Christy C Collins
Circuit Judge

Katie Alicea
Judicial Assistant

Orange and Osceola Counties
2 Courthouse Square, Suite 6215
Kissimmee, Florida 34741
Courtroom 5D
22osceola@ninthcircuit.org
(407) 742-2556

# DIVISION 22 PROCEDURES

Judge Christy C Collins has adopted the following procedures for those practicing in Circuit Civil Division 22 in Osceola County, Florida. These procedures are supplementary and do not alter any law or rule adopted by the Florida Legislature or the Florida Supreme Court. Questions not answered by these policies may be directed to 22osceola@ninthcircuit.org

These procedures may be revised periodically to reflect changed circumstances, changed procedural rules, or developments in case law.

**This document is text searchable by pressing Ctrl + F.**

## I. HEARINGS

### A. Read and Comply

Attorneys and self-represented parties are expected to read and comply with all applicable rules and procedures. Two common but significant mistakes are failure to read and comply with:

1. F.R.C.P. 1.202 requires a meet and confer on all non-dispositive motions PRIOR to the motion being filed. A Certificate of Conferral is to be attached to the motion.

2. Administrative Order 2012-03-01, which establishes the Court's "meet and confer" and certification requirements. Failure to comply with

Administrative Order 2012-03-01 will generally delay the setting of hearings or result in the cancellation of hearings. Certificate of Compliance exemplars appear in the appendix to these procedures. This is an additional requirement to the meet and confer required under F.R.C.P. 1.202 and must be held prior to requesting hearing time on the motion.

3. Florida Rule of General Practice and Judicial Administration 2.530, which governs the use of communication technology in court proceedings. Failure to comply with Rule 2.530 will generally result in denial of requests to conduct hearings or trials, in whole or in part, by way of communication technology.

B. Setting Hearings

1. **Request sufficient time**. Hearings will not be permitted to exceed to secured time. Hearing time will be divided equally between the sides (and when a side has more than one party, equally within the side) and the Court will reserve a portion of time for ruling.

2. Hearing time may be obtained by using the aiCalendar as follows:

   a. Go to ninthcircuit.org, Available Hearing Times and select Osceola Civil Division 22 from the menu at the bottom of the page. Choose from available hearing times. For requests exceeding 15 minutes, combine consecutive timeslots. Hearing requests for longer than one (1) hour must be approved by the Court by appearing during ex parte/short matters or by email to 22osceola@ninthcircuit.org detailing the reason for the excess time requested.

   b. Coordinate the date with opposing counsel and any self-represented parties.

   c. Contact the Judicial Assistant by email at 22osceola@ninthcircuit.org for the hearing to be added to the docket. All counsel and any self-represented parties must be included on the email to the Judicial Assistant. Hearing time is not confirmed until the Judicial Assistant emails confirmation of the hearing.

      The hearing request must include:
      1) Date and time being requested for the hearing;
      2) Case number;
      3) Style of the case;
      4) Names of the attorneys (or self-represented litigants when applicable);
      5) Title of the motion(s) to be heard and the date the motion was filed;
      6) Amount of time requested for the hearing;
      7) Date and manner of the required meet and confer;

d. The email to the Judicial Assistant must specifically indicate counsel's compliance with the "meet and confer" requirement of Administrative Order 2012-03-01, except in the case of hearings on motions for injunctive relief without notice, (judgment on the pleadings, summary judgment, and certification of a class action). An exchange of emails or letters is not sufficient conferral. The email must either:

   i. Describe the manner (i.e., in person, by telephone, or by communication technology) and the date of the parties' "meet and confer"; or

   ii. Identify of at least three dates on which an attorney of record or self-represented party unsuccessfully attempted to confer and the means by which the attempts were made.

   Note: Counsel must also include the required certification on the Notice of Hearing.

e. If the matter is an emergency or is time-sensitive based on a pending deadline or other circumstances and suitable hearing time is not reflected on aiCalendar, refer to section I(E) (Emergency and Time-Sensitive Hearings).

3. The notice of hearing must comply with the requirements of Administrative Order 2012-03-01. That order mandates a certificate of compliance certifying compliance with the "meet and confer" requirement for most motions. See Admin. Order 2012-03-01 ¶ 6. Certificate of compliance exemplars appear in the appendix to these procedures. Failure to include the required certificate of compliance may result in cancellation of the hearing.

