



STATE OF FLORIDA
NINTH JUDICIAL CIRCUIT OF FLORIDA

OSCEOLA COUNTY COURTHOUSE
2 COURTHOUSE SQUARE, SUITE 6450
KISSIMMEE, FLORIDA 34741
(407) 742-2491

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STEFANIA C. JANCEWICZ
Osceola County Judge

LISA M. KUCHINSKAS
Judicial Assistant

OSCEOLA COUNTY CIVIL DIVISION 62-G, COURTROOM 4B

Trial Information Sheet
Read carefully!

TRIAL DATE

Do not forget your trial date and time. Failure to appear at the correct date and time may result in your losing the case. Your trial will be conducted in-person, unless you have a signed order pursuant to Division 62 procedure allowing virtual appearance. If appearing virtually, **failure to show up in virtual courtroom on the given date at the right time may result in your losing the case.** Give yourself plenty of time to login to the WebEx application. Parties (and attorneys) who have a signed order allowing virtual appearance shall familiarize themselves with the program and, if necessary, sign up for a free account or download and install the App PRIOR to the trial date and time.

QUESTIONS

If you have questions on a small claims case concerning procedures (such as filing motions or issuing subpoenas), please contact the Clerk of the Court, Civil Division. The clerk is not authorized to practice law and therefore cannot give you legal advice. In the event that you need legal advice, please contact an attorney of your choice.

TRIAL PREPARATION

- The plaintiff has the initial responsibility of proving its case. The plaintiff must use proper, legal proof to prove each element of the case. If the Plaintiff cannot prove its case, the matter will dismissed or judgment entered in favor of the Defendant.

- You are not required to hire an attorney to represent you at trial; however, it is always a good to consult with an attorney who has training and skill at presenting cases at trial. You may also want to check with the clerk of the court's self- help center to see what informational opportunities are available in our area.
- As a Defendant, if your legal defenses are unsuccessful or you fail to appear at trial, a Default judgment will be entered against you. A judgment is a legal document signed by the Judge that sets out the amount that you owe the Plaintiff. It can include attorney's fees, costs, and interest. It is a document that will become public record and may be recorded by the Plaintiff. In an Eviction case, a Defendant who does not strictly comply with the law may have a Default and a Final Judgment for Possession entered against him/her regardless of the "hardship" alleged. **DO NOT MAKE PAYMENTS DIRECTLY TO PLAINTIFF OR PLAINTIFF'S LAWYER AFTER BEING SERVED WITH EVICTION.** All payments **MUST** be made to the Court registry or important rights can be waived/lost.

TRIAL EXHIBITS

- **At least three (3) business days in advance of the hearing (e.g. deadline of Monday at 5:00 p.m. for Friday 9:30 a.m. trial) the parties must forward to the Court and copy the other side with any exhibits you intend to offer at trial. The Court CANNOT take digital exhibits (ie, thumb drives) into evidence that have not been "cleared" by the Courthouse IT department. The Judge will not "plug in" any device submitted and it is best to have photos or videos submitted via CD.**

The Court also CANNOT receive evidence by looking at someone's phone. The evidence must be in a format that it can be marked by the Clerk and turned over physically. It is best practice to print copies of whatever is stored on your phone and submit those copies instead.

- **If parties are submitting video exhibits, it is REQUIRED to be submitted at least three (3) business days in advance of the hearing. Copies of the video must still be exchanged with the other side, and may be e-mailed to the other party to comply with this requirement.**
- **Providing exhibits to the Court by email, or filing exhibits with the Clerk's office, DOES NOT put the item(s) on the record. Evidence and procedural rules and pretrial deadlines will still apply.**
- You **MUST** submit any evidence that you previously submitted with your Statement of Claim/Complaint per the instructions set forth above for that evidence to be used at trial. **Evidence previously submitted with your Statement of Claim/Complaint will not be considered.**
- If there is an order authorizing virtual appearance for a witness, the parties are responsible for providing the WebEx information to their witnesses and all witnesses must have video and audio capabilities when appearing. Additionally, the witnesses must be alone in the room where he/she is testifying from and should be prepared to use the camera to scan the room so the Judge and the participants in the Courtroom can confirm no-one else is present.

- If a witness is going to testify to documents, then the witness must also be provided copies of all pre-marked exhibits prior to the hearing. If the witness is permitted to appear virtually, then the witness must also be provided copies of all pre-marked exhibits prior to the hearing.

WHAT YOU WILL NEED TO PARTICIPATE

If you have a Summons or an Order allowing you to appear remotely, you will need a computer or phone **with a camera** and a microphone, and an internet connection. Wi-Fi or cellular is fine. **YOU MUST APPEAR VIA CAMERA for your hearing.** The phone number that appears with the WebEx information is provided for use as audio *in conjunction* with appearance via camera. **It is NOT intended as a phone in only option.** If you do not have this equipment available to you then you must appear in-person for the trial.

ONCE CONNECTED

- Before the hearing, make sure that you are properly named. Unidentified parties will not be permitted entry to the hearing.
- When you sign in, please make sure you remain on mute until you are asked to unmute by the court.
- During the proceeding, parties should remain in a quiet area or room with a neutral background.
- Parties will not be permitted to participate in proceedings while conducting other activities such as driving, etc.
- Parties must be dressed in courtroom appropriate attire. Parties are not permitted, to eat, drink, smoke, chew gum, or other similar activities during the proceeding, and should not be laying down (unless there is a legitimate medical issue).

INTERPRETERS

NOTICE: The court does not provide language interpreters for civil cases. If a party needs the assistance of an interpreter, then the litigant who needs the interpreter (or whose witness requires assistance) is responsible to provide the interpreter.

AVISO: El tribunal no proporciona intérpretes de idiomas para casos civiles. Si una parte necesita la asistencia de un intérprete, entonces el litigante que necesita el intérprete (o cuyo testigo requiere asistencia) es responsable de proporcionar el intérprete.

AVI: Tribinal la pa bay entèprèt lang pou ka sivil yo. Si yon pati bezwen asistans yon entèprèt, lè sa a pleyan ki bezwen entèprèt la (oswa ki temwen ki bezwen asistans) se responsab pou bay entèprèt la. If you are not appearing in person, you will need a computer or phone **with a camera** and a microphone, and an internet connection. Wi-Fi or cellular is fine.

COURT REPORTER AND APPEALS

A party may provide a court reporter at the party's expense. **If you wish to have the proceedings recorded, you must hire a private court reporter.** It is your responsibility to secure and pay for a court reporter. Appeals to a higher court because you are not satisfied by the outcome are governed by special rules. One of these rules requires that the appellate court have a complete record of the trial to review for errors. If you do not have a court reporter at your trial, your chances for success on appeal will be severely limited.

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, FL 34741, telephone (407) 742-2417, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711 to reach the Telecommunications Relay Service.