

**AMENDED ORDER GOVERNING COMPLEX BUSINESS LITIGATION COURT
PROCEDURES AND CRITERIA**

WHEREAS, the Ninth Judicial Circuit established and operated a specialized subdivision known as “Business Court” since January, 2004; and

WHEREAS, consideration has been given to a more proper and fitting designation of such Court; and

WHEREAS, the number of complex commercial cases currently pending before the Judge presiding over such cases is such that the Judge cannot devote the proper amount of time and attention to the cases to effectuate appropriate case management and analysis of complex issues, and

WHEREAS, the Business Section of the Orange County Bar Association has, after careful study and consideration, proposed certain amendments to the criteria governing the cases filed in Business Court,

NOW, THEREFORE, I, Belvin Perry, Jr., pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, order the following, effective immediately unless otherwise provided herein:

I. **Change of Designation of Business Court.**

The “Business Court” shall be designated as the “Complex Business Litigation Court.” Criteria governing the assignment of cases to the Complex Business Litigation Court are amended as outlined below.

II. Cases Subject to the Complex Business Litigation Court.

The principles set out below shall guide the parties and the Court in the assignment of cases to the Complex Business Litigation Court. Notwithstanding anything to the contrary in any prior general Administrative Order or Court procedure, all jury, non-jury, injunction and class action cases shall be assigned to the Complex Business Litigation Court, if they are among the following types of actions:

- A. Any of the following where the amount in controversy is in excess of \$75,000.00:
1. Claims arising from U.C.C. related transactions;
 2. Claims arising from the purchases and sales of businesses or the assets of a business, including contract disputes, commercial landlord-tenant claims, and business torts;
 3. Claims involving the sale of goods or services by or to business enterprises;
 4. Claims involving non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;
 5. Claims arising from the purchase, sale, lease of commercial real or personal property or security interests therein;
 6. Claims related to surety bonds;
 7. Franchisee/franchisor relationships and liabilities;
 8. Malpractice claims of non-medical professionals in connection with rendering services to a business enterprise;
 9. Insurance coverage disputes, bad faith suits, and third party indemnity actions against insurers arising under policies issued to businesses, such as claims arising under a commercial general liability policy or commercial property policy; and
 10. Other complex disputes of a commercial nature, excluding those listed

in Section III, below. Cases eligible under this category will normally have four or more parties, multiple claims and defenses, third party, cross or counterclaims, complex factual or legal issues, or other unusual features warranting assignment to the Complex Business Litigation Court.

B. Any of the following without regard to the amount in controversy:

1. Actions relating to the internal affairs or governance, dissolution or liquidation rights obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises;
2. Actions relating to trade secrets and non-compete agreements;
3. Intellectual property claims;
4. Actions relating to securities or relating to or arising under the state securities laws or antitrust statutes;
5. Shareholder derivative actions and class actions involving claims that are subject to the Complex Business Litigation Court, pursuant to this Order; and
6. Actions relating to corporate trust affairs or director and officer liability.

III. Cases Not Subject to the Complex Business Litigation Court.

The following types of matters are not ordinarily to be assigned to the Complex Business Litigation Court:

- A. Appeals from the County Court;
- B. Personal injury, survivor, or wrongful death matters;
- C. All individual and class action consumer claims;
- D. Matters involving occupational health or safety;
- E. Environmental claims which do not involve the sale or disposition of a business or the claims addressed in Section I, paragraphs 8 and 9, above;

- F. Matters in eminent domain;
- G. Malpractice claims, other than those brought by business enterprises against attorneys, accountants, architects or other professionals in connection with the rendering of professional services to the business enterprise;
- H. Employment law cases, other than those addressed in Section II, paragraph B. 2., above;
- I. Administrative agency, tax, zoning and other appeals;
- J. Petition actions in the nature of change of name, mental health act, guardianship, or government election matters;
- K. Individual residential real estate and non-commercial landlord-tenant disputes;
- L. Suits to collect professional fees;
- M. Cases seeking a declaratory judgment as to insurance coverage for a personal injury or property damage action;
- N. Proceedings to enforce a judgment regardless of the nature of the underlying case;
- O. Actions by insurers to collect premiums or rescind policies;
- P. Domestic relations matters, and actions relating to distribution of marital property, custody, or support;
- Q. Any matter required by statute or other law to be heard in some other court or court division;
- R. Any criminal matter, except criminal contempt in connection with a Complex Business Litigation Court action;
- S. Such other cases which are appropriately transferred out of the Complex Business Litigation

Court, pursuant to Section V of this Order.

IV. Assignment of Cases to the Complex Business Litigation Court.

A. Effective immediately, the Civil Cover Sheet shall include an additional line and box where the party or attorney signing the Civil Cover Sheet must certify whether the action is appropriate for assignment to the Complex Business Litigation Court. A "Complex Business Litigation Court Addendum to Civil Cover Sheet" ("Addendum"), a sample of which is attached hereto as Exhibit "A," is hereby required to be filed with all initial filings that meet the Complex Business Litigation Court criteria and which are filed on or after the date of this Order. The filing party or attorney shall indicate on the Addendum the applicable type or types of action that qualify the case for assignment to the Complex Business Litigation Court. A party's or an attorney's signature on the Civil Cover Sheet shall constitute certification that the matter is appropriate for the Complex Business Litigation Court. A copy of the Civil Cover Sheet and Addendum shall be served on all parties.