4. For evidentiary hearings, the hearing request must indicate that an evidentiary hearing is being requested, and the notice of hearing must expressly state that the hearing will be evidentiary. The following additional procedures also apply:

   a. If any party believes that an evidentiary hearing is required, the request for an evidentiary hearing must be made both during the meet and confer process and when coordinating the hearing date and time.

   b. If the parties disagree about whether an evidentiary hearing is required or the amount of time necessary to complete the evidentiary hearing, they shall confer in good faith to attempt to resolve the dispute. If the parties are unable to resolve the dispute, they shall appear at short matters to obtain a resolution of the issue before the hearing is scheduled.

5. In addition to filing the notice of hearing with the Clerk of Court, hearing materials must be furnished to Chambers at least five (5) business days before the hearing. See Section I(L) (Hearing Notebooks, Exhibits, Legal Memoranda, and Citations).

6. Piggy-backing. Additional motions must not be "piggy-backed" by cross-notice unless counsel first confirms with opposing counsel and the Judicial Assistant that sufficient additional time can be reserved in which to hear them. If an adverse party believes a motion has been inappropriately "piggy-backed" by cross- notice, such adverse party must bring the matter before the Court via motion to strike the cross-notice in advance of the scheduled hearing; otherwise, the Court may hear the cross-noticed motion(s) if time permits.

7. Cancellation.

   a. Only the party setting the hearing may cancel the hearing. The party that filed the notice of hearing must immediately notify the Court by email to 22osceola@ninthcircuit.org when the motion to be heard has been cancelled.

   b. If the cancellation resulted from resolution of the motion by agreement of the parties or because of mootness, the party that scheduled the hearing shall submit a proposed order reflecting the resolution. See Section I(N) (Orders and Rulings of the Court).

8. Court Reporters. Parties desiring a record of any hearing must arrange and pay for a civil court reporter to attend and record the proceeding. See Fla. R. Gen. Prac. & Jud. Admin. 2.535. No attorney, party, or witness may record the proceeding except through a civil court reporter who is present in the hearing room or courtroom.

9. Interpreters. The Court does not provide language interpreters for litigants in civil cases. Parties must therefore make private arrangements for necessary language interpreters. The Court will, however, provide a sign language interpreter in civil cases. Parties requiring the assistance of a sign language interpreter must contact Court Administration at least seven (7) days in advance of the scheduled hearing, or immediately upon receiving notice if less than seven (7) days' notice is provided. See Administrative Order 07-97-32-05.

C. Use of Communication Technology

1. Counsel and any self-represented litigants may attend ex parte/short matter hearings via communication technology without the need for a motion or court order. See Section I(F) (Ex Parte/Short Matters). A device which allows for VIDEO and AUDIO appearance must be used. **The court does not permit telephonic appearance.**

2. Florida Rule of General Practice and Judicial Administration 2.530(b) authorizes the use of communication technology "upon the written motion of a party." Adverse parties may "file an objection in writing to the use of communication technology within 10 days after service of the motion." Therefore, all requests for an attorney, party, or witness to appear for a

hearing via communication technology must be filed at least 14 days before the hearing date.

3. If the Court grants permission for any attorney, party, or witness to attend a hearing by means of communication technology, the notice of hearing shall indicate that one or all parties will attend via communication technology and shall include the following information:

Join by videoconference
https://ninthcircuit.webex.com/join/22osceola

**All persons appearing via communication technology must use a device which allows for VIDEO and AUDIO appearance.**

4. Parties using communication technology must comply with all requirements of Rule 2.530 and any other rules governing appearances by way of communication technology.

5. All persons attending a hearing via communication technology must be dressed appropriately for Court, must not be driving or engaged in any activity that would be a distraction to the hearing, must have their cameras turned on for the entire proceeding, and must have their microphone muted until their case is called. Persons whose cameras are turned off, whose microphones are not muted, or who are doing anything that would not be tolerated in the courtroom may be removed from the virtual hearing.

6. All parties should connect to the virtual hearing room five (5) minutes before the scheduled hearing time. The Court will admit participants to the hearing room when the Court is ready to begin the hearing.

