



State of Florida
Ninth Judicial Circuit of Florida

Hal C. Epperson, Jr.
CIRCUIT JUDGE

JON B. MORGAN OSCEOLA COUNTY COURTHOUSE
2 COURTHOUSE SQUARE, COURTROOM 5-B
KISSIMMEE, FLORIDA 34741
WWW.NINTHCIRCUIT.ORG

Celia Lopez Portobanco
Judicial Assistant
(407) 742-2506
43osceola@ninthcircuit.org

UNIFIED FAMILY COURT - DIVISION 43-C PROCEDURES (REVISED 5/20/24)

**WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, THE
OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED.**

- 1. Courtroom:** All hearings are held in Courtroom 5-B or virtually via Webex Meetings. Hearings of thirty minutes or less may be scheduled virtually. Hearings longer than thirty minutes will be held in person unless the Court grants prior permission for the hearing to be conducted by Webex. The link to the virtual courtroom is the following:

<https://ninthcircuit.webex.com/meet/43osceola>

With the exception of the hearings described above that may be held virtually without prior permission from the Court, all requests for hearings to be conducted virtually must be submitted by motion showing good cause for the need for virtual hearing. **Virtual hearings will be conducted in the mornings of Tuesday, Wednesday, and Thursday.**

If a party requests that an individual party, attorney, or witness be permitted to appear remotely at an in-person hearing, a motion for the individual to appear remotely must be submitted **at least 7 days** prior to the hearing. The motion must state whether the opposing party agrees or objects to the requested remote appearance.

- 2. Hearings:** Before requesting a hearing, the mandatory “meet and confer” must be held per Administrative order 2014-19. This includes matters with pro se litigants. If the issue(s) are still unresolved then a hearing may be requested. A Certificate of Compliance must be attached to the Notice of Hearing. A copy is attached to Administrative Order 2014-

19. Failure to comply with this may result in the Court not having the hearing or not awarding attorney's fees.

For hearings in front of the Judge, please refer to the **AI Calendar Link** page on the Court's website at:

Osceola Domestic Division 43 - 9th Judicial Circuit Court Calendar
(ninthcircuit.org)

for available dates and times. You must coordinate the hearing time with opposing counsel/pro se litigant **PRIOR** to emailing the Judicial Assistant. Once a date/time has been confirmed by both parties, you must email the Judicial Assistant, **include opposing counsel or pro-se litigant**, in order to secure hearing time. **No hearings are set via phone.**

All requests for hearings must include a copy of the motion to be heard and the following information: (1) the Case Number; (2) Petitioner's name and attorney; (3) Respondent's name and attorney; (4) Hearing date and time requested; (5) Length of hearing; (6) Title of the Motion to be heard; (7) whether the hearing is evidentiary; (8) Date of the mandatory mediation conducted per Administrative Order No. 2004-14-02; (9) Date the mandatory meet and confer was conducted per Administrative Order No. 2014-19.

Please do not send a Notice of Hearing until you have confirmed the time with the Judicial Assistant and received an email confirmation from the Judicial Assistant.

Cross-notice is not allowed without agreement of opposing party and approval from the Court.

Notice of Hearing: Notice of Hearing should include the full name of the motion and filing date, the length of the hearing, and a Certificate of Compliance per Administrative Order No. 2014-19.

If the hearing will be conducted via Webex, the Notice of Hearing must also include the following language:

All Parties **MUST** appear via Webex Meetings. When it is time for your hearing, cut and paste this address into your internet browser:
<https://ninthcircuit.webex.com/meet/43osceola>.

You will then wait in a waiting room until your Hearing is called and the Judge joins the Conference.

Parties must provide a Notice Of Hearing to the J.A. immediately if other party is Pro se. If both sides are represented then no later than 2 weeks prior to the hearing date to allow it to appear on the docket; otherwise the matter will not be heard.

When emailing You Notice of Hearing be sure to include in your email subject line:

NOH, Date of Hearing, And Case Number

2. Ex parte &

Short Matters

Ex-parte and short matters are Wednesdays at 8:30 a.m. and pre-scheduled with the Judicial Assistant. Ex parte and short matter hearings are conducted by Webex. Ex parte is for entry of orders for stipulated or unopposed matters only. Short Matters are for hearings of five minutes or less.

