



**STATE OF FLORIDA
NINTH JUDICIAL CIRCUIT OF FLORIDA**

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE, SUITE 1115
COURTROOM 19-B; HEARING ROOM 1100.02
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PATRICIA STROWBRIDGE
Circuit Judge

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In Order to assist counsel, the litigants and the Court, the following Guidelines and Procedures are hereby adopted for Circuit Civil Division 33 in Orange County, Florida when practicing before Judge Patricia L. Strowbridge.

HOW TO SCHEDULE A HEARING

All hearings are conducted remotely via WebEx unless the Court enters an order permitting an in-person hearing.

- 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 (see attached "Exhibit A) filed with the Court.

Any failure to comply with the "meet and confer" requirement will result in either the Court cancelling the scheduled hearing or the Judicial Assistant (JA) will not provide hearing time to the parties.

Note: Fla. R. Civ. P. Rule 1.380 provides that the Court **shall** require the party or deponent whose conduct necessitated the filing of a motion to compel discovery, to pay reasonable expenses, including attorney fees, to the moving party "unless the court finds that the movant failed to certify in the motion that a good faith effort was made to obtain the discovery without court action, that the opposition to the motion was substantially justified, or that other circumstances make an award of expenses unjust."

2. **Determine which type of hearing you need.** There are 3 types of hearings available:
1. *Ex Parte*: defined as a purely uncontested matter and/or non-evidentiary matters which are very brief (5 minutes)
 2. *Short Matters*: defined as a contested matter that requires less than 10 minutes of the Court's time and non-evidentiary. See exception below.
 3. *Contested Hearings*: Hearings that require more than 10 minutes

3. **Ex Parte and Short Matters Hearings**

- These hearings are held Monday through Thursday beginning at 9:00 a.m. via WebEx and end at 9:45 a.m. If no matters remain pending at 9:30 a.m., ex parte/short matters will close.
- Dates on which the Court is *unavailable* for ex parte/Short Matters are displayed on aiCalendar.
- Types of motions suitable for hearing at short matters are simple motions to dismiss, to strike affirmative defenses, for more definite statement, to amend pleadings, in limine, for continuance or extension of time, short discovery motions, protective orders, objections to CMEs, Motion for Summary Judgment after Default, Motions for Summary Judgment of Foreclosure, etc.

Scheduling: These hearings are set by agreement of the parties or subject to the procedure for setting unilateral hearings. **Please note that there is a maximum of seven (7) cases set at ex parte/ Short Matters each day. Cases are set first come, first served in the order that the NOH was emailed to our office.** Each daily docket is viewable on aiCalendar, which displays how many cases are set on any given day.

Ex Parte/ Short Matters are conducted virtually each day using the link provided below. This link must be included in the NOH.

Hon. Patricia L. Strowbridge
<https://ninthcircuit.webex.com/meet/DIV33> | 23321288256

Join by phone
+1-904-900-2303 United States Toll (Jacksonville)
Access code: 2332 128 8256

A courtesy copy of the Notice of Hearing, including the above videoconference information, must be provided to the Court at least three (3) business days in advance of the hearing by email to 33orange@ninthcircuit.org. If a copy of the Notice is not emailed to the Judicial

Assistant, and if the Judicial Assistant does not reply “Received”, the matter will not be heard. The Court will call into the videoconference when ready to hear the matter, subject to time limitations. **If an attorney(s) would like for the Court to review any documentation, the attorney(s) must provide, three (3) business days in advance of the hearing, courtesy electronic copies (NO PAPER COPIES WILL BE REVIEWED OR ACCEPTED AT THIS TIME) of documents and/or case law, as well as any proposed orders must be provided in Microsoft Word Format for the Court to consider at the time of the hearing.** Documents and Notices of Hearing should be emailed to 33orange@ninthcircuit.org. This is required by the Court’s procedures in advance of the hearing in order for the court to properly prepare.