7. Evidentiary proceedings, including non-jury trials, may be conducted by communication technology in whole or for particular witnesses only by filing a motion that complies with Rule 2.530 and obtaining an order finding that good cause exists for conducting the evidentiary proceeding in whole or part via communication technology. If no finding of good cause is made, evidentiary proceedings must be conducted in person. For evidentiary proceedings conducted through communication technology with the Court's permission, the following procedures shall apply:

   a. All exhibits upon which a party intends to rely at the evidentiary hearing or non-jury trial must be sent to Chambers via mail or commercial delivery service no less than five (5) business days prior to the scheduled hearing. The exhibits shall be tagged and marked in the manner required by section IV(G)

D. Cooperation in Setting of Hearings

1. Hearing times must be cleared with opposing counsel and self-represented parties. The Court expects good faith cooperation from all counsel, their staff, and self-represented parties. All counsel, their staff, and self-represented parties have an obligation to respond promptly and truthfully to scheduling inquiries.

2. In the event opposing counsel, their staff, or self-represented litigants fail to respond to a request to coordinate hearing time within three (3) business days, or refuse to cooperate in setting a hearing, the requesting party may unilaterally set a hearing as long as all parties have at least two weeks' notice of the hearing. The notice of hearing must include a certificate of compliance certifying how or why the opposing party refused to coordinate a hearing time.

E. Emergency and Time-Sensitive Hearings

1. Counsel may contact the Judicial Assistant by email at 22osceola@ninthcircuit.org for an emergency hearing when a true emergency or urgency exists. In those circumstances the following procedures apply:

a. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency; and

b. The motion must contain a certificate of emergency in which the moving party certifies:

i. that he/she believes the facts and circumstances to constitute a true emergency for which immediate hearing time is required; and

ii. that he/she understands that designating a matter as an emergency may result in the Court cancelling or rescheduling other matters affecting other parties; and

c. The motion must be emailed to 22osceola@ninthcircuit.org before a hearing will be set. The Judicial Assistant will contact counsel to set a hearing if the Court determines that an emergency hearing is warranted based on the description and certification contained in the motion.

2. Failure to include a Certificate of Emergency or certifying a matter as an emergency without a good faith basis, may result in the imposition of sanctions.

3. If a motion is not an emergency but is time-sensitive because of a pending deadline or other circumstances, the movant must attempt to coordinate a hearing from the time available on aiCalendar (if more than 10 minutes is needed) or coordinate a short matters hearing (if 10 minutes or less is needed). If the motion is not appropriate for short matters and setting the hearing for the earliest available time on aiCalendar would violate an applicable deadline, hinder or defeat the requested relief, or cause prejudice,

counsel shall set a scheduling conference at short matters to determine whether earlier hearing time is available.

F. Short Matters

1. Short Matters are uncontested or very brief (10 minutes or less) non-evidentiary hearings held **Monday through Thursday** at 8:30 a.m. - 9:00 a.m. during trial weeks and 8:30 am - 9:30 a.m. during hearing weeks. A list of dates on which the Court is unavailable for ex parte/short matters appears on aiCalendar.

2. Copies of motions to be heard, along with the notice of hearing and any hearing materials, must be emailed to 22osceola@ninthcircuit.org at least three (3) business days before the hearing. If the documents exceed 10 pages, hard copies must be provided to chambers rather than through email. The court does not accept thumdrives.

3. Discrete case management issues requiring less than 10 minutes total to address may be scheduled for short matters without a formal request for a Case Management Conference. Before the hearing, the parties must file a joint report describing the case management issue and their respective positions. The report must be emailed to 22osceola@ninthcircuit.org at least three (3) business days before the hearing. If there are multiple case management issues to be addressed or the issues are complicated or require decisions on substantive legal matters so that more than 10 minutes will reasonably be required, a request for a Case Management Conference must be made in accordance with section II(B).

4. Matters to be heard at short matters are not scheduled with the Judicial Assistant but must be coordinated with opposing counsel or self-represented parties. Before filing the motion, the parties must satisfy the meet and confer requirement per F.R.C.P. 1.202 and before setting a hearing at short matters, the parties must satisfy the meet and confer requirement of Administrative Order 2012-03-01 and must include a Certificate of Compliance in the notice of hearing.

