



Andrew A. Bain Circuit Judge	Osceola County Courthouse 2 Courthouse Square Suite 6312 Kissimmee, Florida Phone: (407) 742-2464 Email: 24osceola@ninthcircuit.org Hearing Room: 6B Courtroom: 4A	Ashley Figueroa Judicial Assistant
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Guidelines and Procedures for Circuit Civil Division 24-B

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Introduction

In order to assist self-represented litigants (referred to as **pro se litigants**) and attorneys, the following guidelines and procedures are adopted for Circuit Civil Division 24-B in Osceola County, Florida when practicing before Judge Andrew A. Bain. **Please note** these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below.

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 other case documents 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 or providing documents to 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.

Cases being transferred from a prior division with HEARINGS SET TO OCCUR ON OR AFTER September 1, 2026: All hearings set in this division on or after September 1, 2026, will be addressed by the Division 24-B Judge. The party that scheduled the hearing must verify on Judge Bain's calendar by viewing [Osceola - Circuit Civil - Division 24 - 9th Judicial Circuit Court Calendar](#) on aiCalendar that the time for the hearing is available, follow the below procedure for setting a hearing, receive a confirmation from the Judicial Assistant, and re-notice the hearing as necessary.

Circuit Court Action

If you file a **Circuit Court** claim (above \$50,000) no mediation date will be set. Defendant(s) typically have 5 to 20 days to reply after service (see Summons for response date). If Defendant fails to respond the Plaintiff can move for a Clerk's Default. Landlord Tenant actions are treated differently pursuant to Chapter 83 of the Florida Statutes. If you are a Defendant in a Landlord Tenant action you must comply with the instructions on your summons e.g. place all rent moneys in the court registry, otherwise it is unlikely the court will grant you a hearing. If you are a corporation, LLC, LLP, trust or the like you must obtain an attorney to appear for the entity before the court.

COMMUNICATIONS WITH THE JUDICIAL OFFICE

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to 24osceola@ninthcircuit.org. The subject line must contain the case number, case name, and relevant matter (e.g., 2024 CR 001234 SC – Doe v. Doe - 2-Hour Hearing Requested.)
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.
- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.

- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The Judge and Judicial Assistant are prohibited from giving legal advice.

SCHEDULING PROCEDURES

- **Court Schedule:**
 1. **Pro Se Litigants:** Written requests for relief or judicial action, known as a Motion, must be mailed to or filed or e-filed with Clerk of Court. Do not fax to Clerk. 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 unable to reach or fail to return a message, Judicial Assistant will set hearing date and time. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, email address, printed name and signature. Mail copies of the Motion to all other litigants or their counsel if represented. For low-cost or tenant-specific legal guidance, the clerk refers individuals to outside resources like Mid-Florida Legal Services at (407) 847-005.
 2. **Ex Parte:** Ex Parte hearings are held on Monday-Thursday starting at 8:30 a.m. for uncontested non-evidentiary hearings that are no more than 5 minutes. Parties must use aiCalendar to select an available time. Give opposing side reasonable written notice of hearing. File Notice of Hearing with Clerk and serve a copy on opposing side. These hearings will be conducted virtually on Webex. The moving party **MUST** send a courtesy copy of the Notice of Hearing to the court.
 3. **Short Matters:** (ATTORNEYS ONLY ON BOTH SIDES) These are not to be scheduled with the Court but *MUST* be coordinated with opposing counsel. The hearings are limited to 5-10 minutes with no evidence or testimony being taken. Short matters are available on Monday through Thursday mornings starting at 8:50 of trial weeks and 9:00 on hearing weeks. Parties must use aiCalendar to select an available time. Counsel shall proposed Orders submit to the division email prior to the hearing. Must send a courtesy copy of the Notice of Hearing to the court.

