

ST. LUCIE COUNTY CIVIL JURY DIVISION  
2023 COURT PROCEDURES  
BRETT M. WARONICKI, CIRCUIT JUDGE  
EFFECTIVE JANUARY 9, 2023

(Updated January 30, 2023 to reflect e-docket procedures)

Judicial Assistant: Tiffany Wile  
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St. Lucie County Courthouse  
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Courtroom: 3D  
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**Please review and comply with this Circuit's Administrative Order 2021-05 (available at [www.circuit19.org](http://www.circuit19.org))**

**PRE-TRIAL PROCEDURES: COMPLIANCE WITH AO 2021-05  
MANDATORY/CIVIL CASE MANAGEMENT AND RESOLUTION:**

- **CASE MANAGEMENT PLAN AND ORDER:** Pursuant to Florida Supreme Court AOSC20-23, Amendment 12, ALL parties MUST comply with Nineteenth Judicial Circuit Admin. Order 2021-05, by timely submitting, via email, an Agreed Case Management Plan and Order to the Court's civil case manager at [slcjurycivilcasemanager@circuit19.org](mailto:slcjurycivilcasemanager@circuit19.org). Please ensure the proposed order is in WORD format. *The parties must comply with the Case Management Plan and Order, UNTIL it is superseded by subsequent court order.* A WORD version of the Case Management Plan and Order can be found on the Court's webpage. **All other proposed orders and pleadings shall be submitted to the Court's Judicial Assistant pursuant to the procedures set forth below.**

**COMMUNICATION AND SUBMISSIONS TO THIS OFFICE:**

- **EX-PARTE COMMUNICATION:** Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge as this is *ex-parte* communication. All communication with the Court shall be in open Court with all parties present, in writing or by email copied to opposing counsel/party, and/or filed with the Clerk.

- **EMAIL:** The preferred method of communication is via email as emails will receive the quickest attention. Correspondence and/or emergency motions should be emailed to [WileT@circuit19.org](mailto:WileT@circuit19.org). You must carbon copy the opposing counsel or party (if *pro se*) on all email correspondence.

Email sent to this office must contain the following in the subject line:

- Case Short Style Name (Jones v. Jones)
- Case Number (short case number is okay – example: 21CA234)
- Purpose of Email (Order, Notice of Cancellation of Hearing, Request for Hearing more than one hour, etc.)
- **If you are requesting an Emergency Hearing, you MUST indicate in the subject line “Request for EMERGENCY Hearing”**

The body of the email must contain a brief description of the purpose of the email. If a hearing date and time over one (1) hour is requested, then you must include a good faith estimate of time needed for the time for the entire hearing (after consultation with opposing counsel/party).

- **SUBMISSIONS:** Documents submitted to this office by email should be attached as a document with a name that is easily identifiable and searchable. As an example: Jones v. Jones, 21CA234 O-Set Hrg. Motions must be submitted in .pdf format. **All proposed orders must be submitted in WORD format.** Please submit all documents attached to one (1) email.
- **TELEPHONE:** Please only leave one (1) voicemail message for the Judicial Assistant if you are unable to reach her. Please do not leave a voicemail message and send an email.

## **HEARINGS:**

All motions must be filed with the Clerk before you set the motion on the online calendaring system or contact this office for hearing time.

- **UNIFORM MOTION CALENDAR (“UMC”) PROCEDURES:**  
**Non-Evidentiary, Length of Hearing and “Piggy-Backing” Motions:** These hearings are non-evidentiary (no witnesses) and will not be permitted to exceed ten (10) minutes in length. This means that each side will have five (5) minutes to argue their position. Hearings are limited to ten (10) minutes per case (not per motion). Additional motions may not be “piggy-backed” by cross-notice without permission from the Judicial Assistant. **All UMC Motions will be conducted via Zoom only.**
- **Scheduling UMC Hearings:** Attorneys may schedule UMC hearings using the online scheduling program at [https://slccjis.stlucieco.gov/attorney\\_calendar](https://slccjis.stlucieco.gov/attorney_calendar).

- **SPECIAL SET HEARINGS:**

- o All special set hearings will be conducted in person. Any party requesting a remote appearance for non-evidentiary special set hearings must be in compliance with Rule 2.530. Allowing a remote appearance will be at the discretion of the Court and a mere inconvenience in travel time will generally not be considered as sufficient grounds. **All special set evidentiary hearings will be conducted in person.**

- o **HEARINGS FOR LESS THAN ONE (1) HOUR:** All hearings of **one (1) hour or less** may be scheduled online at [https://slccjis.stlucieco.gov/attorney\\_calendar](https://slccjis.stlucieco.gov/attorney_calendar).