G. Foreclosure Cases

1. Most foreclosure hearings can be scheduled on the short matters docket. Obtain hearing times from aiCalendar for hearings requiring longer than ten (10) minutes.

2. Motions to cancel or to reset foreclosure sales may be sent to Chambers for ruling on the papers. If the Court determines that a hearing on the motion is required, the Court will direct the movant to schedule a hearing.

3. In timeshare foreclosure cases, counsel who handle a high volume of cases are encouraged to schedule as many motions for summary judgment and motions for default final judgment as are ready for hearing during a single block of hearing time. Counsel should contact the Judicial Assistant to obtain suitable blocks of hearing time.

H. Motions to Withdraw

1. When the client has provided written consent to counsel's withdrawal, counsel may submit a proposed order saved in Word as "Case Number – Order Name" (after the motion has been docketed by the Clerk), to the division email 22osceola@ninthcircuit.org Counsel will be responsible for providing copies to all persons who do not participate in the e-portal filing system.

2. When the client has not provided written consent to counsel's withdrawal, the motion must be set for hearing on the short matters docket with notice to the client and to all other parties. See Section I(F) (Short Matters).

3. The body and certificate of service of proposed orders on motions to withdraw must include the name, address, telephone number, and email address of the party to whom pleadings and papers in the case will be sent.

I. Discovery Motions

1. Discovery motions (motions to compel, motions for protective order, motions to quash, etc.) must be set for hearing to bring the matter to the Court's attention. The mere filing of a motion is insufficient to obtain the requested relief. Hearings shall not be set on discovery objections without a motion addressing the specific requests and objections at issue as set forth below. Note: Outstanding discovery does not constitute good cause for a continuance when a party has failed to bring a discovery dispute to the Court's attention in a timely manner.

2. Discovery motions must identify the specific requests and objections that are in dispute, explain why the movant believes those requests or objections are improper, and attach the requests, responses, or objections at issue. Motions that assert improper requests or objections generally, but do not identify the specific requests or objections at issue or fail to attach the applicable requests and objections, may be denied without prejudice subject to the filing of a motion in compliance with this paragraph. Note: Hearings set on discovery objections without a motion to compel, for protective order, or to quash may be cancelled subject to the filing of a motion addressing the specific requests and objections at issue.

3. All discovery motions must comply with the Florida Rules of Civil Procedure and Administrative Orders governing this division, including, but not limited to, the requirement of certifying a good faith attempt to resolve the matter without court action. See Fla. R. Civ. P. 1.380(a)(2); Admin. Order 2012-03-01.

4. If no timely response or objection to discovery requests has been served or filed and the lack of response continues for 10 days after the filing of a motion to compel, the moving party may send the motion to compel with a proposed order to 22osceola@ninthcircuit.org The proposed order shall only compel a response within 10 days and shall not grant any other form of relief. The proposed order shall also be accompanied by a cover letter, and both the letter and order shall be contemporaneously sent to all other parties. The Court may enter the order without the need for a hearing or may direct a hearing on the objections. If additional relief (such as fees, costs, sanctions, or waiver of objections) is requested, a hearing on the motion must be scheduled.

J. Summary Judgment Motions

Motions for summary judgment must be filed incompliance with the Uniform Trial and Case Management Order and at least 50 days before the time fixed for hearing. Fla. R. Civ. P. 1.510(b). Responses in opposition to summary judgment must be served within 40 days after service of the Motion. Fla. R. Civ. P. 1.510

K. Motions in Limine

1. Before setting any Motion in Limine for hearing, counsel must meet and confer in person or by telephone or communication technology on every point raised in the Motion in Limine. The Motion in Limine may not be scheduled for a hearing unless the hearing notice contains a certification of a good faith attempt to resolve the matter without court action as to each point. The hearing notice must identify the specific points in dispute. A copy of the hearing notice must be provided to chambers by email to 22osceola@ninthcircuit.org

2. Within seven (7) days of any unsuccessful meet-and-confer, the movant must file a memorandum of law specifically describing the basis for the requested evidentiary ruling with argument and supporting authority.

3. At least five (5) business days before the scheduled hearing on any Motion in Limine, the opposing party must file a memorandum in opposition specifically describing the basis for the opposition with argument and supporting authority.

