



**State of Florida
Ninth Judicial Circuit of Florida**

**DIANA M. TENNIS
CIRCUIT JUDGE**

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
SUITE 1130
OSCEOLA COUNTY COURTHOUSE
6TH FLOOR
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**PROCEDURES AS OF AUGUST 9, 2021 FOR
JUDGE DIANA M. TENNIS
ORANGE COUNTY DOMESTIC DIVISION 41
OSCEOLA COUNTY DOMESTIC DIVISION 43**

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES¹, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT DOMESTIC DIVISION NUMBERS 41 AND 43 WHEN PRACTICING BEFORE JUDGE DIANA M. TENNIS.²

GENERAL INFORMATION

Division 41 Orange: Virtual via Zoom link www.zoom.us/my/judgedianatennis every Monday Morning, including Short matters, uncontested final hearings, Pre-trial hearings and short hearings as agreed to by all parties, to be scheduled using

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.) Counsel must also be familiar with relevant Administrative Orders, e.g. *Administrative Order Establishing Ninth Judicial Circuit Court Domestic Guidelines* dated August 5, 2014, etc. all of which may be found at the above Circuit website.

²This Court is held to the additional standards set forth in *Code of Judicial Conduct* and the *Principles of Professionalism for Judges*.

JACS. Attorneys shall ensure their clients are fully able to use Zoom and appear from a quiet and private location. Failure will result in re-scheduling and costs taxed to the attorney. All other hearings to be conducted in person in Courtroom 16-E of the Orange County Courthouse. Absent good cause and pre-approval from the Court, virtual hearing times will be exclusively virtual and in person hearing times exclusively in person. Any hearing that is a “mix” may be done by way of Teams or Cisco. It will be the responsibility of the attorney/party to ensure that all of their participants are familiar with the technology and able to use it timely and effectively.

Any virtual hearing outside of Monday mornings must be done by agreement and pre-approval by the Court.

Division 43 Osceola: Virtual to include Short matters, Pre-trial hearings and hearings as agreed to by all parties, on certain days set out on the calendar to be posted to the Ninth Circuit Website on Judge Tennis’ page. This will be on irregular Tuesdays and Wednesday to occur approximately once every 2-3 weeks. That time will be scheduled using JACS. The morning of the “virtual day” may include short matters, uncontested final hearings, pretrial hearings, and short hearings upon agreement. The afternoon will include short hearings by agreement, set by the Court or upon approval. Short matters may continue to be scheduled through JACS during non-morning hours. Attorneys shall ensure their clients are fully able to use Zoom and appear from a quiet and private location. Failure will result in re-scheduling and costs taxed to the attorney. All other hearings to be conducted in person in Courtroom 3D of the Osceola County Courthouse. Absent good cause and pre-approval from the Court, virtual hearing times will be exclusively virtual and in person hearing times exclusively in person. Any hearing that is a “mix” may be done by way of Teams or Cisco. It will be the responsibility of the attorney/party to ensure that all of their participants are familiar with the technology and able to use it timely and effectively.

JACS WILL NOT DELINEATE WHETHER HEARING TIME IS VIRTUAL OR NOT. TAKE GREAT CARE WITH ALL NOTICES OF HEARING. ALL NOTICES OF HEARING CONTINUE TO BE REQUIRED PROVIDED TO THE COURT AT THE TIME HEARINGS ARE SCHEDULED, INCLUDING SHORT MATTERS AND UNCONTESTED FINAL HEARINGS.

Contact Information: Please use this address for ALL Orange county matters 41Orange@ninthcircuit.org. Please use this address for ALL Osceola county matters 43Osceola@ninthcircuit.org. Please email everything unless specifically requested to send “hard” copies.

UNLESS INSTRUCTED OTHERWISE, ALL VIRTUAL HEARINGS SHOULD INCLUDE IN THE NOTICE:

All participants shall appear using zoom link www.zoom.us/my/judgedianatennis or join

with Zoom app with id# 4078360540. To appear via telephone in Zoom: dial +16468769923 and use code 4078360540. You will then wait in a waiting room until the Judge lets you into the Hearing.

DOMESTIC/FAMILY COURT PROCEDURES

Hearing Procedure:

Domestic hearing time may be obtained by first checking on the website at <http://www.ninthcircuit.org> From the home page, click the icon labeled Judicial Automated Calendaring System (JACS) and look for available times which are listed under **Family Divisions 41 and 43**. Coordinate your hearing time with opposing counsel. Next, please contact the Judicial Assistant by e-mail at 41Orange@Ninthcircuit.org for Orange County matters and 43Osceola@Ninthcircuit.org for Osceola county matters. Hearings must be confirmed by the Judicial Assistant to appear on the docket, including short matters hearings. In addition to filing the Notice of Hearing with the Clerk of Court, via copy of the Notice of Hearing and motion(s) must be furnished to the Judicial Assistant via email. All requests for hearing time will be reviewed by the Judge, and may result in an Order or Preliminary Order being entered without hearing. IF you plan on filing a response to a motion that has been provided to the Court, inform the Court immediately.

