



State of Florida
Ninth Judicial Circuit of Florida

Jeanette D. Bigney
County Judge

ORANGE COUNTY COURT BUILDING
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Orlando, Florida 32802-4934
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www.ninthcircuit.org

Guidelines and Procedures
County Civil Division 77

In order to assist self-represented litigants and attorneys, the following guidelines and procedures are adopted for County Civil Division 77 in Orange County, Florida when practicing or appearing before Judge Jeanette D. Bigney. These guidelines and procedures are expected to be read and complied with prior to any appearance in the division. Please note, these are general guidelines and procedures and not an exhaustive list. The Court or applicable law may require different or additional procedures aside from those referenced below. If you have any questions concerning Court preferences that are not listed herein, please email the Judicial Assistant.

SMALL CLAIMS ACTIONS:

If you file a **Small Claims** action (damages sought are \$8,000.00 or less), it will be set for a Pre-Trial Conference / Mediation; the date and time of the Pre-Trial Conference will be set by the Clerk of Court and displayed on the Summons. The instructions for attending the Pre-Trial Conference will appear on the notice.

The Parties are encouraged to confer and resolve their respective case ahead of the Pre-Trial date. In the event your case is resolved ahead of the Pre-Trial Conference, you must still appear at Pre-Trial for purposes of meeting with the Judge and ensuring the agreement has been approved by the Court. Pre-Trial Conferences may only be continued / appearances at Pre-Trial Conference can only be waived by Court Order.

If a party fails to appear at Pre-Trial Conference / Mediation, the opposing side can

request a Clerk's Default or Court Dismissal of Action. Once a Clerk's Default has been requested, Plaintiff and/or Plaintiff's Attorney must submit the Order to the Clerk's office; the Clerk will not provide the Default Order. If a Clerk's Default is entered, Plaintiff and/or Plaintiff's Attorney must submit a Default Final Judgment packet to the Judge, via the Clerk, with a courtesy copy e-mailed to the Court in Word Format at 77Orange@NinthCircuit.org.

Note: Self-represented litigants and attorneys appearing before Judge Bigney in relation to Small Claims Actions are expected to familiarize themselves with and fully comply with the Florida Small Claims Rules, as these rules will govern. Please note, pursuant to Administrative Order 2009-12-03 (effective October 7, 2021) the Florida Rules of Civil Procedure will automatically be invoked and will govern all First Party Insurance Claims filed as a Small Claims Action.

COUNTY COURT ACTIONS:

If you file a **County Court** action (damages sought are between \$8,001.00 to \$50,000.00), the Defendant will typically have between five (5) and twenty (20) days after being served, depending on case type, to respond (See Summons for applicable response date). If Defendant fails to respond, Plaintiff can move for a Clerk's Default. If Defendant is self-represented and files a response to Complaint, the Court will likely refer the case to Mediation to be conducted by the Ninth Circuit Court Alternative Dispute Resolution Department (at the Orange County Courthouse). A \$60 mediation fee (each party) will apply, and the Mediation office kindly requests payment be made in advance.

Note: Self-represented litigants and attorneys appearing before Judge Bigney are expected to familiarize themselves with and fully comply with the Florida Rules of Civil Procedure, as well as Ninth Judicial Circuit Administrative Order 2021-04-01, Order Governing Civil Case Management and Resolution. Please note, Landlord Tenant actions are treated differently pursuant to Florida law.

COMMUNICATION AND SUBMISSIONS TO THIS OFFICE:

- **EX-PARTE COMMUNICATION:** All communication with the Court must be in open court with all parties present, in writing or by e-mail copied to opposing counsel and/or the opposing party, and/or filed with the Clerk of Court. Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge, as the Judge is not permitted to read or consider ex-parte communications.

- **E-MAIL:** The preferred method of communication is via e-mail, as emails will receive the quickest response. Correspondence and/or emergency motions should be e-mailed to 77Orange@NinthCircuit.org. In sending e-mails to the Court, opposing counsel and/or the opposing party (if self-represented) must be copied.

E-mails sent to this office must also contain the following in the subject line:

- Case Style Name (short case style name is permitted – example: Smith v. Smith)
- Case Number (short case number is permitted – example: 24CA1234)
- Purpose of E-Mail (Order, Notice of Cancellation of Hearing, Request for Hearing Time, etc.)
- If an Emergency Hearing is being requested, you **MUST** indicate in the subject line “Request for EMERGENCY Hearing.”