4. If the meet and confer results in an agreement on any portion of any Motion in Limine, the moving party shall prepare and file a stipulation signed by the movant and opposing party indicating in writing which of the points in the Motion in Limine are agreed to by the opposing party. The stipulation shall be filed within seven (7) days of the meet and confer, and an agreed order may be submitted for rendition.

5. Hearing time on Motions in Limine is reserved for truly disputed evidentiary rulings applicable to the case. Counsel are specifically discouraged from using hearing time to argue or reargue matters appropriately resolved on summary judgment or to address form omnibus motions, general questions of evidence, law not tied to the case, or matters not in genuine dispute.

L. Hearing Notebooks, Exhibits, Legal Memoranda, and Citations

1. All legal memoranda, briefs, affidavits, notices of filing, and other materials that a party intends to rely on at a hearing must be filed at least five (5) business days before the hearing.

2. Hearing materials must be submitted to chambers at least five (5) business days before the hearing. Note: In most instances legal memoranda should not exceed 10 double-spaced pages. Hard copies are required.

   Authorities and memoranda provided to the Court and opposing parties for the first time during the hearing may not be considered.

3. Exhibits for evidentiary proceedings, including non-jury trials, must be submitted in hard copy.

4. All materials provided to the Court must be contemporaneously provided to all other parties in the same form provided to the Court, including any highlighting.

5. The Court, on occasion, may rule on motions without a hearing. Counsel and self-represented parties are therefore encouraged to file written arguments in support of their positions within 20 days of the filing of a motion.

M. Limitation on Hearings

1. All motions related to discovery or to trial matters must be filed and heard by the time specified in the trial order or before the pretrial conference if the trial order does not specify a deadline.

2. No motion directed towards matters involving the trial will be heard during the actual trial period absent extraordinary circumstances, which must be described with specificity in any late-filed motion or untimely request for hearing.

N. Orders and Rulings of the Court

1. Orders proposed for filing in civil cases must be submitted electronically in Word format to 22osceola@ninthcircuit.org Proposed Orders must be saved in the following manner "Case Number – Order Name".

2. Orders proposed for filing in probate, guardianship, and mental health cases must be filed through the Florida Courts E-Filing Portal. The Clerk's office will submit proposed probate, guardianship, and mental health orders to the Court for approval after that office has reviewed the file for compliance purposes.

3. Proposed orders submitted after a hearing or in connection with unopposed or agreed motions must be accompanied by an e-filed cover letter (the cover

letter must have the filing stamp across the top) with a copy to all counsel and self-represented parties. The cover letter must indicate whether all parties agree to the content of the order. The proposed order should not be filed, but the cover letter must be e-filed prior to submission to the Court.

4. All proposed orders must describe, in the caption, the subject and ruling of the court – e.g., "Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability." See Fla. R. Civ. P. 1.100(c)(1). If the order is agreed to by all parties, the title must indicate the substance of the order and state that it is an "Agreed Order."

5. Cover letters may state that there is agreement to a form of order, and an order may be designated as "Agreed" only if there is express agreement to the form of the order. The "Agreed" designation shall not be used when opposing counsel or the opposing self- represented party simply has not timely responded to a proposed order. In cases where there is not express agreement to a form of the order, the cover letter must specifically state the position of opposing counsel or the opposing self- represented party, the lack of any response whatsoever, or other circumstances surrounding the order. Inaccurately identifying an order as agreed, unopposed, or without objection may result in the imposition of sanctions.

6. The proposed order must contain a complete certificate of service (including the person submitting the proposed order) indicating service to all parties receiving service through the Florida Courts e-Filing Portal, together with the name, email address, and party represented for each person receiving e-service. If any party does not receive service through the Florida Courts e-Filing Portal, the following is required for proposed orders:

   a. Proposed orders – The proposed order must contain the following language: "Counsel for Plaintiff(s) shall serve a copy of this Order via U.S. Mail to all parties not receiving service of court filings through the Florida Courts e-Filing Portal and shall file a Certificate of Service within five (5) days from the date of this Order." Counsel for Plaintiff(s) is responsible for promptly serving the order on all parties that are not registered for e-service through the Florida Courts e-Filing Portal.

7. If a party wishes to submit a proposed order before a hearing, the proposed order must be emailed saved in Word as "Case Number – Order Name" to 22osceola@ninthcircuit.org. Please include language in the email advising when the hearing for the proposed Order is scheduled for.