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

1- **Setting of Hearings: Pursuant to Administrative Order parties are expected to attempt to work out issues prior to setting motions for hearing. A certification that counsel have recently actually conferred and attempted to resolve the issue(s) to be heard will be required prior to any hearing being scheduled.** Any violation of this Order may be met with sanctions, including attorney's fees and taxable costs. Hearing times must be coordinated with opposing counsel or pro se parties. Good faith cooperation is expected both from counsel, their support staff and pro se litigants. Should counsel, their staff, or pro se litigants fail to respond within 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth to the Judicial Assistant at the time of the hearing request (for hearing at least seven days in the future) and must be included in either the motion or in the notice of hearing. After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing must be immediately forwarded to the Judicial Assistant via email. ALL communications to the Court must include the opposing counsel or opposing party.

Pursuant to Florida Rules of Civil Procedure and the Florida Rules of Judicial Administration, telephone hearings are permitted so long as the hearing is thirty (30) minutes or less in length, no testimony or evidence is presented, and when counsel's office is located outside the Ninth circuit. (Please consider doing those hearings using the "Zoom" telephone or video option, as the quality of sound is improved.) In this situation, no motion or order for telephonic appearance is necessary. If two or more attorneys are to appear by telephone, one of them must arrange to connect the other attorney(s) by

conference call. When setting the hearing, please inform the JA of the request for telephonic appearance so it may be noted on the docket and the courtroom telephone number provided to counsel. Attorney(s) appearing via telephone for the hearing must call the courtroom at the time of the hearing.

2- **Emergency Hearings:** Parties are reminded that difficulties with timesharing or other problems that are not extremely serious and imminent are NOT emergencies. Non-emergency issues should not be the subject of an emergency motion. If a serious situation arises, counsel may request that a hearing be set on short notice. Motions that are not true and dire circumstances should not be filed “ex parte”, and if a motion is filed “ex parte” the reason for waiving due process must be set out in the motion. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. All Emergency Motions must be verified. The motion must be filed and “date stamped” copy emailed or hand delivered to Chambers before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Court will generate an Order and/or direct counsel to either submit a detailed order or set the hearing. An expedited hearing time may be requested with notice to the opposing counsel or party, and is often more appropriate than an emergency motion.

3- **Ex Parte/Short Matters:** Used for uncontested matters, (motions to withdraw, uncontested final hearings, name changes, or to have agreed upon Orders entered) and matters involving only legal argument of 5 minutes or less. Counsel may coordinate a date directly with opposing counsel or pro se litigants and file a notice of hearing, and provide a copy to the Court. Those may also be set during regular hearing time, with JACS being utilized. Any Motion directed to discovery should be filed and then provided to the Court for consideration as typically those will be ruled upon without hearing.

Please check the JACS hearing calendar for our division to ascertain ex parte/short matters dates. Ex parte/short matters are held on the dates and times listed, with some days being done virtually. Furnish your motion and notice of hearing to the Court as soon as possible so that the Court can prepare for the hearing. Again discovery motions must be provided the Court prior to being noticed for hearing.

4- **Uncontested Dissolution Final Hearings:** The Court will continue to accept “email in” Final Judgments, using the procedures on the website. The Final Judgments should be sent in PDF form, with the agreements included in the same document. Carefully follow the checklist as failure to include all that is necessary will delay the process. Make sure you are using the latest IDO/IWO, available on the website.

5- **Evidence:** For all hearings and trials, the following rules apply unless a specific Court order in the case provides otherwise:

(a) UNLESS SET OUT IN ANOTHER ORDER SPECIFICALLY: No later than four (4) business days before the hearing or trial, counsel and/or pro se parties shall exchange any and all exhibits and have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits.