- o **HEARINGS FOR MORE THAN ONE (1) HOUR:** Please note any hearings that require **more than one hour** must be requested in writing with an explanation as to why more than one hour is needed and that attempts to resolve the issue have failed. Please contact the Judicial Assistant by email at [WileT@Circuit19.org](mailto:WileT@Circuit19.org) with your request for hearing and indicate whether opposing counsel agrees with the estimated time requested for hearing. A copy of the motion MUST be attached.

- **MOTION, NOTICE, AND PROPOSED UMC ORDERS:** The notice of hearing must be e-filed with the Clerk **within five (5) CALENDAR days** of scheduling the hearing. **A copy of the motion, notice of hearing, (and a proposed order if a UMC hearing) MUST also be emailed to the Judicial Assistant within five (5) CALENDAR days** of scheduling the hearing. All proposed orders must be submitted in WORD format. **Failure to timely provide a copy of the notice, motion, (and proposed order if a UMC hearing), to the JA will result in the matter being stricken from the docket. If your case is stricken from a docket, it will not be rescheduled on that same date.** See below for instructions on proposed orders for special set hearings.

- **GOOD FAITH ATTEMPT TO RESOLVE DISPUTE AND CERTIFICATION:** Counsel and pro se 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:  
*I HEREBY CERTIFY that I have personally spoken with opposing counsel/party by telephone or in person to resolve the issue(s) presented in the motion; however, the matter cannot be resolved, and a hearing is necessary.*

If you were unsuccessful in your attempts to contact opposing counsel/party, please specify what attempts were made to resolve the dispute.

**Failure to include this certification will result in the matter being stricken from the docket.**

- **CERTIFICATE OF SERVICE OF ALL COURT FILINGS AND PROPOSED ORDERS:** All court filings and proposed orders MUST contain proper address certification—i.e. the FULL address of ALL parties or email address where the motion was served (or order will be served.) “I certify that a copy of the foregoing was emailed to all parties through the e-service portal” is NOT sufficient. Likewise, listing a party on the order “cc:” without listing the address is insufficient. If the party does not have an e-service address, then the moving party will be required to mail a copy of the court filing or order to that party.
- **COORDINATING HEARINGS AND UNILATERALLY SETTING HEARINGS:** The moving party is responsible for contacting the opposing party to coordinate the hearing date. If after three (3) business days you are unable to coordinate the hearing date, you may unilaterally schedule the hearing setting forth in your good faith certificate the attempts that were made to coordinate the hearing.
- **CANCELLING HEARINGS:** If you cancel your hearing, you must file a Notice of Cancellation and advise the Judicial Assistant by email no later than noon, the day before the hearing, with a copy to all parties, so that it may be removed from the Court’s docket. **It is the responsibility of the moving party to remove any hearing from the Court’s calendaring system.** Simply filing a Notice of Cancellation does not remove the hearing from the Court’s docket. Attorneys who repeatedly abuse the online calendaring by not removing hearings from the online calendar may be denied the privilege of self-scheduling.
- **LEGAL MEMORANDUM AND CITATIONS:** Any legal memoranda or briefs for special set hearings, **along with copies of significant cited authorities (highlighting the pertinent sections are required by the Court)**, should be provided to the Court via email *and opposing counsel* at least **ten (10) business days prior to the hearing**. **BREVITY IS APPRECIATED AND ENCOURAGED, and memorandums should be kept to no more than five (5) pages in length.** Case law and Memorandums provided to the Court during the hearing may not be considered. **The Court, on occasion, may rule on motions without a hearing. Therefore, both counsel filing the motion and opposing parties are encouraged to timely file written argument with the Court.**
- **WITNESS AND EXHIBIT LISTS FOR SPECIAL SET EVIDENTIARY HEARINGS:** At least **five (5) business days prior** to the evidentiary hearing, a witness list and an exhibit list should be e-filed and e-mailed to the Court and all parties. **Exhibits should not be emailed to the Court in advance of an in person hearing. Exhibits shall also be exchanged between the parties at least five (5) business days prior to the day of trial or evidentiary hearing.** The exhibits will be marked by the Clerk at the beginning of the trial/hearing alphabetically for identification by the side seeking to offer the exhibit into evidence. If the exhibit is admitted into evidence, the Clerk will sequentially number the exhibit in evidence. If the exhibit is not admitted, the Clerk will retain it with only the alphabetical identification. Once exhibits are marked, either for identification or in evidence, and

given to the clerk, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court.

**This procedure does NOT change or modify the Court's Pretrial Order stating the deadline to meet and exchange documents and the deadline to list all witnesses and exhibits.**

- **REQUIREMENTS FOR COURT REPORTERS:** All evidentiary matters (both trials and hearings) must 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 of the parties' intent to not have a court reporter present.

