

**\*\*\*EFFECTIVE 1/8/2024\*\*\***

# **JUDGE CYNTHIA L. COX, CIRCUIT JUDGE INDIAN RIVER COUNTY CIVIL DIVISION**

UPDATED 2/22/2024

Indian River County Courthouse  
2000 16<sup>th</sup> Avenue, Ste 375  
Vero Beach, FL 32960  
(772) 226-3376

Judicial Assistant: Havelly White  
E-mail/E-Service Address: [whiteh@circuit19.org](mailto:whiteh@circuit19.org)  
**ALL PARTIES MUST BE COPIED WHEN E-MAILING THIS OFFICE.**

**ZOOM MEETING ID: 616 815 4963  
COURTROOM 7**

**ONLINE CALENDAR: <https://aicalendar.circuit19.org/>**

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*PLEASE REVIEW ALL PROCEDURES BEFORE CONTACTING THE JUDGE'S OFFICE AND  
REVIEW ADMINISTRATIVE ORDER 2021-05 (available at [www.circuit19.org](http://www.circuit19.org))*

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**CASE MANAGEMENT PLAN AND ORDER:** Pursuant to Florida Supreme Court AOSC20-23, Amendment 12, ALL parties MUST comply with the 19<sup>th</sup> Circuit's Administrative Order 2021-05, by timely submitting an Agreed Case Management Plan and Order to [whiteh@circuit19.org](mailto:whiteh@circuit19.org). Please ensure the proposed order is in Microsoft Word format and includes a service list with the names and service addresses of the parties who will receive a copy of the signed Order. A template of the order is available at the Court's webpage.

## **HEARINGS**

**ALL EVIDENTIARY HEARINGS and NON-EVIDENTIARY HEARINGS MORE THAN 30 MINUTES** must be scheduled for a live (IN PERSON) hearing in Courtroom 7 of the Indian River County Courthouse (2000 – 16<sup>th</sup> Avenue, Vero Beach, Florida). ***Compliance with Rule 2.530(b)(2), Fla. R. Jud. Admin. is required.***

**DOCKETS:** Please review docket types to assure that hearings are scheduled on the appropriate docket. Hearings scheduled on the incorrect docket will be stricken.

- **UNIFORM MOTION CALENDAR (UMC):** UMC dockets are limited to non-evidentiary, 5-10-minute-long hearings. The types of motions suitable for a UMC docket include simple motions (motions to strike affirmative defenses, motion to amend, motions to withdraw, etc.) Hearings are limited to the time allotted when scheduling per case, not per motion. ***ALL UMC HEARINGS WILL BE HELD REMOTELY VIA ZOOM VIDEOCONFERENCING.***
- **CIVIL HEARINGS:** Hearings longer than 10 minutes; motions not appropriate for UMC; and/or evidentiary hearings. ***IN PERSON AND REMOTE/ZOOM DOCKETS AVAILABLE. SEE RULE 2.530. ALL NON-EVIDENTIARY HEARINGS SCHEDULED FOR 30 MINUTES OR LESS MAY BE HELD REMOTELY UNLESS THERE IS AN OBJECTION.***
- **SPECIAL SET/NJT:** Reserved for lengthier hearings as requested or non-jury trials. These dockets will set by the Court and are not available for online scheduling. ***IN PERSON OR REMOTE/ZOOM AS REQUESTED/NECESSARY PER RULE 2.530.***
- **RESIDENTIAL FORECLOSURE:** ALL residential foreclosure matters must be ONLY scheduled on the Foreclosure Docket. Foreclosure hearings will be IN PERSON. **Compliance with Rule 2.530(b)(2), Fla. R. Jud. Admin. is required.**

**SCHEDULING HEARINGS:** All motions must be filed before scheduling a hearing. **All hearings thirty (30) minutes or less will be scheduled using the online calendar: <https://aicalendar.circuit19.org/>.** If you need more than thirty (30) minutes, email a request to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) with **all parties copied**; include the case number/style, motion(s) to be heard, amount of time needed for the hearing. ***Review GENERAL MAGISTRATE section below as some pleadings may be referred/scheduled with the magistrate. Judge Cox's calendar will be monitored for hearings that should be scheduled with the Magistrate.***

You must give the opposing parties notice of a hearing at least five (5) business days prior to the hearing date *unless* otherwise agreed by the parties. Additional motions may not be “piggy backed” by cross-notice unless all parties agree to adding motion(s); any added motion must timely submit hearing material or the motion(s) will NOT be heard. No extra time will be given to a hearing for additional motion(s) without Court approval.