- **Scheduling Hearings:** Complete the mandatory meet and confer process outlined in Fla. R. Civ. P. 1.202, the Ninth Judicial Circuit Administrative Order No. 2012-03-01, and these instructions. 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. The court prefers these meetings to be in person or virtually, emails do not satisfy the requirement.
- **Using the aiCalendar:** Select an available hearing date and time. Go to www.ninthcircuit.org. Once on the Home Page, navigate to the bottom of the page, where you will find “Division Calendars.” This takes you to a separate page, click on aiCalendar. Scroll down to [Osceola - Circuit Civil - Division 24 - 9th Judicial Circuit Court Calendar](#). 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. Coordinate the date and time with opposing counsel:
 1. Available hearing time for approximately the next 60 days is displayed in fifteen-minute increments.
 2. Any hearing requests for longer than 1 hour must be approved by Judge Bain either by appearing during ex parte or by letter to the Judge detailing the reasons for the excessive time. The letter may be emailed to 24osceola@ninthcircuit.org. After review, you will receive a response to the request.
 3. Coordinate the date and time with opposing counsel/pro se party. Hearing times must be cleared with opposing counsel and pro se party.
 4. 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. 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.
 5. Email the Judicial Assistant at 24osceola@ninthcircuit.org, with a copy to all counsel/ProSe litigants, for the hearing to be added to the docket.
 6. The emailed hearing request to the JA must include all of the following:
 - i. Date and time of the “meet and confer” conference

- ii. Date and time being requested for the hearing
- iii. Case number
- iv. Style of the case
- v. Names of the attorneys (or pro se if applicable)
- vi. Title of the motion(s) to be heard
- vii. Amount of time being requested for the hearing.
- viii. Number of Witnesses

7. Receive confirmation time for your hearing. Your hearing time is not confirmed until you receive a reply from the Judicial Assistant. At the time of the emailed hearing confirmation, the JA will provide telephonic or video hearing information, Webex link. The video hearing information must be included in the Notice of Hearing. All in-person hearings will be noticed to report to hearing room 6-D on the 6th floor of the Osceola County Courthouse unless otherwise ordered by the judge.
8. If you need more than 15 minutes for a hearing you must explain in your email to the Judicial Assistant. Hearing requests over 30 minutes shall be set in person. A Motion must be filed before setting a hearing.

- **Foreclosure Cases**

1. Most foreclosure hearings can be scheduled on the ex parte/short matters docket. Obtain hearing times from aiCalendar for hearings requiring longer than ten (10) minutes.
2. Motions to cancel or to reset foreclosure sales may be sent to Chambers via email for ruling on the papers. If the Court determines that a hearing on the motion is required, the Court will direct the movant to schedule a hearing.
3. In timeshare foreclosure cases, counsel who handle a high volume of cases are encouraged to schedule as many motions for summary judgment and motions for default final judgment as are ready for hearing during a single block of hearing time. Counsel should contact the Judicial Assistant to obtain suitable blocks of hearing time.
4. Non-jury trials will be scheduled with the senior judge when available.

- **Discovery Motions**

1. Discovery motions (motions to compel, motions for protective order, motions to quash, etc.) must be set for hearing to bring the matter to the Court's attention. The mere filing of a motion is

insufficient to obtain the requested relief. Hearings shall not be set on discovery objections without a motion addressing the specific requests and objections at issue as set forth below. Note: Outstanding discovery does not constitute good cause for a continuance when a party has failed to bring a discovery dispute to the Court's attention in a timely manner.

2. Discovery motions must identify the specific requests and objections that are in dispute, explain why the movant believes those requests or objections are improper, and attach the requests, responses, or objections at issue. Motions that assert improper requests or objections generally, but do not identify the specific requests or objections at issue or fail to attach the applicable requests and objections, may be denied without prejudice subject to the filing of a motion in compliance with this paragraph. Note: Hearings set on discovery objections without a motion to compel, for protective order, or to quash may be cancelled subject to the filing of a motion addressing the specific requests and objections at issue.
3. All discovery motions must comply with the Florida Rules of Civil Procedure and Administrative Orders governing this division, including, but not limited to, the requirement of certifying a good faith attempt to resolve the matter without court action. See Fla. R. Civ. P. 1.380(a)(2); Admin. Order 2012-03-01.
4. If no timely response or objection to discovery requests has been served or filed and the lack of response continues for 10 days after the filing of a motion to compel, the moving party may send the motion to compel with a proposed order to 24osceola@ninthcircuit.org. The proposed order shall only compel a response within 10 days and shall not grant any other form of relief. The proposed order shall also be accompanied by a cover letter, and both the letter and order shall be contemporaneously sent to all other parties. The Court may enter the order without the need for a hearing or may direct a hearing on the objections. If additional relief (such as fees, costs, sanctions, or waiver of objections) is requested, a hearing on the motion must be scheduled.
5. Most contested discovery motion shall be set in front of the general magistrate.

