

DIVISION Q PROCEDURES

UMC Hearings	Methods of Conducting Telephonic Hearings	15 & 30 Minute Hearing	Hearing exceeding 30 minutes Including Non-Jury & Jury Trials	Cancelling Hearings within 24 Hours of Hearing	Cancelling Hearings prior to 24 Hours of Hearing
<p>All matters <u>requiring 5 minutes or less of hearing time must</u> be scheduled through JAWS. (UMC calendar).</p> <p>See Below Section III</p>	<p>Telephonic appearance is permitted for out-of-town counsel for hearings less than 15 minutes.</p> <p>All others <u>must</u> e-file a motion and upload an order to the JAWS work queue.</p> <p>For telephonic hearings call the courtroom at 813-272-6160.</p>	<p><u>Attorneys:</u></p> <p>Set through JAWS</p> <p><u>Pro-Se Litigants:</u></p> <p>E-mail JA with opposing counsel copied or call JA if email is not available.</p> <p>See Below Section III</p>	<p><u>Attorneys and Self-Represented Litigants:</u></p> <p>All hearings in excess of 30 minutes <u>must</u> be approved by the court; Please e-mail your request to the JA with opposing counsel copied.</p> <p>See Below Section III</p>	<p>Please E-File the Notice of Cancellation with the Clerk's office, next remove the hearing from JAWS, and email the JA a copy of the notice of cancellation.</p> <p>See Below Section IV</p>	<p>Scheduling party can cancel through JAWS and E-File the Notice of Cancellation.</p> <p>If hearing was scheduled via e-mail, notice of cancellation <u>must</u> be e-mailed.</p> <p>See Below Section IV</p>

Cancelling Trial and Pre-Trial Due to Settlement	Scheduling Emergency Motion	Providing Judge with documents for Hearings of 30 Minutes or less	Providing Judge with documents for Hearings of more than 30 Minutes	How to upload Orders to E-Portal for Electronic Signature
<p>If case has settled, plaintiff <u>must</u> e-mail JA with the documentation.</p> <p>See Below Section IV and VII</p>	<p>First e-file the Motion with the clerk of court, then email the JA. You <u>must</u> notify opposing counsel by providing them a copy of the Motion simultaneous. All request must contain the case number and the amount of time that is being requested.</p> <p>See Below Section III</p>	<p>Documents 10 pages or less may be e-mailed. Documents more than 10 pages <u>must be received at least two weeks prior</u> to hearing.</p> <p>See Below Section I,II, and V</p>	<p>Documents 10 pages or less may be e-mailed. Documents more than 10 pages <u>must be received at least two weeks prior</u> to hearing.</p> <p>See Below Section I,II, and V</p>	<p>ALL orders <u>must</u> be submitted electronically via E-Portal in PDF format. Attorneys <u>must</u> mail conformed copies to any pro-se Litigant who is not on the email list. If an order is uploaded to the e-portal, please do not also send a hard copy to the Court.</p> <p>See Below Section VIII</p>

I. PROCESS FOR EVIDENTARY HEARINGS VIA VIDEO CONFERENCING

1. All documentary/photographic exhibits **must** be scanned and submitted to the E-Filing Portal, and emailed to Judge Scott's judicial assistant, Nikki Martinez, at niulka.martinez@fljud13.org and opposing counsel **ten (10) days prior to the hearing**. The submission shall be in .pdf format, and the submitter may submit multiple, clearly labeled exhibits in a single filing, or in multiple filings. All documentary/photographic exhibits **must** be labeled with the party's designation and either the exhibit number or letter, i.e. "Plaintiff's Exhibit 1 or Defendant's Exhibit A". Documents ten (10) pages or less may be emailed, documents exceeding ten (10) pages must be received at least 5 days prior to the hearing via mail or hand delivery.
2. All video evidence **must** be submitted via email to Judge Scott's judicial assistant, Nikki Martinez, at niulka.martinez@fljud13.org and opposing counsel **ten (10) days prior to the hearing**. The file should be named with the case name and case number and party's designation and exhibit number or letter, i.e. "19CC12345 JONES v SMITH PLTF EX 2". A notice of filing **shall** be filed to the e-filing portal, containing the exhibit's designation and the file name.
3. Parties **must** file an exhibit list and witness list. The witness list **must** have the names of the witnesses who will testify; generic witness lists will **NOT** be accepted.
4. Witnesses who plan to testify, **must** appear at the hearing through video, and **must** be prepared to present government issued identification that has the witness's name and photo.
5. Any party who wishes to introduce physical evidence **must** coordinate with the Court and the opposing party five (5) days prior to trial.
6. Failure to comply may result in exclusion of witnesses or evidence, or may result in resetting the hearing.