4. Contested Hearings

- Available hearing time is displayed in fifteen minute increments on aiCalendar. [aiCalendar - Division 33](#)
- **Hearing Length Limitations**
 - **Motions to Dismiss/ Motions for Summary Judgment**
 - **If Counsel is seeking more than 30 minutes of hearing time for a Motion to Dismiss or a Motion for Summary Judgment, a separate Motion for Extended Hearing Time must be filed and submitted via email to chambers, along with a cover letter explaining the reason(s) for the extra time. The judge will then either approve or limit the hearing time.**
 - All Other Hearings
 - **Hearing time in excess of 1 hour must be approved by Judge Strowbridge either by appearing during *ex parte*/Short Matters or by the filing of a Motion for Extended Hearing Time explaining the reason(s) for the extra time needed.**
- Coordinate the date and time with all opposing counsel/pro se parties. Hearing times should be cleared with all opposing counsel and pro se parties.
- Good faith cooperation is expected both from counsel, their support staff and pro se parties. If, after 3 attempts made on separate days to coordinate the hearing, counsel does not cooperate or respond, the requesting party may unilaterally set the hearing giving at least two weeks’ notice to the opposing counsel/pro se party who failed to cooperate or respond. Efforts to coordinate the hearing shall be noted on the Notice of Hearing. See, Admin. Order 2012-03 ¶6.

5. **Reach out to Judge Strowbridge’s Judicial Assistant via email at 33orange@ninthcircuit.org** and copy all opposing counsel/pro se parties for the hearing to be added to the docket.

- The emailed hearing request to the JA must include all of the following:

Copy the table below into the email requesting a hearing

1. Date and time of the “meet and confer” conference
2. Date and time being requested for the hearing
3. Case number
4. Style of the case
5. Names of the attorneys (or pro se if applicable)
6. Title of the motion(s) to be heard
7. Amount of time being requested for the hearing
8. Whether the matter is an evidentiary hearing

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

- At the time of the emailed hearing confirmation, **the JA will provide the video hearing information** (Zoom or WebEx link) including a phone connection should a party not be able to participate by video.
- The video hearing information **must** be included in the Notice of Hearing.

7. **Miscellaneous Issues re: Hearings**

- **Cross-Noticed Motions.** Please do not **cross-notice motions** without prior approval of all opposing counsel/pro se parties, and the Judicial Assistant. If permitted, counsel must email the JA to confirm the matter can be heard within the same time frame, or that sufficient additional time is available for all matters to be heard.
 - It is the cross-noticing counsel’s responsibility to make sure the additional matter is placed on the Court’s calendar or it may not be heard despite the filing of the cross-notice.

- **Canceling a Hearing.** Please note that only the party setting the hearing may cancel the hearing.

The party cancelling the hearing **must**:

1. Call or email the Judicial Assistant to notify the Court of the cancelled hearing. (filing the Notice of Cancellation with the Clerk is not sufficient as the Clerk does not notify the Court), and
2. File a **Notice of Cancellation** and email a copy of the notice of cancellation to the Judicial Assistant, and
3. Notify any scheduled court reporter of the cancellation.

If the hearing is cancelled less than 4 hours beforehand, and counsel cancelling the hearing has not been able to confirm the Judge has been informed, counsel shall appear or have someone appear on counsel's behalf to so inform the Judge.

- **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 hand delivered or e-mailed 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 contact counsel to set the hearing. All opposing counsel/pro se parties **must** be copied on any email to the Court.
- **Motions to Withdraw as Counsel.** Motions should be set during ex-parte with notice to all parties if client consent has not been obtained.
 - If you have written client consent (attached to the motion) you may submit a copy of the motion along with a proposed order to chambers. Addressed, stamped envelopes must be provided for all parties not receiving service through the ePortal.
 - The body of the proposed order and certificate of service must include the name, address, telephone number and e-mail address of the client to whom the pleadings will be sent. If the client is a corporation or other legal entity, allow at least thirty (30) days to obtain substitute counsel.

- **Case Management Conference.** The Court may schedule certain cases for a formal Case Management Conference (“CMC”) and issue an order setting forth the matters to be covered at the conference. Cases involving medical malpractice, complex commercial litigation, multiple party litigation, voluminous records or exhibits, as well as other types of cases may be set by the Court, without request.

Parties may set limited CMCs during the Court’s short matter hearings. See procedures regarding short matters.