Good faith cooperation is expected from counsel, their support staff and pro se litigants. Hearings may be scheduled unilaterally if no response has been received after three (3) business days. **All motions must comply with the Florida Rules of Civil Procedure, including but not limited to, a certification that the movant, in good faith, has personally conferred or attempted to personally confer with the person or party failing to make discovery in an effort to secure the information without Court action.** Fla.R.Civ.P., Rule 1.380(a)(2). **All notices of hearing shall contain a certification** signed by the scheduling attorney/party substantially in the following form:

*I HEREBY CERTIFY that I have personally contacted opposing counsel/party in an effort to resolve the issue(s), however, the matter cannot be resolved and a hearing is necessary.*

**REMOTE HEARINGS:** You may appear remotely for all non-evidentiary hearings under 30 minutes using Zoom video conferencing. The Zoom Meeting ID (which must be included on the Notice of Hearing) is **616 815 4963**. Testifying participants (parties and witnesses) **MUST** appear via Zoom with both audio and video unless they have a **NOTARY PUBLIC** with them to administer an oath.

**NOTICES OF HEARINGS and SERVICE:** E-service is mandatory and service of process for all documents shall be made via the clerk of court e-portal. If a self-represented party does not have an email service address, that parties' physical service address shall be contained in any filed document, including but not limited to any motion, notice and any proposed order and **the moving party SHALL BE RESPONSIBLE TO serve such self-represented parties, including executed orders**, via U.S. Mail, and shall immediately e-file a Certificate of Service on Self-Represented Party Compliance when completed.

**PAPERLESS SUBMISSION OF HEARING MATERIALS:** This is a paperless office. All hearing materials must be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) at least **5 BUSINESS DAYS** prior to the hearing date. Motions, notices, memos, case law, etc. should be in PDF format. Highlighting pertinent sections and brevity is appreciated. **Proposed orders/judgments must be in Microsoft Word format.** (See below section on **ORDERS** for specific directions on the formatting of proposed orders.) **FAILURE TO TIMELY SUBMIT PROPOSED ORDERS/JUDGMENTS IN WORD FORMAT PRIOR TO THE HEARING WILL RESULT IN THE HEARING BEING STRICKEN FROM THE DOCKET.**

**AGREED ORDERS:** If you reach an agreement/stipulation, email the agreed order to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) in Word format with language approving the agreement/stipulation. If you have exhibits to include in the agreed order, you must submit them with the agreed order. Please also include a copy of the Notice of Cancellation if the motion is set for hearing, and remove from the online calendar if set by your office.

**CANCELLING HEARINGS:** Dockets are finalized by 2 p.m. the business day before the hearing. Therefore, all hearings must be cancelled/removed from the online calendar before 2 p.m. Notices of Cancellation must be immediately filed with the Clerk and emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org). **IF YOU CANCEL A HEARING THAT YOU SCHEDULED ONLINE, YOU MUST CANCEL USING THE ONLINE CALENDAR. Filing a Notice of Cancellation does not remove from the online calendar.** If a hearing is not removed from the online calendar, the scheduling attorney/party will be considered a "no show" and online scheduling privileges may be revoked as a result.

**CASE MANAGEMENT CONFERENCES:** The Court may schedule certain cases for a Case Management Conference (CMC). Any case can submit a request for a CMC by filing a written motion setting forth the specific reasons why a CMC is needed. Parties

should not use the online calendar to schedule CMC; hearing availability will be emailed to all parties and an Order Setting Case Management Conference will be issued.