II. COMMUNICATION WITH THE COURT

Parties must be mindful to avoid ex parte communication with the Court. The preferred method of communication with the Court is through email with Judge Scott's judicial assistant, Nikki Martinez at niulka.martinez@FLJUD13.ORG. Direct communication with the Court through the division email is primarily for scheduling purposes. Parties are not to communicate with the Court outside the presence of the opposing party, unless authorized by law or a

previous court order. Parties emailing the Court must include opposing party at all times. Telephonic communication is reserved primarily for emergencies, and litigants without access to JAWS.

III. SCHEDULING HEARINGS

1. Filing Motions

A motion **must** be filed with the Clerk of Court before setting the matter for hearing in JAWS or requesting hearing time from the Judicial Assistant.

2. Notice of Hearing

After the moving party has set the hearing time in JAWS, the moving party **must** file a notice of hearing within forty-eight (48) hours of scheduling. For any hearing that is scheduled less than forty-eight (48) hours from the hearing time, a notice of hearing **must** be filed immediately, and the Court and the non-moving parties **must** be emailed a copy of that notice. Failure to comply may result in the hearing being stricken.

3. Scheduling of Hearings Within Thirty (30) Days of Filing

Any motion that requires a hearing, which is filed for the Court's consideration, **must** be scheduled for a hearing within thirty (30) days. If no hearing is set after the thirty (30) days, the Court may strike the motion for lack of prosecution.

4. Scheduling Emergency Motions

The Court takes the filing of emergency motions very seriously, and parties are advised to **use the designation of "emergency" cautiously**. The motion must be first e-filed with the Clerk of Circuit Court, then emailed to the JA. The party must notify the opposing party by providing them a copy of the motion simultaneously. All requests must contain the case number and the amount of time that is being requested. The motion's proponent **must** certify that the motion is an emergency, and that the proponent has notified or attempted to notify the opposing side to schedule a hearing. Failure to do so may result in the motion being stricken for failure to comply.

5. Unilateral Scheduling

1. Unilateral scheduling of a hearing by one party is permitted. Before unilaterally setting a hearing, the moving party **must** communicate with the non-moving party and attempt to

- coordinate a date and a hearing time with the non-moving party.
2. A notice of hearing **must** be filed, and it must contain a designation as a unilaterally set hearing and a description of the nature of the scheduling communication between the moving party and the non-moving party.
 3. The Court will **NOT** hear unilaterally set hearings prior to **ninety (90)** calendar days from the filing of the notice of hearing.

IV. **CANCELLING HEARINGS**

1. **Who May Cancel Hearings**

A litigant may cancel a hearing that they set according to the procedure. A litigant may not cancel a hearing set by another party without a Court order or mutual agreement of the parties. Litigants **SHALL NOT CANCEL** any hearing noticed by the Court without a Court order. Parties are expected and required to attend all hearings noticed by the Court unless otherwise ordered, and failure to do so may result in sanctions. Once set, trials and final hearings are not to be cancelled or continued without leave of court.

2. **Trials/Final Hearings Will Not Be Cancelled Or Continued Without A Written Order From The Court.**

If a party wishes to continue a trial or final hearing that has been previously set, the party requesting the continuance must confer with the opposing party. The party shall then file a motion detailing the reasons for the continuance and a written proposed order, which includes the date for the new proposed trial or final hearing date for the Court's consideration, the trial or final hearing will remain on the Court's calendar, until the Court signs the order continuing the trial. Orders that do not include language that the parties conferred about the continuance and the outcome of that conference, the old date of trial, and the proposed new date of trial will be rejected. Motions to continue a trial or final hearing filed with forty-eight (48) hours of the trial or final hearing **MUST** have a hearing prior to the continuance being granted.