Any party who notices a case for ex parte or short matters **MUST** provide an email copy of the Notice of Hearing, the Motion and a proposed order to chambers at least **three** business days before the hearing date. If the notice and motion are not received, the matter may not be heard.

It is the responsibility of the moving party to coordinate and timely notify the opposing party of the date and time of the hearing.

3. Attorney Uncontested

Final Hearings:

Attorney Represented Uncontested Dissolution of Marriage final hearings for Division 43 may be pre-scheduled with the Judicial Assistant for 30-minute hearings. If there are any Motions related to the Final Judgement (i.e., motions to deviate), please provide an email copy to the Court at least **three** business days before the hearing. The Attorney Uncontested Dissolution Checklist must be completed and emailed to the Court, along with the proposed Final Judgement and all agreements, at least **three** business days before the hearing. The proposed Final Judgment should be emailed to the Court in both Microsoft Word and PDF formats. The checklist can be found on the Judge's page of the Ninth Circuit website (www.ninthcircuit.org). The Parenting Plan and any Marital Settlement Agreement must be incorporated into the Final Judgment by reference to the date they were filed. Please remember that any Final Judgement in a case with children must include full names and dates of birth of the child and all child support details.

Uncontested Final Hearings may also be conducted in writing without the need for attorneys or parties to appear by filing a Motion/Waiver for Written Final Hearing in the Court's approved

format. The Written Final Hearing checklist must be submitted to the Court by email along with all applicable agreements and the proposed Final Judgment in Word and PDF formats.

4. Support or Income

Withholding

Orders:

When submitting an order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Deduction Order (with attached Income Withholding Order if there is child support) to be entered simultaneously by the Court. It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to statute. Ensure that the Obligor's full Social Security number is entered. Sample forms for IDO and IWO may be found on the Judge's page of the Ninth Circuit's Website at NinthCircuit.org.

5. Uncontested

Paternity Final

Judgements/

Supplemental

Final

Judgements:

Uncontested Paternity Final judgements and Supplemental Final Judgements may be emailed to the Judicial Assistant for review by the Judge without a hearing if all required documents have been filed. Please provide an email copy to the Judicial Assistant and include a cover letter stating whether the Final Judgment is agreed upon.

6.Cancellations: Please notify the Court at least 24 hours in advance of any cancellations so that the hearing time can be offered to other parties. A Notice of Cancellation should be emailed to the Judicial Assistant at the time the Notice of Cancellation is filed with the Clerk. If the Notice of Cancellation is not received at least 24 hours prior to the scheduled hearing, that hearing will remain on the Docket and parties are expected to appear.

7. Emergency

and Expedited

Motions:

A party requesting emergency action must include the words "Emergency Motion" in the title of the motion and must set forth in detail the nature of the emergency, the date by which a ruling is necessary, and the reason the ruling is needed by the stated date. The emergency motion process should be rarely used. Emergencies requiring immediate action generally only arise when a child is threatened with harm or where a party plans to improperly remove a child from the state. See *Loudermilk v. Loudermilk*, 693 So. 2d 666

(Fla. 2d DCA 1997). If one of these circumstances exists or another that rises to the level that would require immediate action to prevent harm, a party may file an emergency motion. The unwarranted designation of a motion as an emergency motion may result in sanctions.

All emergency motions must be verified. Emergency motions must be **e-mailed** to the Judicial Assistant for the Court's review. If the motion fails to raise an actual emergency, it will be denied to the extent that it seeks emergency relief (but not as to the merits) and may be scheduled to be heard in the ordinary course.

A party whose time-sensitive motion does not qualify as an emergency motion but who nonetheless requires an expedited ruling by a date certain may file an expedited motion. An expedited motion must include the words "Expedited Motion" in the title and must set forth in detail the date by which an expedited ruling is needed and the reason the ruling is needed by the stated date. As a general matter, an expedited motion is one that will become moot if not ruled upon by a date certain.

8. General Magistrate:

If you wish to have your case heard by the General Magistrate, file a Motion for Referral to the General Magistrate and provide the Court an email copy, including the motion/issues you wish to have referred to the General Magistrate. The Court will issue an Order of Referral to the General Magistrate.

9. Mediation:

Mediation is required in all Domestic cases in accordance with local amended Administrative Order 2004-14-02. The parties are required to mediate before scheduling hearing time on temporary matters.