**COURT REPORTERS:** All evidentiary matters (both trials and hearings) should be reported by a court reporter. It is the moving party's responsibility to arrange to have a court reporter present, or to obtain stipulation from the non-moving party or the parties' intent to not have a court reporter present.

## EXHIBITS

**EXHIBITS FOR REMOTE HEARINGS:** If granted a remote evidentiary hearing, email [whiteh@circuit19.org](mailto:whiteh@circuit19.org) for the Exhibit Policy for Remote Hearings.

**EXHIBITS FOR IN PERSON HEARINGS AND TRIALS:** If counsel has questions regarding submitting exhibits for in person hearings or trials, please contact the Clerk of Courts/Civil Division. All exhibits are to be marked for identification by the clerk at least 48 hours prior to the start of the hearing/trial. Exhibits which will be stipulated into evidence may be marked. Once exhibits are marked, either for identification or in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and authorized by the Court. Objections to exhibits not preserved in the pre-trial stipulation shall be deemed waived.

## ORDERS & JUDGMENTS

The Court will strive to issue orders and rulings in a timely manner. All proposed orders/judgments must describe the motion, in the caption, the subject and ruling of the Court, *i.e.* "Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability." The proposed order shall reflect the date of the hearing and utilize the Supreme Court Case Numbering System (*i.e.* **31 2024 CA 009999** - County Code, Year, Division, and Six Digit Number). **Proposed orders/judgments must be e-mailed in Word format at least 5 business days prior to the hearing date, or the hearing will be stricken for non-compliance.** Proposed orders/judgments must contain 1" margins and be numbered (if more than 1 page) and be emailed in advance, regardless of whether the hearing is in person or remote.

If counsel is asked to prepare an order, the order shall be drafted and circulated to all parties within 2 business days of the hearing, and must be submitted to the Court ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)) in Word format within 7 days of the hearing. Counsel must advise the Court of any objection to the form of the proposed order upon submission.

Signed orders will be e-filed and e-served through the e-portal. If a pro se party does not have an e-service address on file, it is the movant's responsibility to provide a copy of the signed order to the opposing party and file a certificate of service within 3 days thereof.

# GENERAL MAGISTRATE

Pursuant to Administrative Order 2023-03, General Magistrate Terry Slusher has been assigned to hear civil matters as agreed by the parties or as referred by this Court.

The following issues may be referred to the General Magistrate:

All Discovery Motions	Motion for Contempt
Motion for Protective Order	Motion for Sanctions
Motion to Transfer Venue	Motion to Add/Substitute Parties
Motion to Withdraw/Substitution of Counsel	Motion to Intervene
Motion to Amend	Motion for Attorney's Fees/Costs
Pretrial Conference	Status/Case Management Conference
Motion to Compel	

**No dispositive motion may be scheduled before the General Magistrate.**

Judge Cox's online calendar will be monitored and hearings will be stricken from Judge Cox's docket if deemed appropriate to be set with the General Magistrate. Therefore, an Order of Referral to Magistrate should be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) immediately after filing the motion. If a written objection to the General Magistrate is filed, you must provide a copy to [whiteh@circuit19.org](mailto:whiteh@circuit19.org).

**Please see General Magistrate Terry Slusher's procedures for further details on scheduling and requirements:**

[Magistrate Terry A. Slusher | 19th Judicial Circuit Court of Florida \(circuit19.org\)](https://www.circuit19.org/magistrate-terry-a-slusher-19th-judicial-circuit-court-of-florida) and [Courtroom Guidelines and Procedures Civil Jury.pdf \(circuit19.org\)](https://www.circuit19.org/courtroom-guidelines-and-procedures-civil-jury.pdf)

Communication regarding scheduling and other administrative matters may be directed to the Magistrate's Assistant, Tiffany Coronel, at [Coronelt@circuit19.org](mailto:Coronelt@circuit19.org). E-mail containing material for hearings, proposed recommended orders, copies of pleadings, motions, notices, etc. should be sent to [civilmagistrate@circuit19.org](mailto:civilmagistrate@circuit19.org). All items mailed or hand delivered should be sent to Magistrate Slusher at the St. Lucie County Courthouse, 218 South Second Street, Fort Pierce, FL 34950.

