

IN THE CIRCUIT COURT OF THE NINETEENTH
JUDICIAL CIRCUIT IN AND FOR
MARTIN, ST. LUCIE, INDIAN RIVER AND OKEECHOBEE COUNTIES

IN RE:

Uniform Motion Calendars and Ex Parte
Discovery Enforcement in the General
Circuit Civil Division

ADMINISTRATIVE ORDER NO. 94-10

It has been determined by the Judges within this Circuit that certain motions filed in the General Circuit Civil Division may be considered in a more expeditious manner and that there would be a substantial benefit to the Judges, attorneys and parties if uniform procedures were adopted so as to expedite these matters. It is therefore, pursuant to Rule 2.050, Florida Rules of Judicial Administration;

ORDERED AND ADJUDGED as follows:

1. Every Judge assigned to the General Circuit Civil Division has the authority to establish, maintain, and enforce a Uniform Motion Calendar, and to enter Ex Parte orders enforcing discovery pursuant to the terms of this Order.
2. If a Judge decides to establish a Uniform Motion Calendar, the following requirements shall be followed.
 - A. Prior to setting a matter on the Uniform Motion Calendar, the party or attorney noticing the motion shall attempt to resolve the matter and shall certify the good faith attempt to resolve in the notice of hearing.
 - B. Hearings are strictly limited to ten (10) minutes per case. If two parties, each side is allowed five (5) minutes; if more than two (2) parties, time will be allocated by the Judge. The time limitation shall include the time necessary for the Judge to review documents, memorandums and cases.
 - C. Except for default and final judgments matters, the court file will not be available at the Uniform Motion Calendar. The moving party shall furnish to the Judge, at the hearing (unless the presiding Judge orders the copies be delivered at an earlier date), a copy of the motion to be heard and the notice of hearing. All parties shall also furnish to the Judge copies of all documents, pleadings or citations which they desire the Judge to consider.
 - D. Counsel shall not schedule motions on the Uniform Motion Calendar with the Judge's Judicial Assistant, but shall send written notice and a copy of the motion to opposing counsel (or parties if under represented) in accordance with the applicable rules of procedure in default and final judgment matters ONLY a copy of the notice of hearing and a copy of the motion to be heard shall be DELIVERED to the Clerk, marked "ATTENTION UNIFORM MOTION CALENDAR", at least four (4) business days before the hearing. The Clerk shall bring to the file to the hearing. However, this requirement should not be construed as otherwise deviating from proper notice requirements set forth in

procedural or statutory mandates.

E. Any party requesting relief shall bring to the hearing and furnish the court with a prepared, proposed form of order and sufficient copies with stamped addressed envelopes for all parties.

F. A sign-up sheet shall be provided in the courtroom and the sequence of hearings will be set by the Judge, in consultation with the bailiff and Clerk, in the order of appearance of the first party. Failure of any party to appear shall not prevent a party from proceeding with a hearing when the case is called. If a party called for hearing chooses to wait for the absent party, the matter may be passed over until the end of the motion calendar. However, if the Judge is out of time, the issue may be continued.

G. No testimony shall be allowed at Uniform Motion Calendars.

H. The presiding Judge has absolute discretion in the administration of the Uniform Motion Calendar.

I. Failure to comply with procedure designated in this Order may result in the hearing being stricken from the docket.

3. When a motion to compel alleges a complete failure to respond or object to discovery, and there has been no request for extension, an Ex Parte order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. The movant shall submit the proposed order with sufficient copies and self addressed stamped envelopes for all parties and shall also certify that notice of the requested relief was provided to the opposing counsel.

4. This Order shall remain in effect until further Order of this Court.

5. Each of the respective Clerks within this Circuit shall appropriately file and record this Order and implement procedures to comply with it.

DONE AND ORDERED in Chambers at Stuart, Martin County, Florida this 9th day of December, 1994.

/s/ Paul B. Kanarek

Paul B. Kanarek

Acting Chief Judge

Copies To: All Circuits and County Judges
All Court Clerks
All Local Bar Associations within this Circuit
Court Administrator