8. If counsel is asked to prepare a proposed order during or after a hearing, the order shall be drafted and sent to opposing counsel or self-represented parties for review and approval within three (3) business days and must be submitted to the Court within ten (10) days of the hearing with a copy to all other counsel and self-represented parties, unless the Court specifies a different deadline. If the parties cannot agree upon the language of the order, the non-moving party must email their specific objections to the proposed order to the moving party.

The moving party shall provide the email to 22osceola@ninthcircuit.org with the proposed Order. If there is no objection, the moving party shall so advise.

9. The court will not consider competing orders unless specifically directed to provide same.

O. Default Final Judgments

1. After proper service and entry of default, a party may seek entry of default judgment only in compliance with applicable law and procedural requirements.

2. Parties seeking a default judgment should review applicable law regarding liquidated and unliquidated amounts and the associated procedural requirements. Among other things, attorneys' fees and costs are generally unliquidated unless a statutory exception applies. See, e.g., MacDonnell v. U.S. Bank N.A. as Tr. for Truman 2013 SC4 Title Tr., 293 So. 3d 585, 590 (Fla. 2d DCA 2020); Williams v. Skylink Jets, Inc., 229 So. 3d 1275, 1279 (Fla. 4th DCA 2017).

3. A default judgment may be entered without a hearing under applicable law. The party seeking entry of judgment may file a motion for default final judgment and submit a proposed final judgment (after the motion and any supporting materials have been docketed by the Clerk) to the division email 22osceola@ninthcircuit.org. The Court will determine whether a default judgment can be entered without a hearing.

4. If applicable law requires a non-jury trial or final evidentiary hearing on damages, the party seeking entry of judgment shall file a notice for trial and provide a courtesy copy to chambers via the division email, and:

   a. if less than half a day is required, shall schedule hearing time pursuant to section I(B), or

   b. if half a day or more is required, shall request to be placed on a trial docket. See Section (II) (Setting of Trials, Case Management Conferences, and Pretrial Conferences).

5. If applicable law requires a jury trial on damages, a notice for trial must be filed and provide a courtesy copy to chambers via the division email. The case will be placed on a jury trial docket.

6. Stipulations or settlement agreements providing for entry of a default or consent judgment upon a payment default must be scheduled for hearing with notice to the defaulting party, even if the parties have agreed to entry of judgment without notice. The hearing may be set at short matters, and if contested, the Court may direct further proceedings.

See Uniform Admin. Policies & Procedures of the Civil Division of the Ninth Judicial Circuit Court (rev. May 2020), § 17(D).

P. Hearings on Motions for Rehearing, Reconsideration, or New Trial

1. A copy of all motions for rehearing, reconsideration, or new trial must be delivered to 22osceola@ninthcircuit.org at the time of filing for review by the Court. After reviewing the motion, the Court will (i) rule without a hearing, (ii) direct that a written response be filed by opposing parties, or (iii) direct the Judicial Assistant to contact the moving party to schedule a hearing.

2. A motion for rehearing, reconsideration, or new trial cannot be set for hearing without court order. Any notice of hearing without an order authorizing the hearing on the motion for rehearing, reconsideration, or a new trial will be struck summarily.

## II. SETTING OF TRIALS, CASE MANAGEMENT CONFERENCES, AND PRETRIAL CONFERENCES

A. Trial

1. For cases field prior to January 1, 2025, a case will be set for trial sua sponte or when a party files a proper notice for trial and a courtesy copy of the notice is provided to chambers via the division email. In most cases the Court will issue a "Uniform Order Setting Case for Trial; Pretrial Conference and Requiring Pretrial Matters to be Completed." In limited categories of cases the Court will issue a specialized trial order setting trial and pretrial requirements.

2. The fact that a case is still in the discovery stage does not prevent, filing of a notice for trial or prevent the Court from setting the pretrial and trial; however, counsel should be cognizant of whether the case is actually ready for trial.

3. For case filed January 1, 2025, and after, a Uniform Trial and Case Management Order will be entered within three business days of the filing. The Uniform Trial and Case Management Order will set the dates for the Pre-Trial Conference and Trial Period.