All e-mails must contain the case name, case number, subject matter, county filed, and relevant date(s). Please ensure that all e-mails are also copied to all opposing counsel and/or pro se parties and indicate same in the body of your e-mail to prevent ex-parte communication to the Court.

**CURRENT HEARING SCHEDULE: *Indian River County: Wednesday - see online calendar for specific times/hearing types***

Electronic recording is used in this Circuit for all proceedings before a magistrate. Any party may also have a court reporter transcribe the record of the proceedings at that party's expense.

# PRE-TRIAL PROCEDURES

**CASE MANAGEMENT AND TRIAL ORDERS:** All cases must submit an Agreed Case Management Plan and Order within 30 days after service on the last defendant. Deadlines are established and enforced pursuant to such order. Submitting the agreed plan allows attorneys to choose their own deadlines and trial dates. After all attorneys sign the ACMPO, it must be emailed to the Court ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)) to be approved, signed and e-filed. **DO NOT FILE THE ACMPO WITHOUT A SIGNATURE FROM THE COURT.** Failure to submit the ACMPO will result in the Court issuing its Order Requiring Filing of Mandatory Case Management Plan. **Failure to comply with said order will result in sanctions which can include your case being dismissed or closed without further notice or order.** Cases will automatically be set for trial during the e-docket month designated on the submitted and approved Case Management Plan and after considering the properly submitted E-Docket Call Form.

A Notice of Non-Compliance shall be filed if the parties are unable to comply with the Case Management Plan and Order or an Order Requiring Filing of Mandatory Case Management Plan. The notice shall include the reasons the parties are unable to comply. The notice shall be filed in the court file and submitted to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) for the Court's review.

Notices of Trial are not required, as trial dates are set by the Agreed Case Management Plan and Order. Any attempts to amend your ACMPO to continue your trial date will be rejected. Motions to Continue are required in accord with the Rule(s).

**E-DOCKET CALL PROCEDURE:** There is no requirement to physically attend Docket Call. Instead, counsel with cases on each month's docket will complete the E-Docket Call Form (available on Judge Cox's website and on the Agreed Case Management Plan and Order) and email it to [whiteh@circuit19.org](mailto:whiteh@circuit19.org). Your case will be placed on a Trial Schedule during the week(s) you have selected. Cases will be stacked during your selected week(s) according to the year that the case was filed, with the older cases being placed at the top of the week's trial schedule. **DOCKET CALL DATES AND POTENTIAL TRIAL WEEKS ARE POSTED ON JUDGE COX'S ONLINE CALENDAR.**

Counsel for each case is required to submit the E-Docket Call Form for the trial period during which your case is set. All counsel shall discuss and agree regarding trial dates to be selected and one form is to be submitted for each case. The form shall be signed by all the counsel of record for that particular case. If you fail to submit the form as set forth above by the deadline, you will be set on the Trial Schedule at the will of the Court. **All forms are to be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) by 5:00 p.m. three (3) business days before the posted Docket Call date.**

The monthly trial schedule is posted on Judge Cox's website under "Calendars" ([Judge Cynthia L. Cox | 19th Judicial Circuit Court of Florida \(circuit19.org\)](http://www.circuit19.org)) and online calendar <https://aicalendar.circuit19.org/>. We will endeavor to have the Trial Schedule posted by noon on the day of the designated Docket Call date. \*It will be the responsibility of

counsel and pro se litigants to keep track of their position on the trial docket and to monitor whether the cases set ahead of your case are settled or continued. **The top three (3) cases moving forward as of 3:00 p.m. on the Friday preceding your trial are required to appear the morning of trial.** Unless the case is settled or continued prior to the date set for trial, counsel must appear for trial. *All other cases are rolled to the next Docket Call and are required to file the E-Docket Call Form for same.*

**PRE-TRIAL COMPLIANCE:** Judge Cox requires full compliance with the ACMPO, which includes, without limitation, timely submission of a joint pre-trial statement. Your case will be subject to removal from the trial docket if a joint pre-trial statement is not filed in compliance with the ACMPO. Motions in Limine and other motions pertaining to how the trial is to be conducted will not be entertained during trial or on the day of jury selection, unless the Court is satisfied that with due diligence, the matter could not have been heard pre-trial.

