

State of Florida  
Ninth Judicial Circuit of Florida

Thomas S. Kirk Juvenile Justice Center  
2000 East Michigan Street  
Orlando, Florida 32806  
407-836-9583  
WWW.NINTHCIRCUIT.ORG

John E. Jordan  
Circuit Judge

Cathy Stephens  
Judicial Assistant

**DIVISION 43 GUIDELINES – COMPLEX BUSINESS LITIGATION**

**BUSINESS COURT PROCEDURES:**

The Court expects all parties appearing in Division 43 to be familiar with and to comply with the Business Court Procedures. Parties may find these Procedures on the Business Court website: [www.ninthcircuit.org/about/divisions/business-court](http://www.ninthcircuit.org/about/divisions/business-court). **All Hearings and Trials are heard in Courtroom 1 (unless otherwise noted).**

**EX PARTE and SHORT MATTER HEARINGS:**

Pursuant to BCP 5.15 and 5.16, on Monday through Thursday at 8:30 a.m. in Courtroom 1 (unless otherwise specified on JACS), the Court will conduct ex parte and short matter hearings. Short matter non-evidentiary hearings are 20 minutes or less. Motions will be heard on a first come, first serve basis and deemed closed at 9:30 am. Counsel is limited to (1) one motion at a time. These hearings are not scheduled with the JA but must be coordinated with opposing counsel on a date that Judge Jordan is available. **Please check JACS for Judge Jordan's unavailability before scheduling ex parte or short matters hearings.** The Court does not arrange for alternate Judges to cover during his absence.

Business Court is housed and cases heard at the Juvenile Justice Center, 2000 East Michigan Street, Orlando, FL 32806, but Jury Trials will be conducted at the Orange County Courthouse, 425 North Orange Ave., Orlando, FL 32801. During Jury Trials, the Court will conduct all ex parte/short matters at the Orange County Court House. **Please check JACS daily to locate the correct Court House and Court Room for ex parte/short matters during Jury Trial days.**

Parties may, but are not required to send courtesy copies for ex parte hearings. The Court requires courtesy copies for all short matter hearings at least two (2) calendar days before the hearing occurs via US Mail or hand delivery. Failure to provide courtesy copies before a short matter hearing may result in a delayed ruling or an order to reschedule the hearing.

Because the case files are available electronically, evidence received in previous hearings must be ordered from the Clerk of Court prior to the hearing. A seven (7) day notice is recommended.

## Continuation - Division 43 Guidelines

Attorneys may appear at ex parte/short matter hearing by phone without motion and order. If more than one person will be participating telephonically, they must conference the call before calling the court room at 407-836-9381. If the line is busy, please keep trying until you connect. If nobody answers, please contact the Judicial Assistant, Cathy Stephens at 407-836-9583. All other hearings must be set with the JA pursuant to Section 5 of the Business Court Procedures and the below guidelines.

### **ALL OTHER HEARINGS:**

Unless otherwise indicated in the Business Court Procedures, all requests for oral argument must be made by motion. The motion should indicate the length of the hearing requested. The Court will enter an order either granting or denying oral argument and setting forth the amount of time permitted for the hearing, if granted. If oral argument is granted, the movant shall coordinate the hearing time with opposing counsel. When requesting hearing time, please refer to the “Available Hearing Times” link of the Business Court page on the Court’s website. Once hearing time is coordinated, please email the JA at [43Orange@ninthcircuit.org](mailto:43Orange@ninthcircuit.org) to secure and confirm the time. The JA will not set hearing time over the phone. Please notify the JA immediately of any cancellations. Last-minute cancellations prevent use of the hearing time by other parties. Parties may not cross-notice (piggy back) other motions without prior approval of opposing counsel and the JA.

### **COURT COPIES:**

The Court requires courtesy copies on all matters set for hearing to be delivered at least five (5) business days prior to hearing. Subject to BCP 5.4 and 5.6, counsel may provide timely courtesy copies in hard copy or USB Drive.

**If provided by USB Drive**, counsel must insure that it is indexed and the index contains a hyperlink to the referenced document, exhibit, statute, or case referenced. A sample electronic courtesy copy is located on the Business Court website.

### **DISCOVERY MOTIONS:**

Sections 5 and 7 of the Business Court Procedures outline the rules for the submission, preparation and filing of discovery motions. Pursuant to BCP 7.5, do not file discovery materials unless authorized.

### **TELEPHONIC HEARINGS:**

Judge Jordan allows attorneys to appear by telephone if the hearing is set up as a telephonic hearing with the JA in advance and the hearing is scheduled for 30 minutes or less. Hearings such as Case Management Conferences and Final Pre-Trial Conference are mandatory appearances unless excused by Order of the Court. Subject to BCP 3.6, no advance authorization is necessary for the Court’s regularly-scheduled ex parte or short matters hearing time.