B. Cases meeting the criteria to qualify for Complex Business Litigation Court, pursuant to this Administrative Order, shall be assigned to Subdivision 32 in the Circuit Civil Division, Orange County, by the Clerk of the Court.

C. Judges assigned to other Subdivisions in the Circuit Civil Division and/or litigants may submit a request to the Administrative Judge of the Circuit Civil Division to assign/transfer a pending case that meets the criteria of the Complex Business Litigation Court to Subdivision 32.

D. Controversies which may arise concerning the assignment/transfer of any case in the Circuit Civil Division, including Complex Business Litigation Court cases, shall be resolved by the Administrative Judge of the Circuit Civil Division.

V. Disputes Arising From the Civil Cover Sheet Designation.

If any party disagrees with the assignment or lack of assignment of a case to the Complex Business

Litigation Court, that party may file a "Motion to Transfer Divisions" with the Judge in the assigned subdivision, and the motion will be resolved by the Administrative Judge of the Circuit Civil Division in accordance with the Ninth Judicial Circuit Administrative Procedures for case re-assignment.

VI. Electronic Filing.

Pursuant to Florida Rule of Judicial Administration 2.525, all pleadings filed in any case pending in the Complex Business Litigation Court divisions may be filed electronically in accordance with the procedures adopted on March 30, 2006, by the Clerk of Court, Orange County, Florida. (A copy of the procedures can be obtained on the Clerk's website at http://www.myorangeclerk.com/ECF/ecf_procedures.shtml.)

Where a case is paper filed in a general civil division of the Court, and an order transferring that case to the Complex Business Litigation Court is thereafter entered, the Clerk of Court shall image all pleadings filed in that case and provide immediate electronic notification of the transfer to the assigned Complex Business Litigation Court division. Litigants may then file all subsequent pleadings electronically.

Per Supreme Court Administrative Order AOSC07-22, paragraph b, "The Orange County Clerk of Court shall continue to accept paper filings at no charge, other than statutorily required fees."

Administrative Order No. 2003-17-04 is vacated and set aside and has been incorporated and/or amended herein.

DONE AND ORDERED at Orlando, Florida this 3rd day of July, 2008.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies to:
Clerk of Courts, Orange County
Clerk of Courts, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

EXHIBIT “A”

[CIVIL COVER SHEET COMPLEX BUSINESS LITIGATION COURT ADDENDUM]

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

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

- A. Any of the following where the amount in controversy is in excess of \$75,000.00:
 - 1. Claims arising from U.C.C. related transactions;
 - 2. Claims arising from the purchases and sales of business or the assets of a business including contract disputes, commercial landlord-tenant claims and business torts;
 - 3. Claims involving the sale of goods or services by or to business enterprises;
 - 4. Claims involving non-consumer bank or brokerage accounts, including loan, deposit, cash management, and investment accounts;
 - 5. Claims arising from the purchase, sale, lease of real or personal property or security interests therein;
 - 6. Claims related to surety bonds;
 - 7. Franchisee/franchisor relationships and liabilities;
 - 8. Malpractice claims of non-medical professionals in connection with rendering services to a business enterprise;
 - 9. Insurance coverage disputes, bad faith suits, and third party indemnity actions against insurers arising under policies issued to businesses, such as those claims arising under a commercial general liability policy or commercial property policy; and
 - 10. Other complex disputes of a commercial nature, excluding those listed in Section III of Administrative Order Number 2003-17-04. Cases eligible under this category will normally have four or more parties, multiple claims and defenses, third party, cross or counterclaims, complex factual or legal issues, or other unusual features warranting assignment to the Complex Business Litigation Court.

- B. Any of the following without regard to the amount in controversy:
 - 1. Actions relating to the internal affairs or governance, dissolution or liquidation rights or obligations between or among owners (shareholders, partners, members), or liability or indemnity of managers (officers, directors, managers, trustees, or members or partners functioning as managers) of corporations, partnerships, limited partnerships, limited liability companies or partnerships, professional associations, business trusts, joint ventures or other business enterprises;
 - 2. Actions relating to trade secrets and non-compete agreements;
 - 3. Intellectual property claims;

4. Actions relating to securities or relating to or arising under the state securities laws or antitrust statutes;

5. Shareholder derivative suits and class actions involving claims that are subject to Complex Business Litigation Court , pursuant to Administrative Order Number 2003-17-04; and

6. Actions relating to corporate trust affairs or director and officer liability.

NOTE: A copy of the Civil Cover Sheet and this Addendum must be served with the Complaint for all Complex Business Litigation Court cases. See Administrative Order Number 2003-17-04 for further Complex Business Litigation Court requirements.