**CONTINUANCES:** If your case is rolled or continued, existing deadlines stay in place, and you will not be issued a new Trial Order. Do not call the judge's office to determine the status of your case or priority of your case for the trial week. *It is unacceptable to announce to the Court that counsel is not ready to proceed to trial because counsel thought another case would proceed instead.* If your case is called up for trial and you do not appear or are not ready for trial, the case will be dismissed if you are the plaintiff, or a default entered if you are a defendant.

**SETTLEMENT OF CASES:** If your case settles, immediately notify the judicial assistant via email ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)) with all parties copied, ATTACHING AN ALREADY E-FILED NOTICE OF SETTLEMENT, DISMISSAL DOCUMENTS, AND FINAL DISPOSITION FORM. Please note that once a Voluntary Dismissal is filed pursuant to Rule 1.420, the Court loses jurisdiction to enter an Order of Dismissal.

## TRIALS

- **TRIAL BRIEFS:** Trial briefs should be submitted to Judge Cox's office no later than five (5) business days prior to the first day of trial. Paperless submission is preferred, with highlighting of pertinent sections.
- **TRIAL NOTEBOOKS:** If possible, trial notebooks should be submitted digitally. The Court prefers paperless submission of trial materials. Please email to [whiteh@circuit19.org](mailto:whiteh@circuit19.org); multiple emails may be sent if there are file size limitations. If the trial notebook cannot be emailed, a USB disk drive is the next best alternative. If unable to submit in these formats, the Court will accept binders that are delivered at least 3 business days prior to the trial.
- **JURY SELECTION PROCESS:** After voir dire, the Court will first ask each side for any cause challenges. Upon completion of challenges for cause, the Court will move to pre-emptory challenges. The Court will start with the first juror and move sequentially as they are seated in the venire, alternating between counsel until a panel is chosen. Back striking during jury selection is always permitted. The number of

alternates will be determined by the type and length of trial. Each party will have one additional strike as to each alternate.

- **OPENING AND CLOSING:** Only demonstrative aids or exhibits marked by the Clerk, agreed to by all counsel, or approved by the Court, may be used in opening or closing. The Court will discuss with counsel the time requirement of opening/closing and will expect a reasonable estimate be provided by counsel. Please note that opening statements will begin immediately after a jury is selected and sworn unless otherwise ordered by the Court.
- **EXHIBITS:** Please see above section regarding Exhibits.
- **DEMONSTRATIVE AIDS:** Any demonstrative aid that is to be used at the trial must be marked by the Clerk and exhibited to opposing counsel and the Court prior to the start of trial. The Court will hear argument of any counsel opposing the use of demonstrative aids prior to the start of trial. No aids are to be shown to the jury without prior approval.
- **EXPERTS:** The Court will not accept or qualify a witness as an expert in front of the jury. Challenges to an expert's qualifications will be handled outside the presence of the jury. Experts are to be cautioned by the attorney who calls them of "in limine" rulings, and the effect of the Rule of Sequestration.
- **USE OF DEPOSITIONS:** If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.), you must make certain a hard copy is available for both the Court and for the witness being questioned.
- **OBJECTIONS:** The Court will not allow speaking objections in front of the jury. When counsel rises to object, the legal basis of the objection only should be stated. If elaboration is necessary, the Court will call counsel up for a bench conference. Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer of question is patently objectionable. Once the Court has ruled, no further argument shall be permitted.
- **JURORS:** The Court generally will allow jurors to take notes and to ask questions where necessary. *See Section 40.50, Florida Statutes.* If any counsel objects to these procedures, such objection should be addressed to the Court prior to the trial.
- **JURY INSTRUCTIONS:** Jury instructions are to be prepared by both sides and exchanged prior to the e-docket call as agreed in the ACMPO. **A final draft shall be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) in Word format by noon (12pm) the Friday prior to jury selection.** The final copy should not contain any citation, jury instructions titles, or information as to who requested the instruction. In certain cases, and with the agreement of all counsel, the Court may provide some substantive law instruction to the jury during preliminary instructions and/or before closing arguments.