- **Summary Judgment Motions**

1. Discovery must be completed on the issue(s) that are the subject of the Motion for Summary Judgment. If discovery remains outstanding, then the motion shall be denied without hearing.

2. Motions for Summary Judgment filed before January 1, 2025: Pursuant to F.R.C.P. 1.510, A party may move for summary judgment at any time after the expiration of 20 days from the commencement of the action or after service of a motion for summary judgment by the adverse party. The movant must serve the motion for summary judgment at least 40 days before the time fixed for the hearing. At least 20 days before the time fixed for the hearing, the nonmovant must serve a response that includes the nonmovant's supporting factual position.
3. Motions for Summary Judgment filed January 1, 2025 and after must be filed in compliance with the Uniform Trial and Case Management Order and at least 50 days before the time fixed for hearing. Fla. R. Civ. P. 1.510(b). Responses in opposition to summary judgment must be served within 40 days after service of the Motion. Fla. R. Civ. P. 1.510.

- **Default Final Judgments**

1. After proper service and entry of default, a party may seek entry of default judgment only in compliance with applicable law and procedural requirements.
2. Parties seeking a default judgment should review applicable law regarding liquidated and unliquidated amounts and the associated procedural requirements. Among other things, attorneys' fees and costs are generally unliquidated unless a statutory exception applies. See, e.g., MacDonnell v. U.S. Bank N.A. as Tr. for Truman 2013 SC4 Title Tr., 293 So. 3d 585, 590 (Fla. 2d DCA 2020); Williams v. Skylink Jets, Inc., 229 So. 3d 1275, 1279 (Fla. 4th DCA 2017).
3. A default judgment may be entered without a hearing under applicable law. The party seeking entry of judgment may file a motion for default final judgment and submit a proposed final judgment (after the motion and any supporting materials have been docketed by the Clerk) to the division email 24osceola@ninthcircuit.org. The Court will determine whether a default final judgment can be entered without a hearing. The person seeking a default final judgment must move and submit the order for final default judgment within 30 days of the default being entered.
4. If applicable law requires a non-jury trial or final evidentiary hearing on damages, the party seeking entry of judgment shall file a notice for trial and provide a courtesy copy to chambers via the division email, and:
 - i. if less than half a day is required, shall schedule hearing time pursuant to section I(B), or

- ii. if half a day or more is required, shall request to be placed on a trial docket. See Section (II) (Setting of Trials, Case Management Conferences, and Pretrial Conferences).
- 5. If applicable law requires a jury trial on damages, a notice for trial must be filed and provide a courtesy copy to chambers via the division email. The case will be placed on a jury trial docket.
- **Motions in Limine**
 - 1. Before setting any Motion in Limine for hearing, counsel must meet and confer in person or by telephone or communication technology on every point raised in the Motion in Limine. The Motion in Limine may not be scheduled for a hearing unless the hearing notice contains a certification of a good faith attempt to resolve the matter without court action as to each point. The hearing notice must identify the specific points in dispute. A copy of the hearing notice must be provided to chambers by email to 24osceola@ninthcircuit.org.
 - 2. Within seven (7) days of any unsuccessful meet-and-confer, the movant must file a memorandum of law specifically describing the basis for the requested evidentiary ruling with argument and supporting authority.
 - 3. At least five (5) business days before the scheduled hearing on any Motion in Limine, the opposing party must file a memorandum in opposition specifically describing the basis for the opposition with argument and supporting authority.
 - 4. If the meet and confer results in an agreement on any portion of any Motion in Limine, the moving party shall prepare and file a stipulation signed by the movant and opposing party indicating in writing which of the points in the Motion in Limine are agreed to by the opposing party. The stipulation shall be filed within seven (7) days of the meet and confer, and an agreed order may be submitted for rendition.
 - 5. Hearing time on Motions in Limine is reserved for truly disputed evidentiary rulings applicable to the case. Counsel are specifically discouraged from using hearing time to argue or reargue matters appropriately resolved on summary judgment or to address form omnibus motions, general questions of evidence, law not tied to the case, or matters not in genuine dispute.
- **Hearings on Verified Motions for Rehearing, Reconsideration, or New Trial**

