

## **GUIDELINES & PROCEDURES**

### **Judge Heather Pinder Rodriguez Ninth Judicial Circuit – Orange County Circuit Civil Division 34**

Judicial Assistant: Diana Rico  
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Chambers: 2045, 20<sup>th</sup> Floor  
Hearing Room: 20A  
Courtroom: 18-B

In Order to assist counsel, the litigants and the Court, the following Guidelines and Procedures are hereby adopted for Circuit Civil Division 34 in Orange County, Florida when practicing before Judge Heather Pinder Rodriguez. Please make sure your case number is in the subject line when email the court.

### **HOW TO SCHEDULE A HEARING**

1. **Complete the mandatory meet and confer process** outlined in the Ninth Judicial Circuit Administrative Order No. 2012-03-01. Counsel with full authority to resolve the matter shall confer *before* scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance in the Notice of Hearing filed with the Court. Review Exhibit A in the Administrative Order.

Any failure to comply with the “meet and confer” requirement will result in either the Court cancelling the scheduled hearing, or the Judicial Assistant will not provide hearing time to the parties.

2. **Determine which type of hearing you need.**

There are 3 types of hearings available:

- A. *Ex Parte*: defined as a purely uncontested matter and/or non-evidentiary matters which are very brief (5 minutes)
- B. *Short Matters*: defined as a contested matter that requires less than 10 minutes of the Court’s time and non-evidentiary
- C. Contested Hearings

### 3. For Ex parte and Short Matters Hearings

- ☐ These hearings are held Monday through Thursday at 8:45 a.m. Agreed upon and uncontested matters will be handled first, followed by short contested matters. If no matters remain pending at 9:00 a.m., ex parte/short matters will close.
- ☐ Types of motions suitable for hearing at short matters are simple motions to dismiss, to strike affirmative defenses, for more definite statement, to amend pleadings, short discovery motions, protective orders, objections to CMEs, Motion for Summary Judge after Default, Motions for Summary Judgment of Foreclosure, etc.
- ☐ **Scheduling:** These hearings are **not scheduled** with the Judicial Assistant, but must be coordinated with opposing counsel on a date that Judge Rodriguez is available. You must email the JA at [34orange@ninthcircuit.org](mailto:34orange@ninthcircuit.org) the NOH to be added and received confirmation that your case has been added to the list.  
A list of dates that the Court is unavailable for ex parte/short matters is located in AI Calendar (see below).

PROCEDURES FOR REMOTE APPEARANCE	
Ex parte/ Short Matters	Ex -parte and Short matters will be heard with the parties/attorneys/court reporters appearing via the <b>Court's WebEx link</b> <b><a href="https://ninthcircuit.webex.com/meet/34orange">https://ninthcircuit.webex.com/meet/34orange</a></b>
Notice of Hearing	The attorney noticing the hearing must provide at least 5-days' notice of the hearing to all parties, including pro se litigants. Effective. A certificate of compliance must be included in the notice.
Courtesy Copies	A courtesy <b>copy</b> of the motion, notice of hearing and motion must be provided to the Court at least <b>3 business days</b> before the hearing. Please check AI calendar before emailing the JA to make sure the date is not full.  Any copies delivered after this deadline may not be reviewed and may cause the hearing to be canceled. Courtesy copies must be provided for ex- parte and short matters.

	<ul style="list-style-type: none"> <li>• If all parties <b>participate in e-filing</b>, courtesy copies in pdf/Word along with the proposed order may be provided by email to <a href="mailto:34orange@ninthcircuit.org">34orange@ninthcircuit.org</a>. <b>After the hearing takes place.</b></li> <li>• If <b>all parties are not on e-filing</b>, the hearing packet must be <i>received</i> by the Court with copies and envelopes at least 5 business days prior to the hearing.</li> </ul>
<b>To call in for Ex Parte and Short Matters:</b>	<p><b><a href="https://ninthcircuit.webex.com/meet/34orange">https://ninthcircuit.webex.com/meet/34orange</a></b></p> <p>You will be entering a virtual room with other participants on the line. Please mute your device until your case is called. Please make sure you are able to turn on your camera.</p>