## PLEADINGS

**DISCOVERY MOTION AND MOTIONS TO COMPEL:** These motions must comply with the Florida Rules of Civil Procedure, including but not limited to, a certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make discovery in an effort to secure the information without Court action. *See Rule 1.380(a)(2), Florida Rules of Civil Procedure.* Discovery motions and Motions to Compel



should be referred to and scheduled with the Magistrate before attempting to schedule on Judge Cox's docket.

**EX PARTE MOTIONS TO COMPEL:** If a motion to compel discovery sets forth a complete failure to respond or object to discovery, the time for complying with the discovery request has lapsed and there has been no request for an extension of time, an *ex parte* order may be entered requiring compliance with the original discovery demand within ten (10) days of date of the order. The motion must include a certification that the movant has conferred or attempted to confer with the attorney or person failing to make discovery in good faith so as to obtain all the information without court action. Upon the filing of such motion, the moving party shall send the motion and proposed order in Word format via email ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)) with all parties copied.

**MOTIONS TO DISMISS & MOTIONS FOR MORE DEFINITE STATEMENT:** The Court will initially consider all non-dispositive Motions to Dismiss filed pursuant to Rule 1.140(b) and Motions for More Definite Statement filed pursuant to Rule 1.140(e), without a hearing. Motions to Dismiss must strictly comply with the requirements of the Rule in that the grounds on which they are based, and the substantial matters of law intended to be argued shall be stated specifically and with particularity. Motions for More Definite Statement must strictly comply with the requirements of the Rule in that the motion must point out the defects complained of and the details desired.

Either party may furnish a copy of the Motion to the Court/Judicial Assistant by email ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)). The copy shall be accompanied by an order granting/denying the motion with email service addresses and letter or email evidencing copies to all counsel of record and pro se parties. If the Court determines that a hearing is necessary, the movant will be advised to schedule a hearing and file the appropriate notice. If a hearing is not required, an appropriate order will be entered. No case dispositive ruling will be made without a hearing.

**MOTIONS FOR REHEARING, RECONSIDERATION, NEW TRIAL, ETC.:** Upon filing said motion under Rule 1.530, the moving party shall immediately email a copy to the Judge for review at [whiteh@circuit19.org](mailto:whiteh@circuit19.org). The copy of the motion shall be accompanied by an order granting/denying the motion and a transmittal letter showing copies to all counsel and Pro Se litigants. If the moving party fails to comply, any party may furnish a copy of the motion and required documents to the Court. If the Court determines that a hearing is necessary, the movant will be given dates and times to coordinate with opposing counsel or pro se litigants. The movant will need to file the appropriate notices. Do not file the motion unless you can meet the legal standards for rehearing or reconsideration. **Do not set a Motion for Rehearing or Motion for Reconsideration without first receiving permission from the Court.**

**WITHDRAWAL OR SUBSTITUTION OF COUNSEL:** Compliance with Fla. R. Jud. Admin 2.505 is required. Written client consent must be filed, or a hearing must be held after proper notice to the client. The proposed Order must contain the client's address,

email address and telephone number. If a hearing is necessary, please submit an Order of Referral to Magistrate and schedule on the Magistrate's docket.

**MOTIONS TO CONTINUE:** Any motion to continue must comply with Rule 1.460, including requirement of signature by the party requesting continuance. Simply filing a motion to continue will not suffice to continue the case. Your case will not necessarily be continued because all parties agree. See also Rule 2.545(e), Fla. R. Jud. Admin.