## Continuation - Division 43 Guidelines

If an attorney wishes to attend the hearing by phone, the attorney shall provide to the Court, at least 3 days before the hearing, hard copies of the Motion, a proposed Order, along with stamped/addressed envelopes (envelopes are not necessary if parties will be served by ECF).

The Court has one Court Room phone line, therefore, only one call can be heard per hearing. The scheduling party shall conference all telephonic parties prior to the time of the hearing and then call into the Court's one phone line. The attorney should place the conferenced call directly to the number provided by the JA at the time of the scheduled hearing.

### **EMERGENCY HEARINGS:**

A copy of the filed motion along with a Request for Emergency Hearing must be provided to the Court by hand delivery, at which time the motion will be reviewed. The JA will then contact counsel by telephone or email to either provide emergency hearing time or, if the Court determines that the matter is not an emergency, to instruct the parties to schedule a hearing on the first available time on the regular calendar.

### **CONTINUANCES:**

The Court does not automatically grant unopposed motions or stipulations for continuance. After following the Business Court Procedures, including BCP 5.12(c) and 13.4, the parties should coordinate the matter for an ex parte/short matter hearing with notice to all parties.

### **WITHDRAWAL OF COUNSEL:**

Unopposed Motions to Withdraw as Counsel **with client consent** should be filed. Copies of the Unopposed Motion, proposed order and addressed, stamped envelopes for all non-ECF participants should be hand delivered or mailed to the JA. The proposed order should include the name and address of the client to whom the pleadings will be sent in the body of the order as well as in the certificate of service. If the client is a corporation or other legal entity, the proposed order must include the requirement to obtain substitute counsel within 30 days.

Should the Motion to Withdraw as Counsel be opposed **or if client consent cannot be obtained**, following a full briefing pursuant to BCP 5.7 and 5.8, the moving party should coordinate an ex-parte hearing with notice to all parties.

### **ORDERS:**

**Signature Page:** The Judge's signature line shall not start a new page. All or a portion of the order must appear above the Judge's signature. Orders shall include page numbers.

## Continuation - Division 43 Guidelines

**Proposed Agreed Orders:** All proposed **agreed** orders shall be submitted to the Court in hard copy via mail or hand delivery (including addressed and stamped envelopes for all parties not on the ECF) **and** submitted in Word format via email to [43Orange@ninthcircuit.org](mailto:43Orange@ninthcircuit.org). In all cases, the submitting party must send a cover letter confirming that opposing counsel has reviewed and approved the content of the order when submitting it to the Court. If the proposed **agreed** order is submitted following a hearing, please include the date the hearing was held in the first paragraph of the proposed **agreed** order, the subject line of the email and the cover letter. If the proposed **agreed** order does not require a hearing pursuant to BCP 5.12, it should be submitted along with a copy of the underlying motion and a cover letter stating that it has been agreed to by all parties. The motion must also contain a good-faith conferral certification pursuant to BCP 5.3.

**To check the status** of a specific proposed order to see if it has been signed by the Judge, you should first check the clerk's system to see if it has been docketed. If said order is not found, an email to the JA at [43Orange@ninthcircuit.org](mailto:43Orange@ninthcircuit.org) may be sent (allow 48-72 hours to process proposed orders).

**Orders Without Agreement Following Hearing:** Pursuant to BCP 5.14, following a hearing, if the content of the order cannot be agreed upon, or if no response is received from opposing counsel, a short matters hearing is required. The Court will not hold orders to await objections.

**Notices of Fully Briefed Motions:** Pursuant to BCP 5.14, submit proposed orders with a Notice of Fully Briefed Motion. If the subject motion has a pending motion for oral argument, include in the notice that a motion for oral argument has been filed, whether the motion is opposed, and the status of the briefing of the motion for oral argument.

### **PRE-TRIAL AND TRIAL:**

Trials are heard within a three-week trial period. The Court's Pre-Trial Conference Checklist and Order Controlling Trial can be found on the Business Court Website at [www.ninthcircuit.org/about/divisions/business-court](http://www.ninthcircuit.org/about/divisions/business-court). **Appearance at the Pre-Trial Conference by telephone is not permitted.** Lead attorneys must be present at the Pre-Trial Conference. Motions are not heard during Pre-Trial Conference. All motions must be scheduled for hearing before the Pre-Trial Conference.

### **VOICE MAIL:**

If you reach the voice mail during the work day, the JA has been called away from her desk to assist the Judge or a litigant, make copies, attend a pre-trial conference, or any one of her many other duties. Please leave a brief message with your name, phone number and **case number**. Your call will be returned. The JA responds to emails before voicemails. If you receive a busy signal, the JA is on the line helping someone else, so please call again or email her at [43Orange@ninthcircuit.org](mailto:43Orange@ninthcircuit.org).