1. A copy of all verified motions for rehearing, reconsideration, or new trial must be delivered to 24osceola@ninthcircuit.org at the time of filing for review by the Court. After reviewing the motion, the Court will (i) rule without a hearing, (ii) direct that a written response be filed by opposing parties, or (iii) direct the Judicial Assistant to contact the moving party to schedule a hearing.
 2. A motion for rehearing, reconsideration, or new trial cannot be set for hearing without court order. Any notice of hearing without an order authorizing the hearing on the motion for rehearing, reconsideration, or a new trial will be struck summarily.
- **Notice of Hearing:**
 1. A notice of hearing must be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance must list the judicial Webex credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540 found below. Failure to file a notice of hearing shall result in cancelation of the hearing and possible sanctions.
 2. **Good Faith Attempt To Resolve Dispute And Certification:** Counsel and self-represented parties must in good faith attempt on three separate dates 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 or the hearing shall be cancelled:

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.*

3. The notice of hearing must include the below ADA Accommodations information:

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator, Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, FL 34741, (407) 742-2417 at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

- **Cancellation of Hearings:** It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are cancelled. The Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Notice of cancellations can be emailed to: 24osceola@ninthcircuit.org.
- **Hearings/Trials cannot be cancelled unilaterally.** You must email 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, fax/email copy to Judicial Assistant and advise Judicial Assistant to take case off hearing/trial docket.
- **Order of Proceedings:** Matters will generally be heard in the order they appear on the docket except for calendar calls dates.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five days prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).
- **Submission Deadlines:** All hearing materials to be reviewed by Judge Andrew A. Bain must be submitted email or on USB flash/jump drive. Hearing Notebooks will not be accepted. All materials SHALL be provided 72 hours prior to the scheduled hearing. **Keep in mind FL ST BAR Rule 4-3.3 when preparing your materials.**
- **Motions to Withdraw as Counsel:** Motions 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 to chambers. Addressed, stamped envelopes must be provided for all parties not receiving service through the ePortal. 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.
- **Court Reporter:** If you want a record of hearing/trial you must make arrangements for a Court Reporter. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present in the hearing room/courtroom.
- **Preparation:** A well-prepared attorney/pro se litigant should do all, but not limited to the following at all Court Appearances:

1. Show up on time. Division 24-B has a 5-minute rule for Hearings and 10-minute rule for Trials. Should an attorney or party fail to show up or fail to contact the Court that you are running late, the hearing or trial will start without you, even if an attorney's client is present.
 2. Check In for in person hearings/trials- Check in with Receptionist or Deputy when you arrive for a hearing. The Deputy is not a receptionist. His/Her job is to provide security. If you have a question talk to the Judicial Assistant, go to the Clerk's Office on the second floor or go online to "osceolaclerk.com". (see below).
 3. Draft a proposed Order.
 4. Know proper Courtroom Decorum. The Ninth Circuit has adopted the Orange County Bar Association Standards of Professionalism. If you are not sure about appropriate courtroom protocol, please ask. Understand ALL HEARING including VIRTUAL HEARINGS are governed by Administrative Order effective date September 11, 2014 (2003-07-02) regarding Ninth Judicial Circuit Courtroom Decorum Policy.
- **Discovery Disputes:** Attempt to resolve discovery disputes in good faith prior to scheduling a hearing. All Circuit Civil Judges follow the guidelines set out in the 2024 Handbook on Discovery Practice.
 - **Discovery Motion:** The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. Motion must be set for hearing to bring the matter to the Court's attention. These matters will be addressed by referral to the magistrate judge or short matters unless approved by the court for a different time slot. 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. Review the 2021 Handbook on Discovery Practice, which is available on the Ninth Judicial Circuit website, www.ninthcircuit.org.