**EMERGENCY MOTIONS:** 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 an emergency. The motion must be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) as soon as e-filed. The Court will review the motion and if deemed an emergency, will contact the parties with hearing times. Emergency Hearings will be via Zoom unless otherwise directed by the Court.

## **PRO-SE (SELF-REPRESENTED) LITIGANTS:**

If a pro se party wishes to set a matter for hearing, they should request that the attorney in the case do so. The pro se party should consult with the attorney for a mutually agreeable time. If there is no other attorney on the other side of the case, or if the attorney does not agree that a hearing should be set, the pro se party may contact the judge's office ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)) and request that the Court set the hearing. The judge will evaluate the motion and set for hearing if deemed necessary.

## **RESIDENTIAL FORECLOSURES**

All correspondence and hearing materials for Foreclosure cases (*excepting motions to cancel sale and/or requests to schedule hearings more than 30 minutes*) shall be submitted to the [IRCFORCLOSURES@CIRCUIT19.ORG](mailto:IRCFORCLOSURES@CIRCUIT19.ORG) in the same manner outlined in the procedures above.

Residential Foreclosure hearings and non-jury trials will be set once per month. **Do not set residential foreclosure matters on any other docket without prior approval from the Court.** ALL evidentiary hearings and trials are in person unless remote appearance has been approved by the Court (in accordance with Rule 2.530, Fla. R. Jud. Admin.)

All foreclosure hearings thirty (30) minutes or less shall be scheduled **ON THE RESIDENTIAL FORECLOSURE DOCKET ONLY** using the online calendar: <https://aicalendar.circuit19.org>. If you need more than thirty (30) minutes, email a request to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) with all parties copied; include the case number/style, motion(s) to be heard, amount of time needed for the hearing. **YOU MAY NOT SCHEDULE A HEARING UNLESS THE MOTION(S) HAS FIRST BEEN EFILED AND DOCKETED WITH THE CLERK.** If you cancel a hearing, you must file a notice of cancellation and cancel the hearing through the online scheduling system. **Review GENERAL MAGISTRATE section as some pleadings may be referred/scheduled with the magistrate;**

Judge Cox's calendar will be monitored for hearings that should be scheduled with the Magistrate.

**Mediation must be completed at least 45 days prior to E-docket call for all contested matters pursuant to the Case Management Plan Order.**

**MOTION FOR SUMMARY JUDGMENT:** When the Motion for Summary Judgment is filed, please also file the ORIGINAL PROMISSORY NOTE AND MORTGAGE with the Clerk of Court, if not already filed. DO NOT SEND THE ORIGINALS TO THE JUDGE'S OFFICE. The Certificate of Title, Disbursement and Final Disposition shall be mailed *directly to the Clerk's office* along with two (2) sets of addressed and stamped envelopes for all parties.

**MOTIONS TO CANCEL/RESCHEDULE SALES OR POSTPONE WRIT OF POSSESSION:** The timing of a motion to cancel foreclosure sale must comply with Amended AO 17-05. All motions to cancel sale (*which must require the reason for cancellation, any supporting documentation and number of times the sale has been cancelled*) and a proposed Order in Word format must be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org) at least five (5) business days before the sale date. A sale may be cancelled ex parte with evidence of permanent modification (or payments made under a temporary modification), short sale, or bankruptcy. Sales that have been cancelled on more than one occasion will not be rescheduled without a hearing *unless good cause is shown*. Failure to publish, pay sale fee, or loss mitigation after Final Judgment are not good cause and will require a hearing accompanied with the consent of acknowledgement of the Plaintiff to reset the sale, along with the appropriate Clerk's fees.

**PROPOSED FINAL JUDGMENTS:** Please see Second Amended Administrative Order 2017-05 and SC2022-1275 for the latest form of Final Judgment required by the 19<sup>th</sup> Circuit. This form is available at <https://www.circuit19.org/about-courts/administrative-orders>.