10. Case Management:

It is the policy of this division to have trial dates on all cases set once the case is at issue for trial. When the case is at issue (the pleadings are closed), the parties are instructed to expeditiously file a notice for trial. The notice for trial must be emailed to the Court's judicial assistant after filing. After the notice is received by the Court, a Case Management Conference will be scheduled. At the CMC, the parties will be given a trial date, pretrial date, discovery cutoff, mediation deadline, and other deadlines necessary to bring the case to an efficient resolution. Following the CMC, the Court will issue a Case Management Order and Order Setting Trial. This process should be done early in each case so that all parties and counsel have dates and deadlines that they are working towards. The deadlines and

requirements contained in the Case Management Order are to be scrupulously followed by counsel and pro se litigants.

11. Exhibits and

Case Law

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

Note: Evidence is NOT to be filed with the Clerk's office

- (1) No later than four business days before the hearing, 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. This is the same requirements as set forth in Administrative Order Establishing Ninth Judicial Circuit Court Domestic Court Guidelines, Admin. Order No. 2014-19, which may be found at www.ninthcircuit.org.
- (2) All exhibits must be pre-labeled.
- (3) Parties must email 43osceola@ninthcircuit.org copies of all exhibits to the Judicial Assistant at least **three** business days prior to the hearing or trial. Do not deliver hard copies to the Judge prior to the hearing or trial. (Bring in evidence folder the day of court to courtroom). 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 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 1 – Car Title".
- (4) All case law and other non-exhibit documents that a party wishes the Court to review must be provided to the Court and the opposing party by email at least **three** business days prior to the hearing or trial. Each case or document should be provided as a separate file.
- (5) 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.
- (6) In addition to being submitted electronically, video or audio recording files must be provided in the form of a flash drive on the day of the hearing.

12. Motions for Rehearing:

Courtesy copies of Motions for Rehearing should be **emailed** to the Court for review. If they are filed in the court file only, the Court does not know that they have been filed. After review the Court may enter a ruling without a hearing; notify the moving party that the hearing will be set on the Motion for Rehearing or notify the moving party

that the Motion for Rehearing has been granted and a new hearing on the original motion shall be scheduled.

13. Orders:

If the Court requests counsel to prepare an order at a hearing, counsel will prepare and submit the order to the Court **via email within 7 days** unless a different deadline is set by the Court at the hearing. Unless the proposed order is being provided in person at a hearing, do not submit a hard copy of the proposed order. Counsel should provide the proposed order to opposing counsel/pro se litigant for approval before submitting it to the Court via an email that advises the Court that the Order is agreed upon. If the parties cannot agree on the form of the order, and both parties are represented, the lawyers shall email **ONE** proposed order with their differences redlined to the Judicial Assistant. If the differences in the proposed Orders are so significant that a redline is not practical, the lawyers may submit two separate proposed Orders. If one or both parties are unrepresented, then each side shall email their proposed Order to the Judicial Assistant for the Court to review. The Court will render one Order after review. If the other side does not respond timely to a request for approval of a proposed Order, email your proposed Order to the Judicial Assistant explaining that the time frame has lapsed and opposing counsel was unresponsive.

All Orders should be titled with the name of the Motion and include a complete certificate of service.

Once Orders have been signed and e-filed by division 43 it is the attorney's responsibility to produce a copy to the Prose litigant if any. Within 5 days and file a certificate of compliance/or certificate of service with the clerk of court.

- 14. Interpreters:** If a Party needs an interpreter to understand what is being said in the Courtroom, or to communicate with the Judge, they **MUST** bring their own Interpreter. A Certified Interpreter is generally required, as it is difficult to interpret in a courtroom setting. **COURT IS REQUIRED TO BE CONDUCTED IN ENGLISH, AND THE COURT WILL NOT PROVIDE ANYONE WITH AN INTERPRETER (unless in an injunction for protection case).**

15. Website:

Visit the Court's website at www.ninthcircuit.org for general information including scheduling, Court Services and Florida Supreme Court approved Family Law Forms.

PLEASE NOTE: *These procedures apply to Judge Hal C. Epperson, Jr. only. Counsel shall also comply with Administrative Order 2014-25, "Uniform Policies and Procedures of the Domestic Division of the Circuit Court, Orange County, Florida" which can be found on the Court's website at www.ninthcircuit.org.*