4. **For CONTESTED HEARINGS** ☐ Find available hearing time on Judge Rodriguez docket using this link:

[Circuit Civil Division 34 - 9th Judicial Circuit Court Calendar \(ocnjcc.net\)](http://ocnjcc.net)

- ☐ Available hearing time for approximately the next 60 days is displayed in fifteen minute increments.
- ☐ Any hearing requests for longer than 1 hour must be approved by Judge Rodriguez either by appearing during ex parte following our ex-parte procedures.
- ☐ Coordinate the date and time with opposing counsel/pro se party. Hearing times must be cleared with opposing counsel and pro se party.
- ☐ Good faith cooperation is expected both from counsel, their support staff and pro se litigants. If after 3 attempts on separate days to coordinate a hearing, counsel does not cooperate or respond, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel who failed to cooperate or respond. Efforts to coordinate the hearing should be noted on the Notice of Hearing. See, Admin. Order 2012-03 ¶6.



## Circuit Civil Division 34

9th Judicial Circuit

Honorable Heather Pinder Rodriguez



407.836.0545



407.835.5011



34orange@ninthcircui...



425 N Orange Avenue  
Courtroom: 18-B  
Hearing Room: 20-A  
Orlando, FL 32801



Add to Contacts



Daily Docket



All Hearings



Available Hea...

5. **Reach out to Judge Rodriguez Judicial Assistant via email to [34orange@ninthcircuit.org](mailto:34orange@ninthcircuit.org)** and copy opposing counsel/pro se litigants for the hearing to be added to the docket.

- ☐ The emailed hearing request to the JA must include all of the following:

CASE NO.:

PLAINTIFF NAME & COUNSEL:

DEFENDANT NAME & COUNSEL:

HEARING DATE & TIME REQUESTED:

LENGTH OF HEARING:

TITLE OF MOTION & DATE FILED:

DOES THE MOTION INCLUDE THE CERTIFICATE OF CONFERRAL?  
Please see Fla.R.Civ.Pro. 1.202 if you have questions about this requirement.

DATE OF MEET & CONFER:

PRETRIAL DATE:

VIRTUAL OR IN PERSON

For motions to dismiss/strike please include the below information in your request:

DATE CASE MANAGEMENT ORDER WAS FILED:

CASE MANAGEMENT ORDER DEADLINE FOR MOTIONS TO  
DISMISS/STRIKE (e.g. 45 or 60 days):

6. **Receive confirmation time for your hearing.** Your hearing time is **not confirmed** until you receive a reply from the Judicial Assistant.
- **Every notice of hearing must state how the parties will appear at the hearing and must include the date the motion(s) was filed.**
  - Notices of in-person hearings must include the address of the Orange County Courthouse, as well as the hearing room number.
  - Video appearances will take place using the Court's Cisco WebEx program.
  - **All bench trials and evidentiary hearings shall take place in person, unless the parties move for and obtain a court order permitting remote appearances.** In the event remote appearances are permitted, all documents intended to be admitted into evidence shall be Bates stamped and hard copies provided to the Court at least 5 business days prior to the hearing.

7. **Miscellaneous Issues re: Hearings**

- ☐ **Cross-notice Motions.** Please do not **cross-notice motions** without prior approval of opposing counsel and the Judicial Assistant. If permitted, counsel must email the JA to confirm it can be heard in the same time frame or that sufficient additional time is available for all matters to be heard.
  - o It is cross-noticing counsel's responsibility to make sure the matter is placed on the Court's calendar, or it may not be heard despite the filing of the cross-notice.
- ☐ **Canceling a Hearing.** Please note that only the party setting the hearing may cancel the hearing.