- (b) All exhibits must be pre-labeled, with “A”, “B” etc, and include an Evidence Control Sheet that lists the items by description with their letter identification.
- (c) Unless an Order includes a different timeframe, Parties who are providing exhibits digitally, should email copies of all exhibits to the Judicial Assistant at least three (3) business days prior to the hearing or trial. Do not deliver hard copies to the Judge prior to the hearing or trial, as the Judge may not be in that Courthouse given the split divisions. Each exhibit should be sent as an individual PDF file, unless the file is a video or other file that cannot be provided in PDF format. The name of the digital file must state the Party offering the exhibit, the word “Exhibit”, the exhibit letter for identification, and a short description of the exhibit, such as the following example: “Petitioner’s Exhibit A – Car Title”. MULTIPLE EMAILS MUST HAVE DIFFERENT DESCRIPTIONS IN THE SUBJECT LINE, SUCH AS “SMITH V. JONES 2020 DR 1111 EXHIBITS A THROUGH B.
- (d) If the hearing or trial is in person, and exhibits are being provided by hard copy, the attorney or pro se litigant must bring to the hearing physical copies of the exhibits for the Judge, the trial clerk, the opposing party and witnesses. The Clerk’s copies should be individually tagged and marked, with an Evidence Control Sheet. The Judge’s copies should be in a tabbed hearing binder, when feasible.
- (e) If the hearing or trial is conducted by Zoom, one hard copy of the exhibits must be delivered to the trial clerk no earlier than seven (7) days before the hearing and no later than three (3) days before the hearing. The hard copies should be individually tagged and marked, with an Evidence Control Sheet and delivered to the Clerk’s Office at the Courthouse, and include the case number and division number. When possible, the exhibits should be provided to the Judge by email. IF this is not possible, hard copies should be delivered to the Judge a week prior to the trial or hearing with notice to the JA.
- (f) All case law that a party wishes the Court to review should be provided to the Court and the opposing party by email at least three (3) business days prior to the hearing or trial. Each case or document should be provided as a separate file if emailed. If the hearing is in person, hard copies should also be brought to the hearing. If case law is provided untimely, the other party may request additional days to provide case law after the proceeding.
- (g) If files are too large to send by email, provide the files to the Court via a file sharing link such as Dropbox, Google Drive or OneDrive. Video and audio must be provided the Clerk’s office in a USB “thumb drive” (NOT CD/DVD) format. Those drives should be in a sealed envelope with names and case number on the envelope. Please keep in mind that if there are multiple items on a drive and not all are allowed as evidence an additional drive must be provided after.

IT IS IMPORTANT THAT THE LAWYERS AND LITIGANTS FOLLOW UP WITH THE CLERK’S OFFICE AFTER ANY EVIDENTIARY PROCEEDING TO MAKE SURE THAT THE ITEMS THEY BELIEVE WERE ENTERED INTO EVIDENCE ARE ACTUALLY IN EVIDENCE.

Trial/Case Management Procedure:

Notice for Trial: Prior to filing a Notice for Trial, the parties shall attend mediation, within the three months prior to the notice being filed. If mediation is not appropriate, counsel or pro se litigants shall file a Motion to Dispense with Mediation and set it for hearing at ex parte/short matters. Additionally if the case is a dissolution of marriage with children or a paternity case, parenting class certificates must be filed with the Clerk's Office pursuant to state law and the circuit's administrative order. Pursuant to Administrative Order 2004-14 entered on June 29, 2004, counsel or pro se litigants shall attach Form 51 to their Notice of Trial. **No Notice of Trial is accepted without Form 51.** Form 51 is available from the Court's website. Counsel or pro se litigants are required to furnish sufficient self-addressed, stamped envelopes (if not utilizing a pre-arranged pick up box for counsel on the sixth floor), for the Order Setting Scheduling Conference.

Pre-trial Conference: Counsel and pro se litigants must comply with all aspects of the Uniform Pre-trial Order. Non-compliance may result in sanctions. The 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 and time limits are not optional, nor extendable by stipulation. **THE COURT EXPECTS STRICT COMPLIANCE WITH THE ORDER ABSENT A TIMELY MOTION AND ORDER OF COURT MODIFYING THE CONDITIONS THEREIN.** Joint stipulations to extend time may not be granted.

Cases will not be provided trial dates until they are completely ready for trial, to be determined at one or more Pretrial hearings. ALL provisions of the Uniform Pretrial Order will be required to be followed, including stipulations as to all knowable facts. Once a case is fully prepared the Court will schedule the trial at a date agreed upon by all parties. Absent extraordinary circumstances that trial date will not be moved. **The attorney trying the case must appear at Case Management Conference and Pretrial Conference.** If counsel or a pro se litigant is unable to attend, or cannot be prepared for either CMC or PT as noticed, a motion for continuance must be submitted to the Court immediately and a hearing scheduled. All Joint Equitable Distribution Spreadsheets should be provided in Excel, and any specifically requested proposed Orders or Final Judgments, and redline Parenting Plans should be provided in Word format to the J.A. at 41Orange@Ninthcircuit.org for Orange County matters and 43Osceola@Ninthcircuit.org for Osceola county matters.

Case Management Conference:

The Court may set a Case Management Conference prior to the hearing or trial, at which all counsel and parties must be present. A Case Management Conference may also be requested (if so please ensure your Notice includes reference to FRFP 12.200, and indicate any specific topics intended to be covered. The Court may also require pre-hearing memorandums, discovery limitations, or other means to streamline the proceedings. It is likely, when timesharing is at issue, that the lawyers will be required to produce a "redline" Parenting Plan prior to any CMC. Please review FRFP 12.200, as case management conferences are intended to be substantive and can result in many outcomes.

