

FM-F DIVISION PROCEDURES

EMAILING THE JA: PLEASE put the case number, parties last names, and the motion to be heard in the subject line of your email. For example:

2019 Smith v Smith, Motion for/to ...

EX PARTE: Involves uncontested matters, Motions to Set for Trial, and Motions to Withdraw as Attorney of Record (with notice to Client). **EX PARTE HEARINGS MUST BE SCHEDULED WITH THE JUDICIAL ASSISTANT FOR FM-F. Email MRUIZ@coj.net to schedule an ex parte hearing. Include opposing counsel in all communication with the Court's JA. EX PARTE HEARING WILL TAKE PLACE VIA ZOOM.** Ex parte hearings are always heard between 9:30 to 10:00 a.m. on certain dates of every month. The ex parte schedule, and the Zoom information, is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>). Ex parte dates are NOT included on the office voice mail. **ALL orders and necessary documentation are to be sent to the Judicial Assistant prior to Ex-Parte. THE HEARING WILL BE CANCELLED AND RESCHEDULED IF DOCUMENTS ARE RECEIVED THE MORNING OF EX-PARTE.**

SETTING A CASE FOR TRIAL AND HEARING GREATER THAN 1 HOUR: Motions to Set for Trial and setting hearings for greater than one (1) hour are heard during ex parte. The Judge sets these.

1. File a Motion to Set Case for Trial/Hearing.
2. Coordinate with opposing counsel to select an ex parte date which is convenient for all parties.
3. **Email Judicial Assistant to add a case to ex parte calendar.**
4. Serve the Notice of Hearing on all parties.
5. Complete the **Trial Set Memorandum form**, it is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) and **email it to the Judicial Assistant at least 3 business days before the scheduled ex parte hearing.**
6. After your Motion to Set **trial** is heard during the ex parte hearing, the Judicial Assistant will prepare the Order Setting Case for Non-Jury Trial and Pretrial Conference. For hearings (not trials), attorneys will prepare the Notice of Hearing.
7. The Judicial Assistant will e-file the Order Setting Case for Non-Jury Trial **or** send it to the Clerk for filing. In some cases, the Judicial assistant will email the signed order to the parties; if not, the parties may obtain their copies from CORE/Clerk's docket. In the alternative, Attorneys may provide addressed,

stamped envelopes for all parties, including the mediator, for mailing the Order Setting Trial. The Court does not provide envelopes and postage.

When a case SETTLES prior to the pre-trial or trial date, PLEASE, IMMEDIATELY contact the Judge's office to remove the pre-trial and trial from the calendar.

CASES WITH A PRO SE LITIGANT: Judge Bass' procedure is to refer cases, in which one party is a pro se litigant, to the General Magistrate for hearing.

SETTING HEARINGS REQUIRING 1 HOUR OR LESS: Hearings of 1 hour or less may be set by emailing the Judicial Assistant at Mruiz@coj.net. Opposing counsel should be included in the email. Subject line of the email should contain case number, case style/parties names, the name of the motion to be heard and the, the docket line of the motion. Your email should tell me how much time is requested on calendar for the hearing. **The Motion MUST** be filed prior to emailing the JA to set for hearing. The Judicial Assistant will not resolve disputes regarding when a motion will be set. There is no need to send courtesy copies of the motion.

Motion hearings may be scheduled on either morning or afternoon calendars, commencing at 10:00 a.m. to 11:00 and 1:30 to 4:00 p.m. Hearings that require more than one (1) hour of time must be approved by the Court during ex parte.

EMERGENCY MOTIONS/MOTIONS FOR REHEARING/MOTIONS FOR NEW TRIAL: The original motion must be filed with the Clerk. The Court requires a copy for review to be emailed to the JA. Each request will be reviewed by the Court to determine whether it is deemed an emergency or whether the Court will grant a rehearing. The Judicial Assistant will contact the parties or attorney(s) to set a hearing, as necessary.

****DOCUMENTS FOR HEARINGS/TRIALS:**** **Anything** you wish the Judge to consider for a hearing, ie: exhibits, evidence, etc., **must be delivered to the Judge by dropping off documents in the designated cart in the Courthouse lobby at least THREE (3) business days before a scheduled hearing on the matter. DOCUMENTS SUBMITTED MUST BE ORGANIZED, TABBED, AND LABELED** and placed in a binder/notebook, if appropriate. Binders/notebooks/documents should be placed in the designated cart for Judges in the Courthouse lobby.

MOTION TO COMPEL:

1. Before filing a Motion to Compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a Motion for a Protective Order, as provided in Rule 1.280(c), Florida

Rules of Civil Procedure, the attorney for the moving party shall confer with the opposing party or attorney in a good-faith effort to resolve the issues raised, and shall file with the Court at the time of filing of the motion, a statement certifying that the moving attorney or party has so conferred with opposing party or attorney and that they have been unable to resolve the dispute.

2. When a motion to Compel has been placed on a Judge's calendar, that motion may not be cancelled without the Judge's consent.

3. As provided in Section (4) of rule 1.380, if the motion is granted, the Court shall award expenses which may include attorney's fees.

UNAVAILABILITY OF THE JUDICIAL ASSISTANT: Substitute Judicial Assistants are not available to cover this division during illness or vacation. When the Judicial Assistant for Division: FM-F is not present, leave a telephone message and or email, and you will be contacted as soon as possible following the Judicial Assistant's return to the office. Please do not send multiple follow-up emails as it will slow down the work flow.

LEAVING MESSAGES ON VOICE MAIL: Please include the case number, case style/parties names, your name, phone number, and a brief message concerning your call. The Judicial Assistant will return calls as soon as possible.

SUBMITTING PROPOSED ORDERS:

1. The attorney preparing a proposed Order subsequent to a hearing shall provide an advance copy to opposing counsel. The cover letter to be used and sent to opposing party or attorney is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.

2. The proposed Order should then be submitted to the Court. The cover letter to the Judge is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.

3. **When entitling proposed Orders always designate the particular motion heard, such as "Order Denying Wife's Motion to Dismiss" or "Order Granting Husband's Motion for Contempt," etc. The date the hearing occurred should be included in the first paragraph of the proposed order. Consent Orders shall contain the word "Consent" at the beginning of the caption.**

4. Sufficient number of distribution copies for all parties and stamped addressed envelopes must accompany the Order when/if submitted by mail.

5. The **DONE AND ORDERED** clause, along with the Court's signature line, **should be on the same page**. If the last page contains only the date line and/or Judge's signature line, it must have the title of the Order and the case number on it also.

6. *Full names and complete addresses (or email address) of counsel/parties to whom copies are to be provided should be included on the last page.*

7. Should the Court request complex Orders to be submitted via email, they need to be formatted in Word.

8. The signature line of the Order shall be located on the right border of the page.

9. If **ALL** parties/entities are on e-service, the cover letter and proposed Order may be emailed to the Judicial Assistant.

MOTION TO WITHDRAW AS COUNSEL: These motions are heard during ex parte. Please follow Fla. R. Jud. Admin. 2.505(f). Notice of hearing must be mailed/emailed to client.