4. Continuances are disfavored absent a showing of good case. However, if either party believes that the trial date established in the uniform or specialized trial order will not allow sufficient time to complete discovery and can show good cause, counsel must immediately request a status hearing or case management conference. Delays in advising the Court about inadequate time, conflicts, or other issues may be considered a waiver of any objection to the trial date.

B. Case Management Conferences

1. The Court will schedule certain cases for a formal Case Management Conference and issue an order setting forth the matters to be covered at the conference. Certain cases may be deemed "Complex Litigation" pursuant to Florida Rule of Civil Procedure 1.201. Where so designated, the procedures set forth under Rule 1.201 will apply.

2. Any case can be considered for a Case Management Conference by the filing of a written request for a Case Management Conference describing the case management issue(s) that the party(ies) request(s) the Court to address. The request must be emailed to 22osceola@ninthcircuit.org The Court will notify the parties whether a Case Management Conference will be held and, if so, whether it should be set at short matters or scheduled via aiCalendar. The Court may issue an order directing certain tasks to be completed before the Case Management Conference, such as a conferral and the filing of a case management report.

3. After a Case Management Conference, the action will be controlled not only by the Trial Order, but also by the Order Following Case Management Conference.

C. Motions to Continue

1. Motions to Continue are disfavored absent a showing of good cause.

2. Motions to continue will not be considered unless accompanied by a written consent signed by the client. The motion must specifically set forth good cause justifying the continuance. Generalized statements that more time is needed, or mere agreement of the parties, will not support the granting of a continuance.

3. Except in emergency circumstances, the Court will usually not grant continuances without a hearing, even with agreement of all parties. Motions to continue should be set during ex parte/short matters before the pretrial conference.

D. Pretrial Conferences

1. Video Pretrials will be utilized to set the order of the trial docket and to discuss witness issues, jury instruction issues, audiovisual equipment needs, need for interpreters, time allotment for voir dire and opening and closing, responsibility for obtaining the court reporter, and other trial related issues.

2. Motions, including motions to continue, will generally not be heard during the pretrial conference. See §C above.

3. Pursuant to the Uniform Trial and Case Management Order, discovery closes 540 days from the date of filing. Parties should be ready to try their cases by the time of the pretrial conference.

4. **Parties shall provide a completed copy of the Pretrial Check List and Order Controlling Trial (available on the Ninth Circuit Website ) no later than three (3) business days prior to the scheduled pretrial to the division email** 22osceola@ninthcircuit.org Failure to comply may result in delay and further sanctions as deemed appropriate by the Court.

5. Attendance at the pretrial conference by the lead attorneys who will try the case is mandatory. Substituted appearance by counsel other than trial counsel at the pretrial conference is not permitted without leave of Court.

## III. SETTLEMENT OR RESOLUTION

### A Notice of Settlement

1. Plaintiff's counsel has the duty to immediately notify the Court of any settlement or resolution as to any matter or as to any parties to any matter on the trial docket.

2. The case will not be removed from the actual trial docket, is subject to trial call, and the attorneys must appear, until such time as the Court receives a file- stamped notice or stipulation of dismissal, enters an order that the matter has been fully resolved, or has expressly advised the parties that they are excused.

3. A Notice of Settlement is not sufficient to close the case. A notice or stipulation of dismissal, Order Approving Settlement Agreement (and fully executed settlement agreement filed with the clerk of court), or a final judgment as to all parties and claims is required.

## IV. TRIALS

### A. Place and Time of Trial

Trials will be held in Courtroom 5D of the Judge Jon B. Morgan Osceola County Courthouse unless otherwise indicated. Counsel and their clients shall be in the courtroom and ready for trial no later than 8:45 a.m.

### B. Courtroom Etiquette and Decorum

The Court expects counsel to read and abide by the Ninth Judicial Circuit Courtroom Decorum Policy.

C. Cell Phones, Communication Devices, and Cameras

1. Attorneys' cell phones must be turned off or placed in silent mode when in the courtroom or when attending via communication technology. Telephone calls may not be made or received in the courtroom except with the Court's prior permission. All parties and witnesses must turn cell phones completely off while in the courtroom except with the Court's prior permission.

2. Witnesses may not possess any type of communication device while on the witness stand or while testifying by way of communication technology.

