

## **JUDGE WARONICKI'S CIVIL JURY DIVISION GUIDELINES REGARDING EMERGENCY MOTIONS**

Emergency motions are because there is an “emergency” where the Court must drop everything that it is doing and act on the motion as soon as possible. This Court inherited a case load of nearly 5,000 open cases when it took over this assignment on January 9, 2023. Unfortunately, there is only one civil jury judge in St. Lucie County. Not only is this Court assigned civil jury matters, but it is also assigned guardianship cases (must be heard within 30 days), probate cases, risk protection order cases (must be heard within 14 days), Marchman Act cases, and Baker Act cases. Petitions for a Risk Protection Order, Marchman Act, and Baker Act must be responded to as soon as possible.

This Court has had “emergency” motions from attorneys dealing with issues such as a delay in receiving a settlement check, unilaterally set depositions, and late discovery responses. These are simply not emergencies. In fact, the above examples happen daily in litigation throughout this State and there are a litany of remedies that can be argued to the Court other than presenting the issue as an “emergency” requiring this Court’s immediate attention.

While not an exhaustive list, an emergency is whether a necessary surgery will be delayed or that a home is will be sold or that children will be improperly removed from the State. An emergency is whether there is going to be a serious consequence or injury if the Court does not act as soon as possible.

The Court expects counsel to know what is a true emergency requiring this Court’s immediate attention and what is not. Counsel is cautioned that any meritless or frivolous emergency motions will subject counsel to sanctions from this Court.

The Court does not consider Motion for Extensions of Time to respond to a Proposal for Settlement as an “emergency.” However, the party requesting such relief should email the Court’s Judicial Assistant with a copy of the Motion and the Court will attempt to place such Motion on the next available UMC calendar.

Please see this Court’s Procedures when emailing an emergency motion to the Court’s Judicial Assistant.