V. CASE LAW FOR THE COURT'S CONSIDERATION

1. Parties are encouraged to submit legal authority or any other material that will aid the Court. Please highlight sections you want to bring to the Court's attention.
2. Any party, who wants the Court to consider any information, **must** submit that information to both Judge Scott's judicial assistant Nikki Martinez, at niulka.martinez@fljud13.org and the opposing party.
3. The Court will consider any submission that is submitted ten (10) days prior to the hearing. Any submission that is sent to the Court less than ten (10) days prior to the scheduled hearing, may not be considered by the Court, and may be stricken.
4. The Court will NOT consider submissions submitted within twenty-four (24) hours of the scheduled hearing without prior Court approval.

VI. APPEARING AT HEARINGS

1. No party may appear by phone for a pre-trial conference.
2. No party may appear by phone for mediation.
3. No party may appear by phone for a final hearing.
4. No party may appear by phone for a hearing scheduled for 15 minutes or longer.
5. No party may appear by phone for a dismissal docket.

VII. PRE-TRIAL CONFERENCES

1. Whoever appears for a party **must** have full authority to settle for all amounts from zero to the amount of the claim without further consultation. Failure to comply may result in the imposition of sanctions, including costs, attorney fees, entry of judgment, or dismissal.
2. Defendant(s) **must** appear in Court on the date specified in order to avoid a default judgment.
3. Plaintiff(s) **must** appear in Court on the date specified in order to avoid having the case dismissed.
4. **ATTORNEYS ONLY:** The date and time of the pretrial conference **CANNOT** be rescheduled without good cause and prior Court approval. In the event an attorney has an unavoidable calendar conflict, such attorney may file a written Motion to Continue Pre-Trial Conference and state with specificity the reason(s) why a continuance is necessary. Except in the case of an unforeseeable emergency, accident, hospitalization, or other good cause, a Motion to Continue Pre-Trial Conference based on an attorney calendar

conflict must be filed at least **5 business days** prior to the scheduled Pre-Trial Conference **AND** the movant must email Judge Scott's Judicial Assistant at least **5 business days** prior to the scheduled Pre-Trial Conference to inform the Court that a Motion to Continue Pre-Trial Conference has been filed and is pending. **An untimely Motion to Continue Pretrial Conference based on a calendar conflict will be DENIED.**

VIII. SUBMISSION OF PROPOSED ORDERS & MOTIONS

1. **Proposed Orders:** Please submit proposed orders to the Court within one (1) week of the hearing and/or ruling through the e-portal. **Must** be in .PDF format. **All proposed Final Judgments including damages award SHALL attach Form 1.977, Fact Information Sheet.**
2. **Disputed Proposed Orders:** In the event that, after a hearing, the parties cannot agree upon a proposed order to submit to the Court via the e-portal system, the parties may send disputed proposed orders to the Division at niulka.martinez@FLJUD13.ORG. The subject line of the email should always include the case number and the words, "DISPUTED PROPOSED ORDER" with the case caption and case number. Disputed proposed orders should be submitted in "word" format. All emails to the Court **must** be sent to all parties involved. Include date of hearing in proposed orders.
3. **Stipulated Motions:** Parties may stipulate to a motion. E-File the motion and upload an AGREED ORDER to the work queue through E-Portal. If the Court signs an agreed order any scheduled hearings must be immediately cancelled by moving party.

IX. ADDITIONAL PROCEDURES

- Claim of exemption hearings are set by clerk.
- Personal injury protection" and "autoglass" vs. Insurance company cases **MUST** be set on a daily 15 or 30 min daily or longer time slot.
- **Motions for Summary Judgment MUST be set on 30-minute timeslots. All cases must be mediated prior to the filing of a Motion for Summary Judgment.**
- Windshield Auto Glass Cases: Florida Small Claims Rule 7.050(a)(1) entitled "Statement of Claim" states, "Actions are commenced by the filing of a statement of claim in concise form, which shall inform the defendant of the basis and the amount of the claim. If the claim is based on a written document, a copy of the material part thereof shall be attached to the statement of

claim. All documents served upon the defendant with initial process shall be filed with the court." Accordingly, Plaintiff cases will be dismissed at the Pretrial Hearing for failing to provide concise allegations (e.g. specific amount of claim, Insurance Policy Number, Date of Loss, County in which loss occurred) and/or failing to attach written documents upon which the claim is based (e.g. copy of the Assignment of Benefits, copy of the material part of the Insurance Contract if in Plaintiff's possession, copy of the work order or other relevant business records). All proposed Final Judgments including a damages award shall attach Form 1.977, Fact Information Sheet. **Small Claims Rules will be applied in ALL cases.**