## **MOTIONS:**

- **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 the emergency as well as the substance of the motion. The motion must be emailed to the Court before a hearing will be set. The Court will review the motion and, if it is determined that an emergency exists, the Judicial Assistant will contact counsel to set the hearing. In light of the short setting, opposing counsel may attend the hearing via ZOOM if their schedule will not allow them to appear in person. The Court will be flexible with the deadline for witness and exhibit lists for special set emergency evidentiary hearings if such a hearing is set less than five (5) business days' notice.
- **DISCOVERY MOTIONS AND MOTIONS TO COMPEL:** Motions to Compel, as well as all discovery 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.

When a motion to compel discovery alleges a complete failure to respond or object to discovery, and 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. The movant shall submit a copy of the motion and proposed order(s) shall be emailed to the Judicial Assistant (copies to other side) in WORD format.

- **CASE MANAGEMENT CONFERENCE:** The Court will schedule certain cases for a formal Case Management Conference (CMC). Cases such as some medical malpractice cases, complex commercial litigation, multiple party litigation, and cases with voluminous records or exhibits, as well as other types of cases will be set by the Court, without request, for a CMC. However, any case can be submitted for a CMC by simply filing a written motion setting forth the specific reasons why a

CMC is needed. The motion must be copied to the Judge's office, via e-mail to [WileT@Circuit19.org](mailto:WileT@Circuit19.org). Once submitted, the action will be controlled, not only by the Order Setting Trial, but also by the CMC order.

- **MOTIONS FOR REHEARING, RECONSIDERATION, OR NEW TRIAL:** Upon filing said motion the moving party shall send a copy to the Judicial Assistant for review. The copy of the motion sent to the Judicial Assistant shall be accompanied by a generic order granting/denying the motion. If the moving party fails to comply, any party may furnish a copy of the motion and the required documents to the Court. If the Court determines that a hearing is necessary, the movant will be advised to schedule and hearing and file appropriate notices. **Do not set a Motion for Rehearing or Motion for Reconsideration for hearing without first receiving permission from the Court.**
- **WITHDRAWAL OR SUBSTITUTION OF COUNSEL:** You must follow the provisions of Fla.R.Jud.Ad. 2.505. You must obtain the client's consent in writing which shall be filed with the Court, or a hearing must be held after proper notice to the client.

### **PROPOSED ORDERS FOR SPECIAL SET HEARINGS:**

- **ORDERS AND RULINGS OF THE COURT:** The Court will strive to issue orders and rulings in a timely manner. If counsel is asked to prepare an order, the order shall be drafted and circulated to opposing counsel or pro se party within 2 business days of the hearing and must be submitted to the Court in Word format and to all counsel and pro se parties within 7 days of the hearing, unless otherwise ordered at the hearing. Counsel or opposing party must advise the Court of any objection to the form of the proposed order upon submission. All proposed orders must describe, in the caption, the subject and ruling of the Court, *i.e.* "Order Granting Plaintiff Motion for Partial Summary Judgment on Liability" See Rule 1.100(c)(1), Florida Rules of Civil Procedure.

The Court will not execute proposed orders, agreed orders, or stipulations without a written verification or cover letter stating the action requested, that a copy was provided to all counsel of record and pro se parties, and if there is a stipulation or an agreed order, that there are no objections to the entry of the order. **Do not state in a cover letter words to the effect: "By copy of this cover letter to opposing counsel, opposing counsel is requested to advise the Court if there is an objection to the proposed order." Instead, advise the Court if there is an objection to the proposed order.**

- Proposed orders shall be submitted to the Court via email to [WileT@Circuit19.org](mailto:WileT@Circuit19.org).
- The proposed order shall reflect the date that the hearing was or will be held. As an example, if the hearing will be held on March 1, 2023, the proposed order should

state something to the effect of: “THIS CAUSE came on to be heard on March 1, 2023 on Plaintiff’s Motion to ... .”

- The proposed order shall be submitted in WORD format.
- The proposed order shall utilize the Supreme Court Case Numbering System (County Code, Year, Division, and Six Digit Number, i.e.: 562021CA000006).
- 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 the opposing party with a copy of the signed order.
- Proposed orders should be submitted separately from any other document.

### **AGREED ORDERS:**

- If you have reached an agreement/stipulation, a separate agreed order in both WORD and .pdf format must be provided to the Court with language approving the agreement/stipulation. The .pdf format must include all necessary attachments.