YOU MUST EMAIL THE PROPOSED FINAL JUDGMENT in word format to [IRCForeclosures@circuit19.org](mailto:IRCForeclosures@circuit19.org) no later than **ten (10) business days** prior to any hearing. **FAILURE TO TIMELY SUBMIT A PROPOSED FINAL JUDGMENTS IN WORD FORMAT WILL RESULT IN THE HEARING BEING STRICKEN FROM THE DOCKET.**

Please include the following language under the service list of the proposed Final Judgment:

A COPY OF THIS ORDER IS BEING SERVED ON THE FOLLOWING PARTIES VIA THE E-FILING PORTAL (Include parties with email addresses)

COUNSEL FOR (moving party, e.g. Plaintiff, Defendant) SHALL IMMEDIATELY SERVE A COPY OF THIS ORDER ON THE FOLLOWING PARTIES AND FILE A CERTIFICATE OF SERVICE IN THIS COURT FILE: (Include parties with physical addresses).

**The Certificate of Title, Disbursement and Final Disposition shall be mailed directly to the Clerk's office along with two (2) sets of addressed and stamped envelopes for all parties.**

**PRE-HEARING: THE FOLLOWING SHOULD BE IN THE COURT FILE:**

- Motion for Summary Judgment and Notice of Hearing/Re-Notice of Hearing
- Verified Complaint (if filed after 2/10)
- All returns of service indicating service of summons on defendants
- Notice of dismissal/dropping party for any defendant served
- Any documents regarding status of any bankruptcy proceeding for any defendant
- Promissory note sued upon (showing any endorsements), with Notice of Filing
- Allonge or recorded assignments, with Notice of Filing
- Affidavit stating plaintiff was the owner and holder of the note at the time of filing and that the servicer has full authority to foreclose (with POA or pooling/servicing agreement)
- Affidavit of indebtedness
- Affidavit regarding attorney's fees by plaintiff's counsel
- Affidavit regarding attorney's fees by supporting expert
- Affidavit of costs
- [SCANNED COPY OF ADDING TAPE SHOWING VERIFICATION OF AMOUNTS](#)

**ORIGINALS: TO THE CLERK OF COURT**

- Promissory note and mortgage
- Proposed Certificate of Disbursements
- Proposed Certificate of Title along with *sufficient addressed stamped envelopes* for the Clerk to send out the Certificate of Disbursements and Certificate of Title

## **CONTACTING JUDGE COX'S OFFICE**

The Code of Judicial Conduct forbids judges from discussing court cases or legal issues with the parties outside of the court. Judges are not permitted to consider any argument or material not properly filed in the case as authorized by law and the rules of court. Please do not contact the judge's office expecting to communicate with Judge Cox.

Please do not ask the judicial assistant or other court personnel to communicate any message to the judge. This is prohibited ex-parte communication. The Court's staff is not permitted to relay ex-parte information to the judge. All communication with the Court will be in open court with all parties present or in writing/email with copies to opposing parties.

**EMAIL:** The preferred method of communication is via email through Judge Cox's judicial assistant ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)). Emails will receive immediate attention. Copies of pleadings, notices of hearing, and proposed Orders (in Word format) must be emailed to [whiteh@circuit19.org](mailto:whiteh@circuit19.org). Hearing requests, correspondences, and/or emergency motions should be emailed directly to the JA ([whiteh@circuit19.org](mailto:whiteh@circuit19.org)). You must include opposing parties on **ALL** emails to this office along with the case number.

**PHONE:** If you are unable to email the JA, please do not leave more than one (1) voicemail. Messages are answered in order of priority. (Please note that emails are answered immediately whereas a voicemail may take a full business day before receiving a response). Please include the case number when leaving a voicemail.

**FAXES:** Please do not fax this office without prior approval. Our fax system is NOT confidential and your fax will be received by multiple employees of the 19<sup>th</sup> Circuit. You may email documents to [whiteh@circuit19.org](mailto:whiteh@circuit19.org).