The body of the e-mail **must also contain a brief description of the purpose of the e-mail**. If a hearing date and time is being requested, then you must include a good faith estimate of the time needed for the hearing.

- **TELEPHONE:** The Judicial Assistant can be reached telephonically at (407) 836-2320. If you are unable to reach the Judicial Assistant, please leave a voicemail. Please refrain from leaving multiple voicemails concerning the same matter, as this will only delay response time.
- **SUBMISSION OF PROPOSED ORDERS:** All proposed orders must be e-mailed and submitted in WORD format via e-mail. Agreed orders should indicate “Agreed.” In submitting Proposed Orders, please attach a courtesy copy of the motion, if applicable, and any required supporting documentation or affidavits. **Please ensure any proposed orders submitted to the Court contain the following language in the Certificate of Service section:**

CERTIFICATE OF SERVICE:

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System. Movant is responsible for serving any party not participating in electronic filing and then filing a certificate of service within three (3) business days of this Order.

- **DROP BOX:** Courtesy copies of documents for the Court’s consideration may also be delivered to Division 77’s drop box, located on the 14th floor, Room 1420.

FILING OF PLEADINGS / MOTION :

▪ **SELF-REPRESENTED LITIGANTS** – A written request for relief or judicial action, known as a **Motion**; motions must be mailed to or filed with the Clerk of Court and also supplied to all other litigants, or counsel (if represented). Motions are not to be faxed to the Clerk of Court. Please ensure submitted Motions include a proper caption, case number, date, your mailing address, phone number, email address (if any), printed name, and signature. Upon receipt of the Motion, the Clerk will deliver the Motion to the Judge to review.

If a hearing is necessary, the Judicial Assistant will attempt to contact all parties to schedule a hearing. If the Judicial Assistant is unable to reach the parties, the Judicial Assistant may proceed with setting a hearing date and time.

Self-Represented Litigants are encouraged to sign up and utilize Florida Courts E-Filing Portal. The Portal, which is available 24/7, allows registered users to electronically file case-related documents and receive them via e-mail. To sign up for the Portal, please utilize the following link:

<https://www.myflcourtaaccess.com/common/ui/pages/register.aspx?rr=5>

The Court serves parties/counsel of record via Florida Courts E-Filing Portal. Movant is responsible for serving any party not participating in electronic filing and then filing a Certificate of Service within three (3) business days of the Order. **Please ensure your proposed orders include this language.**

Filing of Pleadings – Please understand if you e-file, it takes roughly 72 hours for that filing to appear in the clerk's system for the Judge to see. If you go to the Clerk's Office, Room 310, to file a document/pleading in a case set for hearing within 48 hours, please tell the Clerk at the counter. He or she will make sure it makes it into the Court file/Odyssey in an expedited manner.

HEARINGS

• **SCHEDULING HEARINGS:** All motions must be filed with the Clerk **before** you contact this office for hearing time. Further, Counsel of record must also comply with the 9th Circuit "Meet and Confer" Rule outlined in the Ninth Judicial Circuit Amended Administrative Order No. 2017-04-02 **prior to** requesting hearing time.

Instructions for Scheduling / Cancelling Hearings

- (1) **Using the aiCalendar, select an available hearing date and time.** To view Division 77's available hearing time, please follow the following steps:
- (2) Proceed to the Court's website: www.ninthcircuit.org. Once on the Home Page, navigate to the bottom of the page, where you will find "Available Hearing Times." This takes you to a separate page, click on aiCalendar. Scroll down to

Civil Division 77. Click on Available Hearings. Dates must be searched one day at a time. There is not a selection that will allow you to see a week or month, only one date at a time.

(3) Coordinate the date and time with opposing counsel: To set unilaterally, you **MUST** comply with the requirements of the Ninth Judicial Circuit Administrative Order No. 2017-04-02 and include a **completed Certificate of Compliance** with your hearing request.

(4) Email the Judicial Assistant at 77orange@ninthcircuit.org with a copy to all counsel/self-represented litigants, for the hearing to be added to the docket.

Your email must include the following:

- Date and time of the “meet and confer” conference
- Date and time being requested for the hearing
- Case number
- Style of the case
- Names of the attorneys (or pro se if applicable)
- Title of the motion(s) to be heard
- Amount of time being requested for the hearing
- Number of Witnesses

(5) Receive confirmation time for your hearing. Your hearing time is not confirmed until you receive a reply email from the Judicial Assistant. Your confirmation will include the virtual link to attend the hearing, if applicable.

