

## COURT ASSIGNMENT

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One-third of Martin County Court Cases; County Court Civil (excluding landlord/tenant evictions); Mental Health Court; Supervision of Traffic Magistrates for all Civil Traffic matters; 25% of Circuit Civil Non-Jury Cases (excluding Residential Mortgage Foreclosure Cases).

To set a hearing, please call the Judge's office at 772-288-5556.

Small claims Pretrial Conferences and dockets will occur on Tuesday mornings and will be scheduled by the Clerk. Trials from those dockets shall be set at the pretrial conference.

All mandatory traffic, non criminal citations, etc., will generally occur on the first Wednesday of the month.

Mental Health Court will occur on Thursdays at 10:30 a.m.

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Judge Waters is restricted by principles of Judicial Ethics from communicating about pending cases outside of hearings. Communication to the judge without prior notice to opposing party is "ex parte" and improper except in certain specific circumstances. Judge Waters is generally not permitted to read or consider ex parte communications. Therefore, the opposing party MUST be copied on any and all documents submitted to the Judge.

Neither the Judge, nor her Judicial Assistant, may provide any party with legal advice.

Judge Waters' Zoom link is 435-036-5185

### SUBMITTING DOCUMENTS TO JUDGE'S OFFICE:

If all parties have email addresses listed on the pleading and/or the portal, the document can be forwarded via email. If there are no email addresses, the document needs to be mailed in with self-addressed, stamped envelopes for anyone without an email address.

### SCHEDULING FOR CIVIL MOTION HEARINGS/NON-JURY TRIALS:

Please email or call the Judicial Assistant for hearing dates and times. The hearing MUST be coordinated with the opposing party before any hearing may be noticed.

You must give the opposing party notice of the hearing at least five working days prior to the hearing, unless otherwise agreed to by the parties. All hearing Notices shall contain a certification signed by the lawyer or pro se party who set the hearing, as follows:

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

Please note that certifications containing language to the effect that an effort will be made to resolve the issue in the future is NOT sufficient. If personal communication is attempted, but unsuccessful, written communication to opposing counsel will suffice. Failure to comply with this requirement may result in cancellation of the hearing by the Court. If it is determined that the certification is not true, other sanctions may be imposed, including a referral to the Florida Bar.

Prior to your Civil Motion, please send the Judicial Assistant a copy of the Motion, Proposed Order(s) with sufficient copies and pre-stamped envelopes for all parties, or listing the email addresses of all parties and a copy of the Notice of Hearing which was previously filed with the Clerk of Court.

Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted.

Zoom hearings or telephone hearings are permitted for certain hearings.

There are absolutely NO APPEARANCES by telephone for SMALL CLAIM PRE-TRIAL CONFERENCES. This is to provide an opportunity for the parties to discuss resolution of the case with a mediator. Zoom appearances shall occur only where both sides are represented by counsel and notice has been provided to the Judge's Judicial Assistant.

ALL TRIALS REOUIRE PERSONAL ATTENDANCE, unless all parties agree to witnesses or parties appearing remotely.

WITNESSES: If witnesses are permitted to appear remotely, it is up to the party whose witness is appearing to ensure that all required procedures are in place for the testimony.

#### DISCOVERY MOTIONS AND MOTIONS TO COMPEL:

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 within ten (10) days of the signing of the order. The movant shall submit the proposed order to the Court with sufficient copies and self-addressed stamped envelopes for all parties and shall also certify that notice of the requested relief was provided to all parties.

#### MOTIONS FOR PROTECTIVE ORDERS:

The filing of a Motion for Protective Order, without presenting it before the Court, is insufficient. The Court will make itself available for expedited hearings on said motions where the motion could not have been filed and heard in the due course of discovery.

MOTIONS FOR REHEARING RECONSIDERATION OR NEW TRIAL:

Upon filing said motion the moving party shall send a copy to the Judge for review. 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. Please do not set a Motion for Rehearing or Motion for Reconsideration for hearing without first receiving permission from the Court.

NOTICE FOR TRIAL:

When filing Notice for Trial, you must send a copy of the Notice to ALL Parties. Additionally you must email a copy to the Judge's office.

The Court will schedule Trials based on the Court's Trial schedule. It will be the responsibility of the lawyers and pro se litigants to file the appropriate Motions to continue if needed. These Motions MUST be filed timely. Please note that cases set for Trial will remain on the trial docket until the case is concluded.

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) working days before the trial is to commence. The Court appreciates hard copies of cases cited in the trial brief with appropriate highlighting of the pertinent sections.

SETTLEMENT OF CASE:

If your case settles after you have received an order setting a case for trial, please first immediately notify the Court's Judicial Assistant. This also applies to cases that are subsequently placed on the trial docket.

Please follow Court procedure for filing the necessary pleadings with the Martin County Clerk of Court. Please send copies of pleadings, hearing cancellations, (if applicable), along with relevant Stipulations, Settlement Agreement, Motions, Notices, with Proposed Orders along with sufficient copies/self-addressed stamped envelopes to the Judge's office for his immediate review.

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WITHDRAWAL OR SUBSTITUTION OF COUNSEL:

You must follow the provisions of Fla.R.Jud.Ad.2.505. If you are moving to withdraw, 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. If you are filing a Substitution of Counsel, no hearing or signature from prior counsel is necessary.