EFFECTIVE NOVEMBER 4, 2011 at 5:00 p.m.

REVISED PROCEDURES

The following procedures will be in effect while e-filing is suspended by the Clerk of the Court in the Complex Business Litigation Division ("CBLD"). Except as revised below, all of the procedures of the CBLD remain in effect.

1. **Motions and Briefing Schedule**: In addition to filing originals with the Clerk of Circuit Court, motions and other matters requiring ruling by the Court should be brought to the courts attention in the following manner.
    a. Regular motions. Once a motion is fully briefed, i.e., motion, memorandum in support, memorandum in opposition and a reply have been filed (the "Briefing Packet"), the moving party shall e-mail the entire Briefing Packet to the Judicial Assistant for the CBLD at DivisionL@fljud13.org. If there has been no response within the allotted time the moving party should advise the Court of the lack of response when emailing the Briefing Packet.
    b. Discovery motions. Motions to compel discovery, motions for protective order, etc., should be forwarded to the Discovery Magistrate and not to the Court. If a discovery matter requires the Court's attention, it should be emailed to the Court. The motion should contain a Certificate of Good Faith Conference. In accordance with CPB 5.11, if no response or objection to the motion is made within seven calendar days the moving party should advise the Court and a proposed order can be emailed to the Court.
    c. Emergency motions. So that the Court is alerted to a pending emergency motion, the moving party should email an emergency motion (along with any request for oral argument) to the Court as soon as it is served or filed. The Judicial Assistant will then contact counsel to discuss the procedures to be followed with respect to the motion.

2. **Requests for Oral Argument**: The request for oral argument form is available under the forms section on the CBLD webpage. The moving party should complete the form, including the amount of time needed for both sides to present their argument and attach the Briefing Packet. (The Briefing Packet is not needed if previously provided to the Court pursuant to Revised Procedures Number 1, above.) The Request should be e-mailed to DivisionL@fljud13.org .

3. **Uploading of Proposed Orders**: Proposed orders should be mailed to Chambers or emailed in WORD format to DivisionL@fljud13.org. Proposed orders should be submitted to the Court with a cover letter identifying the motion or matter for which the proposed order is being submitted, stating the date of the hearing, and one of the following:
    a. The order reflects the decision announced by the Court at the hearing on the motion/matter and the proposed order has been reviewed and approved by opposing counsel as to content and form; or
    b. The order reflects the decision announced by the Court at the hearing on the motion/matter, but the parties have been unable to agree to the content and form of the order. If so, also identify the paragraph(s) or provision(s) on which the parties are not able to agree; or

    c. The proposed order is on a motion/matter for which the Court did not announce a decision at the hearing, but that the Court asked each party to submit an order in a form to be used if the party ultimately prevailed on the matter heard.

The email should state whether hard copies and stamped envelopes will be sent or if the order was previously emailed to the Court.

4. **Case Management Conference Reports**: The provisions of Section 6 of the Complex Business Procedures remain in effect and should be followed.
    a. <u>Joint Case Management Report</u>. Once the Joint Case Management Report is finalized, it should be emailed to the Court ten days in advance of the Case Management Conference (email to DivisionL@fljud13.org).
    b. <u>Estimate of Fees & Costs</u>. Counsel for each party shall either include in the Report or provide, by way of a confidential communication sent only to the Court, a good faith estimate of the attorney's fees and costs each party is likely to incur in pursuing the litigation through trial court adjudication. If not included in the Report, email the confidential estimate to DivisionL@fljud13.org.

5. **Service by Email**: If counsel for all parties agrees, the Court encourages the parties to use email as the means to serve pleadings and other papers on one another.

6. **Hearing Materials for the Judge**: Papers, memoranda, case law and other materials which a party intends to present to the Court to be considered before or at a hearing should be provided to the Court 2-5 days in advance of the hearing date, depending on the volume of the documents to be presented. These documents may be mailed or hand delivered to Judge Richard A. Nielsen at The George E. Edgecomb Courthouse, Room 527, 800 E. Twiggs St., Tampa, FL 33602.

7. **Dispositive Motions**: Unless time does not permit, the procedures set out in Revised Procedures Number 1, above, should be followed.
    a. <u>Generally</u>. Once a motion is fully briefed, i.e., motion, memorandum in support, memorandum in opposition and a reply has been filed (the "Briefing Packet"), the moving party shall email the entire Briefing Packet to CBLD at DivisionL@fljud13.org. If there has been no response or reply within the allotted time the moving party should advise the court when emailing the Briefing Packet of the lack of response.
    b. <u>Requests for Oral Argument</u>. If any party wants oral argument on a dispositive motion, it will be granted. However, if <u>time</u> does not permit filing and briefing the motion in full before the deadline for dispositive motions, the moving party may request oral argument before the motion has been filed or fully briefed in order that it may be heard in a timely manner. Although full briefing of a dispositive motion before the hearing is preferred by the Court, it is not required, given the wording of Fla. R. Civ. P. Rule 1.510.