Remote Appearance

- **Remote Appearance Procedure:** The court maintains a hybrid virtual courtroom, allowing parties to appear either in person or remotely when ordered by the court, as provided by Florida Rule of General Practice and Judicial Administration 2.530.
- **Platform Used:** The court will use a static Webex link to conduct its virtual hearings.
- **Platform Meeting ID#:** <https://ninthcircuit.webex.com/meet/24osceola>



Join by Phone: 1-904-900-2303 United States; Access Code: 2341 608 9737

- **Requirements:**
 1. You must use your full legal name and must be display for the hearing.
 2. You must display your case number next to your name.
 3. Camera on.
 4. Must be in a quite area with no background noise.
 5. **If any participate in the hearing is operating a motor vehicle or vessel during the hearing, the hearing will be immediately canceled. The court reserves the right to award cost to the opposing party.**
- **Technology Needs:** Parties must have good quality internet signal so to maintain good connectivity with the court.

Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in WORD format.

- **Submission Method:** All proposed orders must be e-mailed to the division e-mail, 24osceola@ninthcircuit.org.
- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing.
- **Other Procedures Relating to Submission of Orders and Judgments:**
 1. 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 if NOT docketed with the Clerk.
 2. Send proposed orders, final judgements, and supporting affidavits to the Court in Word format on an email. Proposed Orders and requests for Default Final Judgments are often sent back to the attorney. This advises the attorney/pro se litigant why a requested action cannot be acted on by the Court. You may want to review as it addresses the common deficiencies of Pleadings/Motions/Affidavits filed with the Court.
 3. 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.

Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law or other specified document must be submitted to the court for any evidentiary proceeding.
- **Format:** PDF/a format or Word document.
- **Submission Method:** E-mail, or USB flash drive.
- **Deadline for Submissions:** Courtesy copies must be delivered to the court no later than 72 hours before any evidentiary proceeding.
- **Other Courtesy Copies Procedures:** Courtesy copies of case law must

include a table of authority.

Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation. The motion must be delivered to the Court before a hearing will be set.
- **Scheduling:** 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. Considering the short setting, opposing counsel/litigant may attend the hearing virtually if their schedule will not allow them to appear in person.

Exhibits for Evidentiary Proceedings

- **Submission Method:** Submit all exhibits electronically by e-mail to the division e-mail account or on a USB drive.
- **Format:** Exhibits must be submitted to the clerk of court in paper format. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the court, and each party to review during the hearing or trial. Prior to the day of hearing or trial, all exhibits must be marked for identification by the parties with tags provided by the Clerk of Court. Exhibits are marked for identification alphabetically ("Ex. A", "Ex. B", "Ex. C", etc.), and each page of the exhibit shall be Bates stamped. Once admitted into evidence, exhibits are marked numerically by the clerk ("Plaintiff's Ex. 1", "Plaintiff's Ex. 2", "Plaintiff's Ex. 3", etc.).
- **Deadline for Submissions:** All exhibits must be received in chambers and served on the opposing party five days before the evidentiary proceeding unless ordered differently by the Court.

Pretrial Procedures and Conferences

- **Case Management Conference:** Any party may request a case management conference (CMC) when a case requires. The court strongly encourages the early use of CMC in more complex cases, multiple-party litigation, or any case that might benefit from court intervention. Unless excused by the court in advance, all CMCs are mandatory for attorneys and self-represented litigants. Parties represented by counsel are not required to

appear at a CMC. Parties appearing for CMC must have full settlement authority.