3. No photographs or recording, audio, video, or otherwise, is permitted within the courtroom or while attending court by way of communication technology unless specifically permitted by the Court after formal request is made.

D. Trial Briefs

If a trial brief is to be filed with the Court, it must be submitted to chambers no later than five (5) business days before the trial is scheduled to commence.

E. Voir Dire

1. The Court will conduct a preliminary voir dire of the jury. Counsel may request that the Court initially explore areas of inquiry that may be important to the trial but sensitive in nature.

2. Counsel must be considerate of jurors' personal lives and time during their inquiries.

3. The Court will afford counsel latitude in questioning but will limit repetitive questions. Counsel shall not attempt to explore the facts of their case, nor explain the law that may apply in the case, nor attempt to curry favor with the venire.

4. Time limits, whether stipulated or court ordered, will be enforced.

F. Opening and Closing

1. Counsel and self-represented parties must inform the Court during the pretrial conference how much time they are requesting for opening statements and closing arguments. The Court will enforce time limits agreed to or ordered.

2. Only demonstrative aids or exhibits marked by the clerk, agreed to by all counsel, or approved by the Court may be used in either opening or closing.

3. Any PowerPoint or similar presentation must be provided to opposing counsel a reasonable time before being displayed to the jury to allow an opportunity for objections to be raised and resolved. In addition, a copy of the presentation must be filed to create an appellate record.

G. Exhibits

1. All exhibits must be marked for identification by the parties with tags provided by the Clerk of Court prior to the day of trial. Exhibits are marked for identification alphabetically ("Ex. A", "Ex. B", "Ex. C", etc.), and each page of the exhibit shall be Bates stamped. Once admitted into evidence, exhibits are marked numerically by the clerk ("Plaintiff's Ex. 1", "Plaintiff's Ex. 2", "Plaintiff's Ex. 3", etc.).

2. 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 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.

3. Questions about audiovisual devices and/or other courtroom technology issues should be addressed before trial to the Ninth Circuit's Technology Support department at help_osceola@ocnjcc.org or 407-742-2488.

H. Demonstrative Aids

Demonstrative aids or exhibits must be provided to opposing counsel so that there is an opportunity to object a reasonable time before their anticipated use. The Court will hear argument of any counsel opposing the use of the demonstrative aids prior to trial.

I. Objections

1. The Court will not allow speaking objections. Counsel shall state only the legal basis for the objection. If elaboration is necessary, the Court will inquire. If the jury is present, the court will call counsel to the bench for a bench conference or excuse the jury if appropriate.

2. Once the Court has ruled, no further argument will be permitted. Matters addressed at sidebar must not be repeated in front of the jury.

## APPENDIX

### CERTIFICATE OF COMPLIANCE EXEMPLARS

**Meet and Confer Completed PRIOR to filing of the motion**

CERTIFICATE OF COMPLIANCE

"I certify that prior to filing this motion, I discussed the relief requested in this motion by [method of communication and date] with the opposing party and [the opposing party (agrees or disagrees) on the resolution of all or part of the motion] OR [the opposing party did not respond (describing with particularity all of the efforts undertaken to accomplish dialogue with the opposing party prior to filing the motion)]."

s/_____
Counsel who noticed the hearing
Fla. Bar No. #######

OR

"I certify that conferral prior to filing is not required under rule 1.202."

s/_____
Counsel who noticed the hearing
Fla. Bar No. #######

**Meet and Confer Completed**

CERTIFICATE OF COMPLIANCE

I certify that on [ date ], [ name of lawyer ], a lawyer in my firm with full authority to resolve this matter had a substantive conversation [ in person ] [ by telephone ] [ by videoconference ] with [ name of 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 who noticed the hearing
Fla. Bar No. #######

**Meet and Confer Attempted Three Times**

CERTIFICATE OF COMPLIANCE

I certify that [ name of lawyer ], a lawyer in my firm with full authority to resolve this matter, attempted in good faith to contact opposing counsel, [ name of opposing counsel ], in person or by telephone on:

1. _____[Date]_____ at ___Time____ by ____[Means attempted]___;

2. _____[Date]_____ at ___Time____ by ____[Means attempted]___; and

3. _____[Date]_____ at ___Time____ by ____[Means attempted]___;

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

s/_____
Counsel who noticed the hearing
Fla. Bar No. #######