### **CASE MANAGEMENT and TRIAL ORDERS:**

- All cases must submit an Agreed Case Management Plan and Order, available in WORD format on this Court’s webpage, within 20 days after the filing of the last responsive pleading. 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’s civil case manager at [slcjurycivilcasemanager@circuit19.org](mailto:slcjurycivilcasemanager@circuit19.org). The Court will then review, sign and E-File the Order. Please do not E-File ACMPO without a signature from the Court. Failure to submit the ACMPO shall 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 administratively closed by the Clerk of Court without further notice and without further Court order. The Court has updated and revised the required Agreed Case Management Plan and Order. The new plan and order with e-docket form are on Judge Waronick’s webpage [www.circuit19.org](http://www.circuit19.org). All counsel and parties with cases not on the Court’s March 3, 2023 docket sounding **MUST** complete the Court’s newly adopted Case Management Plan immediately even if a prior case management plan has been filed and approved. 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.

- Notices for Trial are not required, as trial dates are set by the Agreed Case Management Plan and Order.

**TRIAL and E-DOCKET PROCEDURES: (Procedure for all cases not addressed at the Court's March 3, 2023 docket sounding.)**

- **There is no requirement to physically attend Docket Call (after March 2023).** Instead, counsel with cases on each month's docket will fill out the E-Docket Call Form found on your Agreed Case Management Plan and Order or on your Trial Order, and e-mail it to [WileT@Circuit19.org](mailto:WileT@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 that week's trial schedule.
- Counsel for each case are 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 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 e-mailed to [WileT@Circuit19.org](mailto:WileT@Circuit19.org) by 5:00 p.m. 3 business days before the posted Docket Call date.**
- The Monthly Trial Schedule is posted on this Court's webpage located online at [www.circuit19.org](http://www.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 2 (two) cases moving forward as of 5:00 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 E-Docket Call and are required to file the E-Docket Call Form for same.* **\*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 the defense.



- All other trial specific information is found on your Agreed Case Management Plan and Order or your Trial Order.
- **PRE-TRIAL COMPLIANCE:** Judge Waronicki 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 concerning 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.**
- **SETTLEMENT OF CASES:** If your case settles after you have received an executed ACMPO, please first immediately notify the Court's Judicial Assistant by email advising of settlement. This also applies to cases that are subsequently placed on the trial docket.
- **CONTINUANCE OF E-DOCKET CALL:** If your case is continued or rolled over to another date for trial and/ or E-Docket Call this does not extend the cut-off dates set out in the original ACMPO. You must obtain a Court order either by stipulation or hearing to extend the cut-off dates as set forth in the ACMPO.

## **TRIALS:**

Counsel and their clients are to be in the courtroom and ready for trial in a timely manner. Depending on other emergency matters, the Court will start as soon after the scheduled start time as possible.

- **TRIAL BRIEFS:** If a trial brief is to be filed with the Court it should be submitted to the Judge's Chambers no later than five (5) business days before the trial is to commence. The Court requires hard copies of cases cited in the trial brief with appropriate highlighting of the pertinent sections.
- **TRIAL NOTEBOOK:** Plaintiff's counsel shall present to the Court, five (5) business days prior to trial, a trial notebook containing copies of pertinent pleadings filed in the case (i.e., Complaint, Answer and Affirmative Defenses, Counter-Claims, Pre-Trial Stipulation, etc.).
- **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 the 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 either opening or closing. The Court will discuss with counsel the time requirement of both opening and closing and will expect that 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:** If counsel has questions regarding submitting exhibits to the Court, please contact the Clerk of Court/Civil Division. All exhibits are to be marked for identification by the clerk **prior** to the start of trial. Exhibits which will be stipulated into evidence may be marked in evidence. 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.
- **DEMONSTRATIVE AIDS:** Any demonstrative aide that is to be used at 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 the demonstrative aids prior to the start of trial. No aids are to be shown to the jury without prior approval of the Court.
- **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 the expert of "in limine" rulings, and the effect of the invocation of the Rule of Sequestration.
- **USE OF DEPOSITIONS:** If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.) 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 for the objection only should be stated. If elaboration is necessary the Court will call counsel to the bench for a bench conference out of the presence of the jury. Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer or 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 day of trial.

- **JURY INSTRUCTIONS:** Jury instructions are to be prepared by both sides and exchanged prior to the E-Docket Call as agreed to in the ACMPO. **A final draft in Word format shall be provided to the Court by e-mail ([WileT@Circuit19.org](mailto:WileT@Circuit19.org)), prior to the start of the trial.** The Court intends to provide the jury with a written copy of all jury instructions when the jury retires to deliberate. Therefore, there should be enough copies of the final instructions for each juror and the Court, counsel and the court reporter. In addition, the final instructions should not contain any citations, jury instruction 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 instructions to the jury during preliminary instructions and/or before closing arguments.

### **INFORMATION NOT COVERED:**

If any matters concerning the conduct of the pre-trial or trial procedures are not covered herein, counsel is free to contact the Court, in writing via e-mail at [WileT@Circuit19.org](mailto:WileT@Circuit19.org).