issues, audiovisual equipment needs, need for interpreters, time allotment for voir dire, opening and closing, responsibility for obtaining the court reporter, and other trial related issues². Case Management Conference is NOT the time to handle Motions to Continue or discovery issues as these matters must have been raised and heard well before the case management Conference. PARTIES SHOULD BE READY TO TRY THEIR CASES AS OF THE CASE MANAGEMENT CONFERENCE.

SETTLEMENT OR RESOLUTION

The Court must be notified immediately of any settlement or resolution of any matter on the trial docket. Until such time as the Court receives written notice that the matter has been fully resolved, the trial will not be removed from the actual docket, is subject to trial call, and the attorneys must appear.

²While the Court will attempt to provide a specific date for trial, all cases are presumed to be ready on the first day of the trial docket and are subject to advancement on the docket to an earlier date (within that trial period).

TRIALS

Trials will take place in **Courtroom 5E** unless otherwise indicated. Attorneys should check with the Judicial Assistant the day before trial to confirm the actual courtroom that will be used. Counsel and their clients are to be in the courtroom and ready for trial no later than 15 minutes prior to scheduled time. Depending on other emergency matters, the Court will start as soon thereafter as possible.

1. Courtroom Etiquette and Decorum: Counsel shall stand when addressing the Court or the jury. Counsel should seek permission of the Court to approach the bench, the clerk, the witness or the jury. All parties and attorneys shall avoid contact with the venire and jury and counsel shall so instruct their clients and witnesses. Counsel shall address all arguments to the Court and not opposing counsel. Counsel shall admonish their clients and witnesses that gestures, facial expressions or any manifestations of approval or disapproval of anything occurring in the courtroom is absolutely prohibited. Please see the *Ninth Judicial Circuit Courtroom Decorum Policy* available at <http://www.ninthcircuit.org>.
2. Cell Phones, PDA, Communication Devices: Cell phones must be turned off (actually turned off rather than on silent mode) when possessed in the courtroom. If necessary to make or take phone calls, please step out of the Courtroom. Witnesses will not be permitted to possess any type of communication device while on the witness stand.
3. Court Reporter - The same Court Reporter must report the entire trial to enable jury read backs. In the Joint Pre-Trial Statement, the parties will advise the Court who will retain the Court Reporter.
4. Voir Dire: The Court will conduct a preliminary voir dire of the jury. Counsels are welcome to request that the Court explore certain areas of inquiry that may be important to the trial but sensitive in nature. Counsels are reminded to be considerate of the jurors' personal lives during their inquiries as well as the jurors' time constraints. While the Court will afford counsel significant latitude in questioning, the Court will limit repetitive questions. Counsel shall not attempt to either explore the facts of their case or explain the law that may apply in the case, nor attempt to carry favor with the venire.
5. Jury Selection Process: After voir dire, the Court will first ask each side for any cause challenges. Upon completion of challenges for cause, the Court will move to pre-emptory challenges. The Court will start with the first juror and move sequentially as they are seated in the venire, alternating between counsel until a panel is chosen. Back striking during jury selection is permitted to the extent there are remaining pre-emptory strikes. The number of alternates will be determined by the type and length of the trial. Each party will have one additional strike as to each alternate.

6. Opening and Closing: Only demonstrative aids or exhibits marked by the clerk, agreed to by all counsel and approved by the Court may be used in either opening or closing. Counsel may move away from the podium but shall remain mindful of the jury's space. Counsel should stay at least three feet back from the jury rail at all times. The Court will discuss with counsel the time requirements for both opening and closing at the pretrial conference and will expect that a reasonable estimate be provided by counsel. Counsels are expected to adhere to these time constraints.
7. Exhibits: All exhibits are to be marked for identification by the clerk **prior to the day of trial**. Exhibits which will be stipulated into evidence may be marked into evidence as exhibits. Once exhibits are marked in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and/or authorized by the Court. Audiovisual and/or equipment questions should be addressed with Court Administration prior to the trial or hearing: <http://www.ninthcircuit.org/programs-services/audio-visual>.
8. Demonstrative Aids: Any demonstrative aid that is to be used at trial must be marked by the clerk and exhibited to opposing counsel and the Court prior to the week of trial. The Court will hear argument of any counsel opposing the use of the demonstrative aids prior to the trial week. No aids are to be shown to the jury without prior approval of the Court.
9. Experts: The Court will not accept or qualify a witness as an expert in front of the jury. Challenges to an expert's qualifications and ability to testify must be addressed prior to the start of the trial period and therefore outside the presence of the jury. Experts are to be cautioned by the attorney who calls the expert of "in limine" rulings, and the effect of the invocation of the Rule of Sequestration.
10. Use of Depositions: If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.) make certain a hard copy is available both for the Court and for the witness being questioned.
11. Objections: The Court will not allow speaking objections in front of the jury. When counsel rises to object, only the legal basis for the objection should be stated. If elaboration is necessary, the Court will call counsel to the Bench for a Bench Conference or out of the presence of the jury. Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer or question is patently objectionable. Once the Court has ruled, no further argument shall be permitted.
12. Jurors: The Court generally will allow jurors to take notes and to ask questions where necessary. If counsel objects to these procedures, such objection should be addressed to the Court prior to the day of trial.

13. Jury Instructions: Jury instructions are to be prepared and stipulated to by both sides prior to Pre-trial Conference. If you cannot agree to jury instructions, that will be addressed at the Pre-trial Conference. E-mail a copy to the Court. The Court intends to provide the jury with a written copy of all jury instructions when the jury retires to deliberate. In addition, the final instructions should not contain any citations, jury instruction titles or information as to who requested the instruction. In certain cases, the Court may provide some substantive law instructions to the jury during preliminary instructions and/or before closing arguments. Should counsel wish to consider this option, this matter should be addressed with the Court prior to the day of the start of trial.

INFORMATION NOT COVERED

If any matters concerning the conduct of the pre-trial or trial procedures of Osceola Civil Division 61-G are not covered herein; counsel is free to contact the Court. A status hearing can be set at which time the Court will attempt to answer any inquiries.