

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 –BUSINESS COURT

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.

Appearances for hearings are presently in person, Teleconference or Webex.

Teleconference: 407-836-5646 with code: 846381#

Webex: <http://ninthcircuit.webex.com/meet/ctjuj1>

meeting code: 173 997 6050

or join by phone: 1-904-900-2303 (US Toll (Jacksonville))

or 1-408-418-9388 (US Toll).

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), short matter non-evidentiary hearings are 20 minutes or less. Motions will be heard on a first come, first served basis with Teleconference hearings heard first 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.**

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.

Attorneys/Parties may appear at ex parte/short matter hearing by Teleconference without motion and order. Please note that Teleconference is a virtual “room” with other participants. Please mute (do not put on hold) all computers/telephones until the judge calls for the case. If there are any issues, 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 without delay. Failure to timely schedule hearing may result in the vacating of Order for Oral Argument. When requesting hearing time, please refer to the “Available Hearing Times” link of the Business Court page on the Court’s website. All Motions **must** be filed with the Clerk prior to scheduling for hearing. Once hearing time is coordinated, **email** the JA at 43Orange@ninthcircuit.org to secure and confirm the time. **All parties must be included when emailing the Judicial Assistant to avoid ex parte communications.** The JA does 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.

Please note: Once filed, Summary Judgment Motions shall be scheduled for oral argument unless all parties waive oral argument. B.C.P. 5.5 is modified, motion for Oral Argument not required. For scheduling purposes, allow for 40 day briefing.

MOTION PRACTICE:

Please read Section 5 of Business Court Procedures (BCP). Majority of Motions will be decided without hearing. When a Motion is fully briefed, parties **shall submit via email** (43Orange@ninthcircuit.org) (hard copy pursuant to BCP 5.14, is not required) the Notice of Fully Briefed Motion, Fully Briefed Motion Checklist and proposed order. Emailed proposed order shall be in Word Format (14 pt. Times New Roman font).

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. **If more than 20 pages, submit via USB Drive.** Marked and tagged evidence should be hard copy and submitted to the Clerk of the Court. **USB Drive must be indexed and hyperlinked.** Counsel must insure 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. **Do not assign a password to USB,** unless materials confidential.

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.

WEBEX HEARINGS:

With the exception of ex parte / short matters, Pre-Trial Conference, Trials and as Ordered by the Court, attorneys/parties may appear by Webex for scheduled hearings, no matter the duration of hearing, without the requirement to file a motion. Court recognizes that some may wish to appear in person. In light of Covid-19 experience, Business Court suggests parties/attorneys appear remotely as it eliminates travel time, scheduling delays and is cost effective. Clients are invited to listen in/watch all proceedings. It is the responsibility of counsel to confirm witnesses have Webex capable equipment.

Five minutes before the hearing, all participants should connect to the Webex. At

the time of the hearing, the judge will connect to the Webex hearing. *Please Note: You will be entering a virtual “room” with other participants. There will be others on the line. Please mute your computer/telephone until your case is called.*

EVIDENTIARY HEARINGS:

Please notify the JA at the time of scheduling if the hearing will be evidentiary. Notice of Hearing must state it is an Evidentiary 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. Scheduled evidentiary hearings will need all documents intended to be admitted into evidence to be pre-marked and/or Bates stamped and provided in **hard copy** to the Clerk and a Courtesy USB Drive for the Court, at least five (5) days before the hearing. Contact the Clerk’s Office for evidence tags or the Judicial Assistant for instruction sheet and sample tag.

EMERGENCY HEARINGS:

A copy of the filed motion along with a Request for Emergency Hearing must be provided to the Court via email (43Orange@ninthcircuit.org), 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. The Court may rule in chambers on the Motion.

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 submit copy of the filed Motion with a proposed Agreed Order for the Courts’ consideration or 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 should be emailed to the Court. The proposed order should include the name, address, phone number and email 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**, the moving party should coordinate a Short Matter/or scheduled 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 be in 14 pt. type Times New Roman, the title of the Order should have a description of the motion that is being ruled upon (not just "Order"), shall not include the word "Proposed" and shall include page numbers. Once a signed Order is received via the E-portal, **Counsel shall submit to the Clerk a Notice of Filing which reflects copies of any signed order being sent to any parties not participating in the E-portal.**

Proposed Agreed Orders: All proposed **agreed** orders shall be submitted to the Court in Word format via email to 43Orange@ninthcircuit.org. Once a signed Order is received via the E-portal, **Counsel shall submit to the Clerk a Notice of Filing which reflects copies of the signed order being sent to any parties not participating in the E-portal.** 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 a ruling has been made 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 may be sent (allow a minimum of five (5) business days to process proposed orders) with

the following information included: When and how was the order presented to the court (email, U.S. Mail/Fed Ex/USPS/etc.).

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.

CASE MANAGEMENT CONFERENCE HEARINGS:

Effective November 1, 2021, Case Management Conference Hearings are heard by Webex. The Court Ordered, Joint Case Management Report is to be emailed to the Court (43Orange@ninthcircuit.org) and filed with the Clerk no later than 10 days prior to the Case Management Conference date. Samples of the Case Management Order and Complex Construction Case Management Order are available on the Business Court website at <https://ninthcircuit.org/about/divisions/business-court>.

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. Parties shall complete Pre-Trial Conference Checklist and email to the Judicial Assistant (43Orange@ninthcircuit.org) no later than 24 hours prior to the Pre-Trial Conference. **Do not file with the Clerk. Counsel shall appear in person for Pre-Trial Conference.** Lead attorneys must be present at the Pre-Trial Conference. Motions are not heard during Pre-Trial Conference. All motions must be scheduled and heard at least seven (7) days before the Pre-Trial Conference.

VOICE MAIL:

Continuation - Division 43 Guidelines

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.