- **Status Conference:** Any party may request a status conference when a case requires.
- **Requirements:** Any request for a CMC or status conference must articulate the reasons for the necessity of the conference.
- **Scheduling:** If the court agrees that a CMC or status conference is required, the moving party may schedule the CMC or status conference through the online scheduling platform. However, if a Uniform Trial Order has been issued by the Court the CMC and Pre-trial Conference will be held in person.
- **Pretrial Conferences:** Lead Trial Counsel, or a trial partner with full authority, and unrepresented parties must attend a Pretrial Conference. Parties must confer on and fill out the Pretrial Conference Checklist the email it to 24osceola@ninthcircuit.org in addition to filing a Joint Pretrial Statement addressing the matters described below, no later than 5 days prior to the Pretrial Conference, with a courtesy copy sent to the division email. If the Parties are unable to agree on the contents of the Joint Pretrial Statement, the differing views should be set forth within a single Joint Pretrial Statement. The Joint Pretrial Statement must contain the following:
 1. A statement of the case to be read to the jury at the beginning of voir dire.
 2. A statement of admitted facts that may be read at trial as a stipulation of counsel.
 3. A statement of the issues of fact to be tried.
 4. A statement of the unresolved issues of law, procedure or evidence.
 5. Each party's witness list.
 6. Each party's schedule of exhibits with objections.
 7. Any stipulation on evidentiary matters specifying the applicable matters to which such stipulation applies, e.g., authenticity, hearsay exceptions, etc.
 8. The number of peremptory challenges available to each party.
 9. An estimate of the number of jurors requested for the venire panel and a statement regarding the necessity of any jury panel in excess of 22 venirepersons.
 10. A current estimate of the number of days (to include voir dire) required for trial.
 11. The specific category of damages, including attorneys' fees, claimed by each party and, when possible, the amount of such damages sought by each party.
 12. A designation of Lead Trial Counsel. No change of Lead Trial Counsel may be made without leave of the Court if such change

would disrupt the trial schedule.

13. A list of all pending motions and date filed. Motions not timely heard in accordance with the dates set forth herein are subject to summary denial.
14. A list identifying, with specificity, any matters of which the parties will ask the Court to take Judicial Notice under sections 90.201 and 90.202, Florida Statutes, and any objections or agreement thereto.

Setting Case for Trial

- **Procedure:** Circuit Court actions will be set for trial when they are at issue. Parties filing a Notice for Trial MUST serve a copy on the Court by sending it to the Judicial Assistant.
- **Non-Jury Trial:** All hearings and trials are held in Room 6B unless otherwise noted. In Division 24-B, for a non-jury trial, file a Notice for Trial (i.e. that the case is at issue) with the estimated time needed by all sides. The Court will issue a Case Management Order/ Uniform Order Requiring Pre-Trial Matters to be completed by the parties before the set trial date. You can also review aiCalendar docket for available times, clear with opposing counsel/pro se litigant and then contact Judicial Assistant with your request for a date, time and length of trial. Court will ultimately decide trial date and how much time will be allocated for trial.
- **Jury Trial:** For a jury trial in Division 78, file a Notice for Trial and Judicial Assistant will schedule a Case Management Conference Hearing or the Court will issue a Uniform Jury Trial Order. Court will determine at Case Management Conference hearing if case is at issue and if so, set on a Jury Trial Docket. Order of cases will be determined at Pre-Trial Conference, usually 30 days before start of trial period. After Case Management Conference the Court will issue a Uniform Order Setting Case for Jury Trial and Pre-Trial Conference.

Mediation, all hearings, and discovery must be completed before the Pre-Trial Conference. Parties appearing for pretrial must have full settlement authority. Parties shall provide a completed copy of the Pretrial Check List and Order Controlling Trial (available on the Ninth Circuit Website) no later than three (3) business days prior to the scheduled pretrial to the division email 24osceola@ninthcircuit.org Failure to comply may result in delay and further sanctions as deemed appropriate by the Court.

Forms

- Div 24-B uses the attached Pre-trial Checklist.

Other Division Procedures

- **ADA Accommodations:**
 1. Under the ADA, Court Administration will provide a sign language interpreter in civil matters. Contact Court Administration no later than 2 working days in advance to arrange accommodation for hearing or voice impairment. See Administrative Order 2008-01-02.
 2. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact ADA Coordinator, Court Administration, Osceola County Courthouse, 2 Courthouse Square, Suite 6300, Kissimmee, FL 34741, (407) 742-2417 at least 7 days before your scheduled court appearance, or immediately on receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
- **Interpreters:** Unlike criminal cases, **Circuit Civil does not provide language interpreters for litigants. You must make your own arrangements.**
- **Conferral Prior to Filing Motions:** Attorneys must comply with Fla. R. Civ. P. 1.202. At the end of the motion and above the signature block, the movant must include a certificate of conferral in substantially the following form:

I HEREBY CERTIFY that prior to filing this motion, I discussed the relief requested in this motion by [method of communication and date] with the opposing party and [the opposing party (agrees or disagrees) on the resolution of all or part of the motion] OR [the opposing party did not respond (describing with particularity all of the efforts undertaken to accomplish dialogue with the opposing party prior to filing the motion)].