Miscellaneous:

Cancellation Policy: Please immediately notify the Judicial Assistant via e-mail of all cancellations or settlements so that the calendar may be opened up for other matters. You must attach to the e-mail a copy of the Notice of Cancellation. 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.

Submitting Proposed Orders: Typically, the Court will issue their own orders. After a lengthy or complex hearing and pursuant to Rules of Judicial Administration 2.516, the Court may request a party to draft the Order and submit it to opposing counsel. If counsel cannot agree on the proposed order and only after good faith attempts to resolve the disagreements, they shall submit "redline" version of proposed order to the Court within 10 days of the hearing. If further input is needed, the Court will schedule the matter for a hearing. The Court will not hold orders for a period of time in order to obtain approval from opposing counsel. Additionally, all orders must contain the following information: title of the order includes the motion(s) that was/were heard; date of the hearing; and a complete certificate of service including names and addresses of counsel and pro se litigants. Orders generally will be accepted via email and will be distributed once entered via email. If requested, due to a pro se litigant or the like, Orders submitted physically must also include sufficient copies and self-addressed, stamped envelopes for conforming and sending to all parties.

Motions and the Court file: Lawyers and litigants should assume that the Court has reviewed the entire file and every pleading pending prior to hearings.

Orders entered without hearing: If a Party is not in agreement with an order entered without hearing, a Motion for Reconsideration should be filed detailing the reasons.

Motions to Continue: Pursuant to Florida Rules of Civil Procedure, all motions to continue must have the client's signature and specific reason(s) for the continuance. Motions to continue may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. **Motions to Continue filed after the case has been set for trial upon an agreed date will not normally be granted.**

Motions to Withdraw and Substitution of Counsel: Pursuant to Florida Rules of Civil Procedure, all motions to withdraw or for Substitution of Counsel must have the client's signature and specific reason(s) for the withdraw/substitution. If you are unable to obtain client consent, motions to withdraw or to substitute counsel may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. Motions to Withdraw filed after the case has been set for trial, may not be granted, and all such Orders need to include notice to the now pro se litigant of the date and time of the previously scheduled hearing, mediation or trial. Motions to Withdraw, even with consent, may require a hearing if filed prior to an already scheduled hearing or trial.

Referral to General Magistrate: Motions and Trials may be referred to the General Magistrate, and typically this will mean being heard more quickly. Either party may file a written request that a matter be referred to the General Magistrate. A copy of the motion and the Order of Referral should be sent to the Court (include additional copies and envelopes for conforming and mailing to all parties and the General Magistrate). Also the Court may *sua sponte* refer a matter to the General Magistrate. If counsel or a pro se litigant objects to the referral, said objection must be filed within ten (10) days of the referral.

Income Deduction / Income Withholding Orders: When submitting an Order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an an Income Deduction Order (with attached Income Withholding Order if there is child support) to be entered simultaneously by the Court. Sufficient copies and self-addressed, stamped envelopes for any pro se party must be provided. **It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the IDO/ IWO pursuant to Statute.** Sample forms for IDO and IWO may be found on the Court's page of the Ninth Circuit's Website at NinthCircuit.org.

Motions for Re-hearing/Reconsideration: Upon filing said motion, please send a copy to the Court for review. The Court will either rule without a hearing or will advise the moving attorney to schedule a hearing.

Audio/Visual Equipment in the Courtroom: The procedure for help and assistance is to call our IT Department/Help Desk Line at (407) 836-0522 and they will schedule a test/training time for you. All courtrooms have overhead projectors and all courtrooms have a DVD player, but the CD/DVDs must be in the same format that plays on a home DVD movie player plays. The Court will make the courtroom available before the equipment is to be used. It is the moving party's responsibility to ensure any digital media works.

Filings in the Court file: Please assume that it will be five business days between the filing of any document and the Court being able to see it in the digital court file. Provide courtesy copies by email when in doubt.

Interpreters: Please remember the Court does not supply English translators in domestic relations cases and, if possible, a certified interpreter should be brought to all proceedings. The Court does provide interpreters in Domestic Violence/ Injunction cases. If the Party in an injunction case in Division 43 requires an interpreter, please give the JA as much notice as possible. If you find you need to request an interpreter before the next hearing, please inform the JA at the time you schedule your hearing or at least (3) business days prior to the scheduled time for Spanish interpreters and at least five (5) business days for any language other than Spanish.

Please note: These procedures apply to Judge Diana M. Tennis only. It is recommended

that you refer to the procedure of each Judge or contact the Judicial Assistant in that division for instructions.