

**Procedures, Courtroom Guidelines and
Expectations for Civil Cases**

Assigned to Judge Rebecca White (Rev. 4/1/22)

1. **Civil Case Management Plan and Order:** Pursuant to Florida Supreme Court AOSC20-23, Amendment 12, ALL parties **MUST** comply with Nineteenth Judicial Circuit Admin. Order 2021-06, by timely filing a Civil Case Management Plan and Order. *The parties must comply with the Civil Case Management Plan and Order, until superseded by subsequent court order, pursuant to paragraph 14 below.* A WORD version of the Civil Case Management Plan and Order can be found on the Court's webpage.

2. **Special set hearing time:** Special set hearing time may be obtained by using our online scheduling program. The website is: https://slccjis.stlucieco.gov/attorney_calendar and you must register to obtain your user ID and password on the site. **All counsel and pro se parties (if applicable) shall confer and agree upon the length of time needed for the special set hearing prior to scheduling online. The parties shall be limited to the amount of time scheduled for the hearing. 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.** Please indicate whether opposing counsel agrees with the estimated time requested for hearing.

3. **Setting of hearings:** Hearings must be cleared with opposing counsel or *pro se* parties. Good faith cooperation is expected from counsel, their support staff, and *pro se* litigants. Should counsel, their staff or *pro se* litigants fail to respond within three (3) business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth either in the motion or in the notice of hearing. Counsel and pro se parties shall confer and agree upon the length of time needed for the special set hearing prior to scheduling online. The parties shall be limited to the amount of time scheduled for the hearing. *After setting and filing the notice of hearing with the Clerk, please email the Judicial Assistant Molinam@circuit19.org with a copy of the notice of hearing, the motion and a proposed order in (WORD) as well as anything else that the judge will need to review for the hearing. Should a notice of hearing not immediately be forwarded to the Judicial Assistant after special set hearing time is obtained, such hearing time is subject to forfeiture.*

Hearings may not be specially set until the motion is actually filed with the Clerk.

Additional motions may not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel, and the Judge’s Judicial Assistant, that sufficient additional time can be reserved to hear them.

For matters set on the Court’s Uniform Motion Calendar, a copy of the notice of hearing, the motion and proposed order(s) as well as anything else that the judge will need to review for the hearing, shall be emailed to the Judicial Assistant Molinam@circuit19.org (copies to other side) in WORD format at least 3 days prior to the hearing. All proposed orders and motions MUST contain proper address certification—i.e. **the FULL address 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. **The order will reflect that counsel will be required to mail copies of any orders that require US mail.**

4. **Canceling Hearings:** Hearings scheduled online must be canceled no less than two (2) business days prior to the scheduled, in accordance with the Florida Rules of Civil Procedure. **In addition, the hearing may be canceled on the online calendaring system within those same time constraints.** Failure to timely cancel a hearing may result in loss of online calendaring privileges and/or other sanctions as determined by the court.
5. **Cooperation of counsel:** If counsel does not cooperate, the requesting party may unilaterally set a hearing giving at least two (2) weeks’ notice to the opposing counsel who failed to cooperate; unless there is a compelling need to have the matter heard earlier than two (2) weeks.
6. **Emergency hearings:** 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 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.
7. **Motion to Dismiss and/or Motion for More Definite Statement:** The Court will initially consider all 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.

A copy of the motion and proposed order(s) shall be emailed to the Judicial Assistant Molinam@circuit19.org (copies to other side) in WORD format. All proposed orders and motions MUST contain proper address certification—i.e. **the FULL address 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. **The order will reflect that counsel will be required to mail copies of any orders that require US mail.** 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. **Please do not call the Judge’s assistant for a hearing on these motions.**

8. **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*, Fla.R.Civ.P. 1.380(a)(2).

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 Molinam@circuit19.org (copies to other side) in WORD format. All proposed orders and motions MUST contain proper address certification—i.e. the FULL address 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. The order will reflect that counsel will be required to mail copies of any orders that require US mail.

9. **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.
10. **Legal Memorandum and Citations:** Any legal memorandas or briefs for special set hearings, **along with copies of significant cited authorities (highlighting the pertinent sections is appreciated by the Court)**, should be provided to the Court *and opposing counsel* at least **ten (10) business days prior the hearing.** A list of any witnesses to be called and any responsive memoranda should be provided to the Court *and to opposing counsel* at least **five (5) business days prior to the hearing.** The Court will attempt to review the motion and memorandum, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered. **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.

11. **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 counsel within 2 working days of the hearing and must be submitted to the Court to all counsel and *Pro Se* parties within 7 days of the hearing. Counsel or opposing 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* Fla.R.Civ.P. 1.100(c)(1). All proposed orders and motions MUST contain proper address certification—i.e. the FULL address 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. The order will reflect that counsel will be required to mail copies of any orders that require US mail.

Please submit proposed orders, agreed orders, or stipulations with addresses. Do not put “cc: all counsel of record” at the bottom of the order. **Each party shall be individually named.**

The Court will not execute proposed orders, agreed orders, or stipulations without a written verification/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.

Motions for Rehearing, Reconsideration, or New Trial: Upon filing said motion the moving party shall send a copy to the Judge for review (please email it to the Judicial Assistant Molinam@circuit19.org. The copy of the motion sent to the Judge shall be accompanied by a generic order granting/denying the motion, with at least five lines for additional provisions, a transmittal letter showing copies to all counsel and *Pro Se* parties. 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.** All proposed orders and motions MUST contain proper address certification—i.e. the FULL address 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. **The order will reflect that counsel will be required to mail copies of any orders that require US mail.**

12. **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.
13. **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.
14. **Notice for Trial, Orders Setting Trial and Dockets:** When a case becomes at issue, upon filing a notice for trial, the party noticing the case must send a copy of the notice to the Judge and all parties of record. The Court will schedule a case management conference/pre-trial conference/docket call within forty-five (45) days of filing said notice. At the hearing, the Court will prepare and issue a detailed case management/pre-trial order, which shall supersede all prior case management orders. A WORD version of the Court’s Order on CMC/Pre-trial may be found on the Court’s webpage for reference.
- 15 **Settlement of Cases:** If your case settles after you have received an order setting a case for trial please first immediately notify the Court’s Judicial Assistant by telephone and follow up with a letter advising of settlement. This also applies to cases that are subsequently placed on the trial docket.

CASE MANAGEMENT CONFERENCE

Upon filing of a Notice for Trial, the Court will schedule certain cases for a formal Case Management Conference (CMC) and issue an order setting forth the matters to be covered at the conference.

However any case can be submitted for a CMC by simply filing a written motion. Once submitted, the action will be controlled, not only by the Order Setting Trial, but also by the CMC order.

Procedures for Motions for Extension of Time

When a motion for extension of time is filed, and there is no opposition for the extension, an order may be entered without a hearing. The movant shall submit the proposed order with sufficient copies and self-addressed stamped envelopes for all parties, and in the cover letter shall certify that the opposing counsel or unrepresented party has been contacted and agreed to the order or waived a hearing thereon.

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. A status hearing can be set at which time the Court will attempt to answer any inquiries. The Court appreciates counsels' efforts to understand and comply with this Court's procedures.