OR

I HEREBY CERTIFY that conferral prior to filing is not required under rule 1.202.

- **Use of Artificial Intelligence in Papers:** The Court does not prohibit the use of Artificial Intelligence (“AI”) in its division. However, if any party or self-represented party has used AI in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court, and assigned to Judge Bain or Division 24-B, the party MUST, in a clear and plain factual statement, disclose that regenerative AI has been used in the filing, state whether the AI used was close or open, and CERTIFY, that each and every citation to the law or the record in the paper, has been independently verified as accurate. Failure to comply may result in sanctions against the

party including contempt, the striking of pleadings, and dismissal. FL ST GEN PRAC AND J ADMIN Rule 2.515(d)(2). “When a lawyer cites imaginary legal authorities to our court as if they were law, we are compelled to refer that lawyer to the Bar because of the professional rules of conduct.” Russell v. Mells, 426 So. 3d 913, 920 (Fla. 2d DCA 2025), and FL ST GEN PRAC AND J ADMIN Rule 2.515.

- **Filing of Pleadings:** Mail to Clerk’s Office. If you go to the Clerk’s Office, 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/Benchmark. If the pleading is filed within 2 Court days of the scheduled hearing, a copy of Motion should be emailed or hand delivered to the Court.
- **Osceolaclerk:** The Osceola County Clerk utilizes the **Benchmark electronic case management system**. Benchmark is maintained by the Clerk of Court. Benchmark electronically displays court filings, including financial information. Non-court personnel can access the Benchmark docket listing by going to www.osceolaclerk.com. Click Court Services drop down icon, click Search Case Information, search by case and type in your case number. Click the case and you can see the list of pleadings and orders filed with the Clerk. Please use “osceolaclerk” instead of calling the Judicial Assistant.
- **Electronic Filing:** Circuit Civil is part of the Electronic filing system used in Couty Civil. You can electronically file Circuit Civil pleadings. **Note:** the Judicial Assistants print mailing envelopes using the Benchmark system. If you know a name/address is erroneously listed in Benchmark, contact Clerk’s Office to modify. If address has changed, file Notice of Change of Address with Clerk’s Office. Clerk has complete authority over what goes into Benchmark. **Court Files** - Technically Circuit Civil is “file less”. In other words, the Judges do not need files as they can access Benchmark. If you file something today Clerk’s policy to have it displayed in Benchmark in 72 business hours. The reality is that it may be much longer.
- **Confirm Upcoming Hearing:** Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Click the “Attorney” link on right side and click the “Dockets” link toward the bottom of the Information column. Select the division and it will display scheduled hearings/trials for approximately the next two weeks.

Have A Question About Your Case?

Please understand that the Circiit Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and pro se 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 want to know if an Order has been entered check with Clerk or wait for mailed copy. Court does not maintain copies of signed Orders.

Clerk of the Court Phone Number: 407-742-3500

2 Courthouse Square

Kissimmee, FL 34741

Website: <https://www.osceolaclerk.com/>

These procedures for Circuit Civil Division 24-B are for Judge Andrew A. Bain only.

If you have a question regarding procedures for any other Judge or Division, please check with the Judicial Assistant for that Division or check in the JA Manual available online at NinthCircuit.org.

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

Effective September 1, 2026.

PRE-TRIAL CHECKLIST (Osceola Division 24 – Judge Andrew A. Bain) (Pursuant to Fla. R. Civ. P. 1.200(d))

CASE #: _____ P/T DATE: _____

CASE STYLE: _____

Estimate Length of Trial: _____ days Jury Trial: oYes
oNo

1. **Joint Meeting of Counsel:** Completed? oYes oNo If no, date it is scheduled for: _____

2. **Joint PT Statement:** Filed? oYes oNo If no, date by which it will be filed: _____

3. **Mediation:** Held? ☐ Yes ☐ No When held or scheduled? _____

4. **Motions in Limine:** Filed prior to this pre-trial conference? ☐ Yes ☐ No - ☐ None

*Must be scheduled and heard no later than **one week prior** to the beginning of the trial period. You must comply with Division 20's Standing Order on Motions in Limine, found at www.ninthcircuit.org*

