

State of Florida
Ninth Judicial Circuit of Florida

ORANGE COUNTY COURTHOUSE
425 N. ORANGE AVENUE, SUITE 1145
ORLANDO, FLORIDA 32801

DONALD A. MYERS, JR.
CIRCUIT JUDGE

407-836-0417
WWW.NINTHCIRCUIT.ORG

MELISSA GOODWIN
JUDICIAL ASSISTANT

PROCEDURES – COMPLEX BUSINESS LITIGATION
DIVISION 32

CHAMBERS: 1145

COURTROOM: 19-C

HEARING ROOM: 17-B

RULES: The court expects all those appearing in Division 32 to be familiar and to comply with the Business Court Procedures. The Procedures can be found on the court's website at www.ninthcircuit.org, click "About the Court", "Civil" and finally "Complex Business Litigation Court".

EX-PARTE and SHORT MATTERS: Monday-Thursday at 8:30 a.m. in Hearing Room 17-B. The Court will conduct non-evidentiary hearings that are 20 minutes or less during this time. These hearings are not scheduled with the JA but must be coordinated with opposing counsel on a date that Judge Myers is available. **Please check JACS for Judge Myers' unavailability before scheduling ex-parte hearings. The court does not arrange for alternate Judges to cover during his absence.** All other hearings must be set with the JA pursuant to section 5 of the Business Court Procedures. Because the court files are available electronically, the attorney need not obtain the court file for the hearing. Judge Myers will allow out-of-town attorneys to appear by phone. If more than one person will be participating telephonically they must conference their calls together before calling the hearing room at 407-836-0658. If the line is busy when calling the hearing room, please keep trying until you get through.

REGULARLY SCHEDULED 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. Once oral argument is granted, the movant shall coordinate the hearing time with opposing counsel. Available hearing time can be found in JACS at www.ninthcircuit.org. Once hearing time is coordinated, please call the JA at 407-836-0417 to secure the

hearing time. Please do not leave a voice mail to confirm a hearing time. You must speak with the JA to confirm the hearing. Please call the JA immediately with any cancellations so that the hearing time may be afforded to other parties. Last minute cancellations prevent use of the hearing time by other parties. If hearings are cancelled with less than 10 days' notice without good cause, the court may not allow rescheduling of the hearing. Please do not cross-notice motions without prior approval of opposing counsel and JA.

**COURT
COPIES:**

The Court requires courtesy copies of all matters set for hearing. Counsel may provide courtesy copies in paper or electronically. Please send a courtesy copy of all motions, memoranda, case law, and anything else that counsel would like the court to review in preparation for the hearing at least 5 business days but not more than 10 days prior to the hearing.

If provided electronically, counsel must ensure that the electronic copy is indexed and that the index contains a hyperlink to the document/exhibit/case referenced. Electronic courtesy copies may be sent via email to div32copies@ocnjcc.org or on a USB drive. The subject line of the email must contain the case number, first plaintiff's name, and the date of the scheduled hearing. If the electronic courtesy copy does not meet the above parameters, it will be deleted and an email sent indicating that a paper copy will be required. Please **DO NOT** use this email address to schedule hearings as any such emails will be deleted without action by the Court.

**DISCOVERY
MATTERS:**

Discovery motions must be fully briefed pursuant to BCP 5.7 and 5.8. If hearing on the motion meets the short matters criteria of 20 minutes or less with no testimony and no evidence, it may be set accordingly. Otherwise, the discovery motion should be submitted to the Court as a fully briefed motion pursuant to BCP Rule 5.14 and oral argument requested, if desired, pursuant to BCP Rule 5.4.

**TELEPHONIC
APPEARANCES:**

Judge Myers allows out-of-town attorneys to appear by telephone for most hearings. The attorney should place the call directly into the hearing room at 407-836-0658 at the time of the scheduled hearing. If more than one person is appearing by telephone the attorney must make arrangements to conference the calls together before placing the call into the hearing room. If the line is busy, please keep trying until you get through. **TELEPHONIC APPEARANCES AT CASE MANAGEMENT CONFERENCES ARE NOT PERMITTED WITHOUT AN ORDER GRANTING SAME BEING SIGNED BY THE COURT PRIOR TO THE DAY OF THE CASE MANAGEMENT CONFERENCE.**

EMERGENCY HEARINGS:

A copy of the filed motion, along with a proposed order, 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 to 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:

Judge Myers does not automatically grant motions or stipulations for continuance. Please set the matter for a hearing at ex parte with notice to all parties.

WITHDRAWAL OF COUNSEL:

Motions to Withdraw as counsel should be set during ex parte with notice to all parties if client consent cannot be obtained. If you have written client consent (attached to the motion) you may submit a copy of the motion along with a proposed order and service list. You must also provide an addressed, stamped envelope for any unrepresented parties, including the client for which you are withdrawing. In the proposed order, please include the name, physical address, e-mail address and telephone number 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, allow no more than thirty (30) days to obtain substitute counsel.

ORDERS:

All Proposed Orders shall be submitted to the court via email in Word format to div32copies@ocnjcc.org together with a cover letter confirming that opposing counsel has reviewed and approved the content of the order when submitting to the court. If you want to know if a specific order has been signed by the Judge, you should check the clerk's system to see if it has been docketed as the JA is unable to track the signing of a specific order.

Agreed Orders Following a Hearing: Please include the date the hearing was held both in the cover letter and in the first paragraph of the order. Orders must be approved by opposing counsel. If the content of the order cannot be agreed upon, or no response is received, a short matters hearing is required. The court will not hold orders waiting for objections.

Agreed Orders Without Hearing: The agreed proposed order shall be submitted, along with a copy of the motion, and a cover letter stating that it is agreed by all parties. The motion must also contain a certificate of good faith conference pursuant to Business Court Procedure 5.3.

Certificate of Service: The order should indicate that the original will be filed via ECF. **If there are any parties that do not receive copies via ECF, an additional copy and self-addressed stamped envelope should be provided to the Court with the hard copy for that party.** The certificate of service should also indicate that these parties will receive their copy via U.S. Mail. If all parties are registered on ECF, it is only necessary

to submit one hard copy for the Judge to sign. Please do not indicate that the order will be sent to all parties both via U.S. Mail and ECF.

PRETRIAL and TRIAL:

Trials are heard within a three (3) week trial period. **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 pending motions must be scheduled for hearing **PRIOR** to pre-trial conference.

VOICEMAIL:

Voice mail is routinely updated to state if the Judicial Assistant is in or out of the office for any reason. If you reach the voice mail during the work day, the Judicial Assistant has been called away from her desk to assist the Judge or a litigant, make copies, attend a pre-trial conference or at lunch. Please leave a brief message with your name, phone number and case number, and if calling to schedule a hearing, the date and time of the requested hearing and the date that oral argument was granted. Your call will be returned. If you receive a busy signal, rest assured the Judicial Assistant is on the line with someone else and will finish that call shortly.

Please note: These procedures apply to Judge Donald A. Myers, Jr. only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in the division for instructions.