COURTESY COPIES REQUIRED

1. Motion(s), supporting memoranda and/or case law to be heard **must be received**, by email to chambers at least **three (3) business days prior** to the hearing to ensure an opportunity for the Court to review. Copy all opposing counsel/pro se parties with the same information provided to the Court.
2. Copies sent to the Court should:
 - A. Be send in pdf or Word format (not in a zip file or shared folder)
 - B. Copies over 50 pages should only be provided electronically, either on a flash drive or via email to the JA. **Large notebooks should not be delivered to chambers without prior approval of the judge.**
 - C. If provided electronically, counsel must index the materials and ensure the index contains a hyper-link to the document/exhibit/case indexed. For technical assistance, please visit: <https://helpx.adobe.com/acrobat/using/creating-pdf-indexes.html>
 - D. Cases should be highlighted.

Failure to provide courtesy copies of hearing materials may result in the hearing being cancelled.

ORDERS AND RULINGS

1. **Rulings.** The Court will generally issue orders and rulings on matters taken under advisement within 60 days. Every effort will be made to rule the day of the hearing.
2. **Proposed Orders.** If counsel are asked to prepare an order, the order should be:
 - A. Drafted and circulated within three (3) business days, and
 - B. Submitted to the Court within ten (10) days of the hearing, with a copy to

opposing counsel.

- C. All Orders must describe, in the caption, the subject and ruling of the court, *i.e.* "Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability." *See* Fla.R.Civ.P. 1.100(c)(2).
- D. Counsel must advise the Court of any objection to, or agreement on, the form of the proposed order when the order is submitted.
- E. The Court does not hold orders waiting for approval or objection from opposing counsel/pro se parties. Please do not send proposed Orders to the Court until you have approval as to the form by opposing counsel. If opposing counsel/parties object to the form of the order, or fail to respond within a reasonable time, the matter should be set for a short matters hearing.

3. **Submitting Orders to Chambers:**

A. Proposed agreed orders should be:

- ✓ emailed to 33orange@ninthcircuit.org in **WORD FORMAT** along with an
- ✓ **e-filed cover letter** indicating whether:
 - The date and time of the hearing, if applicable.
 - Whether all opposing counsel/pro se parties agree to the content and form of the order.
 - The cover letter (but not the proposed order) must be e-filed by the attorney with the Clerk.
 - If the parties disagree as to the form of the Order, they are to coordinate and set a Short Matters hearing to obtain entry of the order within a reasonable period of time.

4. **Certificate of Service:** Please be sure that the certificate of service on the proposed Order complies with the Rules of Civil Procedure.

If ANY party receives service only by regular mail, the following language must be included in the body of the order:

"(*Plaintiff/Defendant/Movant/Intervenor) shall serve a copy of this (*Order/Judgment/Notice), by regular mail, to all parties not receiving service of court filings through the Florida Courts E-Filing Portal, and shall file a certificate of service in the court file within five (5) business days."

MOTIONS

1. Motions for Rehearing, Reconsideration or New Trial

- A. Upon filing one of these Motions, you must send a copy directly to chambers for review, as the Clerk of Court does not provide these directly to the Court.
- B. The Court will either: (i) rule upon the motion without a hearing, (ii) direct that a written response be filed by opposing counsel, or (iii) direct the JA to contact the moving counsel to schedule a hearing.

2. Discovery Motions and Motions to Compel

- A. The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. These Motions must be both filed and set for hearing within a reasonable period of time . All motions to compel and/or enforce discovery must comply with the Florida Rules of Civil Procedure including, but not limited to, including a certification of a good faith attempt to resolve the matter without court action. See Fla. R. Civ. P. 1.380(a)(2)
- B. If no timely response or objection is filed to initial Florida Supreme Court approved discovery requests (e.g. Fact Information Sheet, Initial Interrogatories, etc.) the moving party may submit a proposed order compelling the discovery, with the Motion. Unless there is a written objection filed by the opposing party, no hearing will be necessary and the Court will enter an appropriate order in chambers.

3. Attorney Fees in Discovery Disputes

- A. If you are seeking attorney's fees, you must, before filing a Motion to Compel pursuant to Fla. R. Civ. P 1.380, confer with counsel for the opposing party and/or any pro se parties, in a good-faith effort to resolve the discovery issue, and file with the court at the time of filing of the motion, a statement certifying that counsel has conferred or attempted to confer with opposing counsel/pro se parties, but have been unable to resolve the dispute.
- B. As provided in Section (a)(4) of Rule 1.380, if the motion is granted, the Court shall award expenses to the moving party, which may include

attorney's fees, unless the Court finds the opposition was substantially justified or other circumstances make an award of expenses/fees unjust.