The party cancelling the hearing **must:**

1. Email the Judicial Assistant to notify the Court of the cancelled hearing. (Filing the Notice of Cancellation with the Clerk is not sufficient as the Clerk does not notify the Court), and

2. File a **Notice of Cancellation** and email a copy of the notice of cancellation to the Judicial Assistant

If the hearing is cancelled less than 4 hours beforehand, and counsel cancelling the hearing has not been able to confirm the Judge has been informed, counsel shall appear or have someone appear on counsel's behalf to so inform the Judge.

☐ **Emergency Hearings.** If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The Motion must be e-mailed to the Court with a cover letter, and a proposed order before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing. Opposing counsel **must** be copied on any email to the Court.

☐ **Motions to Withdraw as counsel.** Motions should be set during ex-parte with notice to all parties if client consent cannot be obtained.

- o If you have written client consent (attached to the motion) you may submit a copy of the motion along with an efiled cover letter and a proposed order to chambers. A Certificate of Service must be included in the proposed order CC is not sufficient.
- o The body of the proposed order and certificate of service must include the name, address, telephone number and e-mail address of the client to whom the pleadings will be sent. If the client is a corporation or other legal entity, allow no more than thirty (30) days to obtain substitute counsel.

☐ **Case Management Conference.** The Court may schedule certain cases for a formal Case Management Conference ("CMC") and issue an order setting forth the matters to be covered at the conference. Cases involving medical malpractice, complex commercial litigation, multiple party litigation, voluminous records or exhibits, as well as other types of cases may be set by the Court, without request.

<b>COURTESY COPIES REQUIRED</b>
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1. Cover letter, Motion(s), supporting memoranda and/or case law to be heard **must be received**, by email or hard copy to chambers at least **five (5) business days prior** to the hearing to ensure an opportunity for the Court to review. Copy opposing counsel with the same information provided to the Court.
2. Copies sent to the Court should:
  - A. Be sent in bookmarked pdf or hard copies.

C. If provided electronically, counsel must index the materials and ensure the index contains a hyper-link to the document/exhibit/case indexed. For technical assistance, please visit:

<https://helpx.adobe.com/acrobat/using/creating-pdf-indexes.html>

**D. Cases should be highlighted.**

Failure to provide courtesy copies may result in the hearing being cancelled.

ORDERS AND RULINGS
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**1. Rulings. The Court will issue orders and rulings in a timely manner.** Every effort will be made to rule the day of the hearing.

**2. Proposed Orders.** If counsel are asked to prepare an order, the order should be:

- A. Drafted and circulated within three (3) working days, and
- B. Submitted to the Court within seven (7) days of the hearing, with a copy to opposing counsel.
- C. All Orders must describe, in the caption, the subject and ruling of the court, i.e. *“Order Granting Plaintiff’s Motion for Partial Summary Judgment on Liability.”* See Fla.R.Civ.P. 1.100(c)(2). A Certificate of Service must be included in the proposed order CC is not sufficient.
- D. Counsel must advise the Court of any objection to, or agreement on, the form of the proposed order when the order is submitted.
- E. If the parties are **unable to agree** on the form of the order, a hearing should be set, unless the court ask both sides to submit conflicting orders for review in chambers, in that case the cover letter must state that.

### 3. Submitting Orders to Chambers:

1. Proposed agreed orders should be:

- ☐ emailed to [34orange@ninthcircuit.org](mailto:34orange@ninthcircuit.org) in **Word** along with an
- ☐ **e-filed cover letter** indicating whether:
  - o Opposing counsel agrees to the content and form of the order.
  - o The cover letter (but not the proposed order) must be e-filed by the attorney with the Clerk.
  - o Must indicate that opposing counsel has reviewed and approved the form of the order when submitting to the Court for review.

2. Certificate of Service: Please be sure that the certificate of service on the proposed Order complies with the Rules of Civil Procedure.

MOTIONS
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#### 1. MOTIONS FOR REHEARING RECONSIDERATION OR NEW TRIAL

- A. Upon filing said Motion, you must send a copy directly to chambers for review as the Clerk does not provide them to the Court.
- B. The Court will either: (i) rule without a hearing, (ii) direct that a written response be filed by opposing counsel, or (iii) direct the JA to contact the moving counsel to schedule a hearing.