5. **Have the parties filed their Depo Designations, Counter-Designations and Objections?** oYes oNo

- If yes, provide a blank Order for the Court with columns for the designation (page and line), objection, and a place for the Court to rule. The Court will rule in chambers. Pursuant to the Uniform Order Setting Case for Trial, must be disclosed in writing (citing page and line numbers) (i) **30 days** before the Pre-Trial Conference (designations), and (ii) **20 days** before the Pre-Trial Conference (counter-designations)*

6. Time Estimates:	Voir Dire:	Opening Statement:	Closing
Argument			(to include rebuttal)
Plaintiff (1) min/hr	_____ min/hr	_____ min/hr	_____
Plaintiff (2) min/hr	_____ min/hr	_____ min/hr	_____
Defendant (1) min/hr	_____ min/hr	_____ min/hr	_____
Defendant (2) min/hr	_____ min/hr	_____ min/hr	_____

min/hr

7. **Jury: Venire** – # requested? _____ **Alternate(s)** – # requested? _____

Peremptory Challenges (3 per party): Total: Plaintiff: _____ Def #1: _____

Def #2: _____

8. **Pending Motions, Special Provisions or Concerns?**

BE AWARE OF THE FOLLOWING ADDITIONAL REQUIREMENTS
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9. **Exhibits and Demonstrative Aids:** Per the Uniform Order Setting Case for Trial, all exhibits and demonstrative aids (including Power Point Presentations) must be exchanged, initialed by counsel for all parties, and tagged and marked for identification. Any objections must be separately noted. Demonstrative aids may **NOT** be used during Opening Statement without (i) agreement or (ii) **prior** (*before the first day of trial*) court order. Contact Melissa (Trial Clerk) for evidence tags and instructions.

10. **Stipulations – Admissions – Waivers of Custodians:** Must be in writing if seeking Court enforcement

11. **Trial Briefs:** Not required, but if you choose to submit them, please provide hard copies to Chambers (6460) at least **five (5) working days** prior to trial to allow adequate time for review

12. **Judicial Notice:** Follow the Evidence Code, Section 90.201-90.207, Florida Statutes

13. **Witness Disclosure during Trial:** The next day's witnesses shall be disclosed at the end of each trial day

14. **Expert Opinions:** Not admissible if not expressed in deposition or in an expert report (*unless no report was created and no deposition was taken*)

15. **Audio/video equipment – DO NOT WAIT UNTIL TRIAL TO TEST EQUIPMENT** – Contact the IT Support department at <http://www.ninthcircuit.org/services/technology-support> or call [407-742-2488](tel:407-742-2488) before the first day of trial.

16. **Jury Instructions and Verdict Forms** –

- Exchanged no later than 10 days prior to the Pre-Trial Conference

- Submitted to the Judge at the Pre-Trial Conference. File originals with the Clerk and provide a Copy in **MS Word** (*in Times New Roman font – 14 pt. double spaced*) - to the Court via email to 20Bosceola@ninthcircuit.org

17. Be familiar with Judge Arendas' s and the Ninth Judicial Circuit's guidelines, procedures, expectations and policies, all of which can be found at <https://www.ninthcircuit.org/about/judges/circuit/christine-e-arendas>.

VENIRE REQUEST: _____ - NUMBER OF ALTERNATES: _____

TIME CERTAIN DATE SET FOR TRIAL (IF APPLICABLE): _____

TENTATIVE DATE SET FOR TRIAL: _____ # _____

YOU MAY BE CALLED AT **ANY TIME** DURING THE TRIAL PERIOD. **YOU ARE ON STAND-BY FOR THE ENTIRE TRIAL PERIOD.** JUDGE ALVARO'S JA WILL DISTRIBUTE A TRIAL LIST WITH CASE NAMES AND NUMBERS, ATTORNEY NAMES AND CONTACT INFORMATION.

YOU ARE RESPONSIBLE FOR CONTACTING COUNSEL AHEAD OF YOU ON THE TRIAL LIST TO FIND OUT WHEN YOU MAY BE CALLED. ALL TRIAL DATES (UNLESS OTHERWISE NOTED ON THE ORDER SETTING TRIAL) START AT 9:00 A.M. IN OSCEOLA COURTROOM 4-A.