(6) File a Notice of Hearing with the clerk of court and properly notice all parties. Please note, cross-noticing of hearings is not permitted absent prior approval from 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.

1. If you have written client consent (attached to the motion) you may submit a copy of the motion along with a proposed order to chambers. Addressed, stamped envelopes must be provided for all parties not receiving service through the ePortal.

2. The body of the proposed order and certificate of service must include the name, address, telephone number and e-mail address of the party to whom the pleadings will be sent. If the party is a corporation or other legal entity, no more than thirty (30) days will be allowed for the party to obtain substitute counsel.

• HEARING TIMES / DAYS: Hearings estimated to last **less than one (1) hour** are typically conducted Monday – Friday between 9:00 a.m. and 11:30 a.m. Hearing slots are available in fifteen (15) minutes slots and multiple slots can be combined so long as the total hearing time does not exceed one (1) hour.

Hearings estimated to take **one (1) hour or more** are typically conducted Monday, Tuesday, and Thursday afternoons beginning at 1:30 p.m.

Emergency Hearings - If an emergency situation arises, counsel/self-represented litigants may request a hearing be set on short notice. The corresponding motion must contain a detailed explanation of the circumstances constituting the emergency. **The motion must be delivered to the Court before a hearing will be set.** The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will attempt to contact counsel/litigants to set the hearing. In light of the short setting, opposing counsel/litigant may attend the hearing via WebEx if circumstances preclude them from appearing in person.

In-Person Hearings- Typically, ALL EVIDENTIARY HEARINGS, including NON-JURY TRIALS, will be conducted in-person (unless otherwise ordered). The Court, in its discretion, will also determine other hearings to be conducted in-person.

For in-person hearings, bring proposed Orders to **ALL** hearings, with proper number of copies, and self-addressed stamped envelopes

Virtual Hearings- All virtual hearings (excluding Small Claims Pre-Trial Conferences) will be conducted via WebEx utilizing the log in instructions below:

Virtual Link: <http://ninthcircuit.webex.com/join/77orange>

Join by Phone: 1-904-900-2303 United States; Access Code: 2331 793 3789

Join by Video conferencing: Dial 77orange@ninthcircuit.webex.com

You can also dial 173.243.2.68 and enter your meeting number.



• GOOD FAITH ATTEMPT TO RESOLVE DISPUTE AND CERTIFICATION:

Counsel and self-represented parties must in good faith attempt to resolve their dispute by telephone or in person (not email). All Notices of Hearing must contain a good faith certification in substantial compliance with the following:

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that I / or a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person or by telephone with opposing party in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

• CASELAW / EXHIBITS: Do not fax copies of case law / exhibits/motions/orders to the Judge. Courtesy copies of caselaw / exhibits should be hand-delivered to Division 77's drop box, located on the 14th floor, Room 1420 or mailed (and delivered) no less than three (3) days before the hearing / trial. Keep in mind, all Fed-Ex / UPS deliveries

addressed to the Judge are first received by the Courthouse Mail Room and are delayed in delivery to the Judge. Hard copies of caselaw / exhibits organized on a **jump drive** is the preferred format.

Legal memorandum or briefs, along with copies of significant cited authorities (highlighting the pertinent sections are encouraged by the Court. Brevity is appreciated and encouraged, and memorandums should be kept to no more than five (5) pages in length. Case law and memorandum provided during the hearing may not be considered. The Court, on occasion, may rule on motions without a hearing. Therefore, the parties are encouraged to timely file written argument with the Court.

COURT REPORTERS: Court reporters are not provided by the Court in civil actions. The party requiring court-reporting services is responsible for making arrangements and the costs associated with court-reporting services. Parties, witnesses, and/or attorneys shall not record any proceedings (whether virtual or in-person) except through a court reporting service present in the hearing room / courtroom.

INTERPRETERS: Unlike criminal cases, the Court does not provide language interpreters for litigants. You must make your own arrangements. Pursuant to ADA guidelines, the Court does provide sign language interpreters in civil matters.