#### 2. DISCOVERY MOTIONS AND MOTIONS TO COMPEL

- A. The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. A Motion must be filed and set for hearing to bring the matter to the Court's attention. Motions to compel, as well as all discovery motions must comply with the Florida Rules of Civil Procedure including, but not limited to, a certification of a good faith attempt to resolve that matter without court action. See Fla. R. Civ. P. 1.380(a)(2)
- B. If no timely response or objection has been filed to initial Supreme Court approved discovery requests (e.g. Fact Information Sheet, Interrogatories, etc.) the moving party may submit a proposed order (including stamped addressed envelopes) with the Motion. Unless there is a written objection by the opposing party, no hearing will be necessary, and the Court will rule in chambers.



### 3. ATTORNEY'S FEES IN DISCOVERY DISPUTES

- A. If you are seeking attorney's fees, you must, before filing a Motion to Compel pursuant to Fla. R. Civ. P 1.380, confer with counsel for the opposing party in a good-faith effort to resolve by agreement the issues raised, and shall file with the court at the time of filing of the motion, a statement certifying that counsel has conferred or attempted to confer with opposing counsel and that counsel have been unable to resolve the dispute.
- B. As provided in Section (a)(4) of Rule 1.380, if the motion is granted, the Court shall award expenses which may include attorney's fees.

### 4. MOTIONS IN LIMINE

- A. Motions in Limine are not set for hearing. Please follow our procedures on Motions in Limine in the link below. The judge requires written submissions. A cover letter, the Motion in limine, the Memorandum of Law in favor, the Memorandum of Law in opposition and a proposed order. This should be provided in one email to [34orange@ninthcircuit.org](mailto:34orange@ninthcircuit.org)

[Standing Procedures for Motions in Limine - Division 34](#)

EVIDENTIARY HEARING/NON-JURY TRIAL PROCEDURES
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### 1. PREPARING EVIDENCE FOR THE VIDEOCONFERENCE

- A. **No later than 5 business days before the hearing**, counsel and/or pro se parties shall exchange any and all exhibits, which must be Bates-stamped.
- B. The parties must have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit by Bates-stamped numbers and identify the ground(s) for any objection.
- C. The objections shall be filed with the Clerk and any objections not noted are waived.
- D. After the substantive, good faith telephone conference and **no later than 5 business days before the hearing**, the parties must
  - ☐ pre-mark the Bates-stamped exhibits that they intend to use during the hearing,
  - ☐ provide a set of the exhibits to the other party and the witness(es), and
  - ☐ mail 2 hard copies of the exhibits and the filed objections (one for the Judge and one for the Clerk) to the Court for use at the hearing.

## 2. PREPARING WITNESSES FOR THE VIDEOCONFERENCE

- A. In the event the **rule of sequestration** is invoked, the witnesses will be instructed to hang up from the videoconference and counsel or self-represented party will be responsible for contacting the witness when it is time for their testimony.
- B. The witness must be provided copies of all pre-marked, Bates- stamped exhibits prior to the hearing.
- C. The witness shall be instructed not to look or refer to any other document or device during his or her testimony.
- D. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.
- E. Witness(es) are discouraged from being in the same physical space as the attorney or self-represented party unless safe to do so. However, in the event a witness or party testifying is in the same physical space as the attorney or pro se party questioning the witness, the participants should be socially distant and the camera shall be directed at the witness. The attorney or self-represented party may not assist the witness with answers in any way, including but not limited to, gestures, notes, or facial expressions, or otherwise impact or influence the witness' testimony "off camera."

**INFORMATION NOT COVERED:** If any matters concerning the conduct of the hearing procedures of the division are not covered herein, counsel is free to contact the Court by email at [34orange@ninthcircuit.org](mailto:34orange@ninthcircuit.org). The Court appreciates counsels' efforts to understand and comply with this Court's procedures.

Effective: Jan 3, 2023  
REV 2.14.25