4. Compulsory Medical Examinations

See **Division 33** Guidelines for Counsel Regarding Compulsory Medical Examinations at Court's web page.

PRE-TRIAL AND TRIAL PROCEDURES

1. Setting the Case for Trial

When a Foreclosure case is at issue, either party may file a Notice for Trial. A courtesy hard copy of the Notice for Trial shall be provided to the Court and shall include the length of time anticipated to try the case and a **current service list (including all parties)**. Sufficient self-addressed, stamped envelopes for all parties shall be provided to the Judicial Assistant. If more than 15 minutes are requested for the trial, counsel making the request must clearly state in detail the reasons for the request of additional time.

When filing a Notice for Trial, include the length of time anticipated to try the case. **Please provide a courtesy hard copy of the Notice for Trial, as well as sufficient self-addressed, stamped envelopes for all parties who cannot be served via the E-Portal.**

The Court issues a Uniform Order Setting Case for Trial; Pre-Trial Conference and Requiring Pre-Trial Matters to be completed in every case being set for jury or nonjury trial. Please remember that the fact that a case is still in the discovery stage does not prevent the filing of a Notice for Trial or prevent the Court from *sua sponte* issuing a Uniform Order Setting Case for Trial.

2. Prior to the Pre-Trial Conference

As noted above, a *Uniform Order Setting Case for Trial; Pre-Trial Conference and Requiring Pre-Trial Matters to be Completed* will be issued when the case is ready to be 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. Compliance with time limits is not optional nor extendable by stipulation. **The Court expects strict compliance with the Uniform Trial Order, absent a timely motion and order of Court modifying the conditions therein. Modification of the Uniform Trial Order by stipulation of the parties, without an order of the Court modifying the Uniform Trial Order, is strictly prohibited.**

3. Motions to Continue

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 in the motion; (4) set forth specifically 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 motion is set for hearing and heard by the Court.**

4. Mediation

Pursuant to the Uniform Order Setting Trial, mediation must be **completed** prior to the Pre-Trial Conference. The Plaintiff is charged with timely submitting the Mediation Order to the Court for signature. Please review the Uniform Order Setting Case for Trial if you have any questions. The parties must also make certain the Mediator files a final mediation report in the court file.

5. Pre-Trial Conference

All cases are **required** to have a completed Joint Pre-Trial Statement signed and filed in the court file, **prior to** the Pre-Trial Conference. Prior to the Pre-Trial Conference, witness and exhibit lists must be exchanged, and all pretrial motions must have been heard. Please note that a failure to identify objections to exhibits in the Joint Pre-Trial Statement will conclusively establish that all such objections are **waived**.

Pre-Trials will be utilized to set the order of the trial docket, discuss witness scheduling issues, jury instructions, audio/visual equipment needs, requirement for interpreters, responsibility for obtaining the court reporter and other trial related issues. Pre-Trial is NOT the time to handle Motions to Continue or discovery issues as these matters must have been raised and heard well before the Pre-Trial Conference. **PARTIES SHOULD ESSENTIALLY BE READY TO TRY THEIR CASES AS OF THE PRE-TRIAL CONFERENCE. Parties shall bring to the Pre-Trial Conference a completed copy of the Pre-Trial Check List and Order Controlling Trial.**

The attorney who appears at the Pre-Trial Conference on behalf of a party shall be designated as Lead Counsel for the Trial, unless prior approval of the Court has been obtained for secondary trial counsel to handle the Pre-Trial Conference. Under no circumstances should the Pre-Trial Conference be handled by any attorney not expected to be trial counsel for the party.

6. Settlement or Resolution

The Court must be notified immediately by email to the Judicial Assistant, of any settlement or resolution of any matter on the trial docket. However, the trial will not be removed from the actual docket, and the attorneys are not excused from appearance at Pre-Trial Conference or Trial, until such time as the Court receives a copy of the Notice of Settlement along with either, a) a Notice of Hearing setting a Settlement Status, or b) an agreed upon Order of Dismissal or Final Judgment , that fully resolves the matter.

7. Jury Trials

Jury trials will take place in Courtroom 19B unless otherwise indicated.