If you are a person with a disability who needs any accommodation in order to participate the proceedings, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance; if you are hearing or voice impaired, call 711

• **CANCELLATION OF HEARINGS:** It is the responsibility of the parties to notify the Judicial Assistant of all hearings that are cancelled, as the Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Notices of Cancellations must be e-mailed to: 77orange@ninthcircuit.org Hearings/Trials cannot be cancelled unilaterally. You must email or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with Clerk's Office and fax/email to Judicial Assistant a notice of cancellation. If you settle a case, file dismissal with Clerk's Office, e-mail a copy to the Judicial Assistant and advise Judicial Assistant to take case off hearing/trial docket.

DISCOVERY DISPUTES

Discovery Disputes – Parties are required to make a good faith attempt to resolve discovery disputes prior to scheduling a hearing. All County Civil Judges follow the guidelines set out in the 2021 Handbook on Discovery Practice, available at Rules and Policies | Ninth Judicial Circuit Court of Florida (ninthcircuit.org)

Discovery Motions – The mere filing of a Discovery Motion, Motion to Compel or

Motion for Protective Order is insufficient. Motions must be set for hearing to bring the matter to the Court's attention. If no 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 proposed order with the Motion. No hearing will be necessary.

Attorney Fees - If you are seeking attorney fees you must, before filing a Motion to Compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a **Motion for a Protective Order**, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, **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 he/she has conferred with opposing counsel and that counsel have been unable to resolve the dispute.

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.

COUNTY COURT TRIALS

Once a case is at issue, either party may file a Notice for Trial, advising the Court the case is at issue. Once the Notice for Trial has been filed (or on the Court's on volition) a trial will be set.

Non-Jury Trials – If either party files a Notice for Trial (i.e. that the case is at issue), please include the estimated time needed by all sides and the Court will schedule a Status Conference Hearing / Case Management Hearing, issue a Case Management Order/ Uniform Order Requiring Pre-Trial Matters to be completed, or coordinate with parties to set trial date. If you are requesting a particular date /time for the non-jury trial, please: (1) review the Court's docket using **aiCalendar** for available times; (2) clear time(s) with opposing counsel/self-represented litigant; and (3) contact the Judicial Assistant with your request for a date, time and length of trial. Thereafter, the Court will ultimately decide the trial date and how much time will be allocated for the trial. If you need more than an hour, please set out your reasons in writing to the Court. Please note, all non-jury trials are held in Hearing Room 14-A, unless otherwise noted.

Jury-Trials – Once a case is determined to be at issue, a Uniform Trial Order will be issued, and the case will be set for Pre-Trial Conference and Trial. Pre-Trial Conferences are typically held three (3) weeks prior to the Trial Period commencing. During the Pre-Trial Conference, the Court will advise the parties of the location / courtroom in which the Trial will be held. Two weeks prior to the Trial Period commencing, the Court will determine the Order in which the Trials will proceed.

HAVE A QUESTIONS ABOUT YOUR CASE?

Please understand that the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and self-represented

litigants, the Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file or by simply filing an appropriate Motion. When the Court signs an Order, it is delivered to the Clerk for filing. If you have questions concerning whether an Order has been entered, please check with Clerk (by contacting the Clerk's office directly or by visiting www.myorangeclerk.com).

Myclerk - County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for **"myclerk"**. Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember "o" as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the Clerk. You cannot open up a particular document (unless you go to Room 310 and use a computer in the Viewing Room); you essentially are looking at a docket index. It is the same one that the Judicial Assistant is looking at if you were to call with a question. Please use "myclerk" instead of calling the Judicial Assistant.

Review a File - If you want to review a file in person or see the pleadings listed in the court file, go to Clerk's office **Viewing Room** located in Room 310. Using available computers, type in password "public" and navigate to file. While there is no charge to view the contents contained within the court file, there is a \$1.00 per page charge to print.

Legal Advice - The Judge and Judicial Assistant are prohibited from providing legal advice. Self-represented parties are encouraged to contact the Orange County Clerk of Courts Self Help Center located in Room 340 of the Orange County Courthouse. Appointments can be made by calling 407-836-6300. This service is available for all Small Claims and Residential Eviction Cases.

Orange County Clerk of Court
425 N. Orange Avenue
Orlando, FL 32801
Phone Number: 407-836-2000
Website: www.myorangeclerk.com

All referenced Administrative Orders are available on the Ninth Circuit Website at <https://ninthcircuit.org/resources/admin-orders>

Effective January 5, 2026