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 Trial Clerk, the witnesses or the jury. All parties and attorneys shall avoid direct contact with jurors, and shall refrain from speaking about any aspect of the case within hearing of jurors outside the courtroom, and counsel shall so instruct their clients and witnesses. If more than one attorney is providing representation to a party, there will be no “tag teaming”. Only one attorney will be permitted to examine, cross-examine, and/or object to questions directed toward an individual witness. Each party may have one attorney participate in bench conferences or side bars. When not participating in the questioning of a witness or participating in a bench conference/side bar, counsel shall remain seated at their assigned counsel table. Counsel shall address all arguments to the Court, and not to 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 *Amended Administrative Order No. 2003-07-12 – Establishing Ninth Circuit Courtroom Decorum Policy* available at www.ninthcircuit.org.

Exhibits: All exhibits are to be marked for identification by Counsel with tags provided by the Clerk prior to the day of trial. Exhibits which will be stipulated into evidence, or which are not objected to, may be marked into evidence as exhibits. Once exhibits are marked in evidence or are offered but not admitted, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without an Order of the Court. No exhibits are to be published or exhibited to the jury, until admitted into evidence and publication has been authorized by the Court.

1. Preparing Evidence for a Virtual Hearing

- A. **No later than 5 business days before the hearing**, counsel and/or pro se parties shall exchange all exhibits, which must be Bates-stamped.
- B. The parties must have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit by Bates-stamped number(s) and identify the ground(s) for objection.
- C. The objection(s) shall be in writing and filed in the court file. Any objections not noted are waived.
- D. Evidentiary hearings should be noticed as such, with clear indication on the Notice of Hearing.
- E. After the substantive, good faith telephone conference and **no later than 5 business days before the hearing**, the parties must
 - ✓ pre-mark the Bates-stamped exhibits that they intend to use during the hearing,
 - ✓ provide a set of the exhibits to all other parties and the witness(es), and
 - ✓ mail/deliver two (2) hard copies of the exhibits and the filed objections (one for the Judge and one for the Trial Clerk) to the Court for use at the hearing. Please note that if the exhibits are voluminous, counsel and/or pro se parties should contact the Judicial Assistant to determine if the Court would prefer the exhibits in a notebook, or on a flash drive or email.

2. Preparing Witnesses for a Virtual Hearing

- A. Counsel or a pro se party calling a witness to testify virtually, shall be responsible for insuring their witness has adequate technology available to participate in the hearing, including a strong enough internet signal, a device with a camera and an adequate microphone to permit their testimony to be seen and clearly heard and by all parties participating in the hearing.

Please note that a party without a camera cannot be sworn in by the Trial Clerk, and will not be permitted to provide testimony without a Notary Public present with the witness, to administer the oath.

- B. In the event the **rule of sequestration** is invoked, the witnesses will be instructed to hang up from the videoconference and counsel or self-represented parties will be responsible for contacting their witness(es) when it is time for their testimony.
- C. The witness(es) must be provided copies of all pre-marked, Bates-stamped exhibits being used for their testimony, prior to the hearing.
- D. The witness(es) shall be instructed not to look at, or refer to any other document(s) or device(s) during their testimony.
- E. Counsel and/or pro se parties are responsible for providing these instructions to any witness(es) and ensuring their compliance.
- F. Witness(es), other than named parties, are discouraged from being in the same physical space as the attorney(s) and/or pro se parties. However, in the event a witness or party is testifying in the same physical space as the attorney or pro se party questioning the witness, the participants should each have a separate device with a camera directed toward them. Please note that one of these devices may have to have audio fully muted to avoid auditory feedback. No attorney or pro se party may assist any witness with their testimony in any way, including but not limited to, gestures, notes, facial expressions, or any other method of impacting or influencing the witness' testimony "off camera."

INFORMATION NOT COVERED: If any matters concerning the hearing procedures of the division are not sufficiently covered herein, counsel is free to contact the Judicial Assistant by email at 33orange@ninthcircuit.org. The Court appreciates counsels' and pro se parties' efforts to understand and comply with this Court's procedures.

“Exhibit A”

First Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person or by telephone with opposing counsel in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

/S/ _____

Counsel for the party who noticed
the matter for hearing.

Second Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person or by telephone on:

1. _____ (Date) _____ at _____ (Time) _____ ;

2. _____ (Date) _____ at _____ (Time) _____ : and

3. _____ (Date) _____ at _____ (Time) _____ ;

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

/S/ _____

Counsel for the party who noticed
the matter for hearing.