



**STATE OF FLORIDA
NINTH JUDICIAL CIRCUIT OF FLORIDA**

DIVISION 39 TEMPORARY PROCEDURES

- 1. Generally.**
 - a. These procedures are in effect beginning March 23, 2020 until further order of this Court.
 - b. All proceedings in Division 39 will be either by video or telephonic conference only.
 - c. No parties/attorneys/court reporters will be allowed to attend hearings in-person at the Orange County Courthouse.
 - d. Consistent with Administrative Order 2020-06-01, all jury trials are postponed until further order of the Court.
- 2. Telephone Hearing Procedure at Ex Parte and Short Matters Hearings (Court Calls Parties).**
 - a. Ex Parte and Short Matters will continue to be conducted Monday through Thursday from 8:30am-9:30am.
 - b. There will be no in-person attendance at Ex Parte and Short Matters.
 - c. The attorney noticing the hearing must establish a conference line and include a toll free number in the notice of hearing and provide a courtesy copy of the notice of hearing and motion to be heard to the Court 3 business days in advance of the hearing.
 - d. Parties will email the courtesy copies to 39orange@ninthcircuit.org, the case number and style of the case should appear in the subject line and the date of the hearing shall be included in the body of the email.
 - e. The Court will call into the conference line when the court is ready to hear the matter, subject to time limitations.
 - f. Cases will be called in the order in which a compliant notice of hearing is received by the Court.
- 3. Telephone and Video Hearing Procedure at Regularly Set Hearings (Parties Call Court).**
 - a. Attorneys may appear at non-evidentiary hearings, including pre-trial

conferences, by telephone or video without motion or order.

- b. The attorney noticing the hearing shall notify the Court's judicial assistant by email at 39orange@ninthcircuit.org of the parties' intent to attend the hearing by phone or video at least 3 business days in advance of the hearing.
- c. For appearances by phone, the attorney noticing the hearing shall institute a conference call and then call the Court at 407-836-0657 with all telephonically appearing attorneys/parties on the line. If the line is busy, parties should continue to call until the Clerk answers the phone.
- d. For appearances by video, the attorney noticing the hearing shall contact the Judicial Assistant by email at least 3 business days in advance of the hearing to 39orange@ninthcircuit.org, copying all parties, and the Judicial Assistant will reply with a link to the video conference. All parties should connect to the video conference at least five minutes in advance of the scheduled hearing time. The Court will connect at the time of the hearing.
- e. Courtesy electronic copies of documents, case law, and proposed orders must be provided via email to 39orange@ninthcircuit.org at least 3 business days in advance of the hearing. Please note the Court cannot follow web links to hearing documentation, or open compressed files or "zip files".

4. Evidentiary Hearings.

- a. Consistent with Administrative Order 2020-06-01, evidentiary hearings requiring in-person presentation of testimony, including non-jury trials, are postponed until further order of the Court.
- b. Requests to appear remotely for evidentiary hearings must be made by motion.
- c. To the extent permission is granted for remote appearance, witnesses must have a notary in their presence to administer the oath and have in their possession government-issued identification to provide to the notary.
- d. Notwithstanding the general prohibition against sending hard copy hearing materials to chambers (Section 6, *infra*), all exhibits upon which a party intends to rely at a remote evidentiary hearing shall be sent to Chambers via regular mail (tagged and marked as required by the Court's Division 39 Procedures at Part F, Section 7) and e-mailed to the Judicial Assistant (copied to all counsel) not later than seventy-two hours prior to the start of the hearing, along with an exhibit listing each of the exhibits as marked for identification.

5. Court Reporters.

- a. Court reporters will not be allowed in the courtroom.

- b. If any party wishes to have a court reporter transcribe the hearing, they must make arrangements to have the court reporter conference in or remotely attend with the party requesting the court reporter.
- 6. **Paper Submissions for Hearings.**
 - a. Hearing materials should be sent via email to 39orange@ninthcircuit.org.
 - b. Paper hard copies of hearing materials should not be sent to the Courthouse whether via mail or courier.
- 7. **Orders and Rulings of the Court.**
 - a. Proposed agreed orders should be emailed to 39orange@ninthcircuit.org.
 - b. All parties must be copied on the email submission. Along with the proposed order, a cover letter indicating opposing counsel agrees to the content and form of the order must be included. If there are parties not receiving service through the Florida Courts e-filing Portal, the proposed order should state counsel will serve a copy of the order via regular mail to those parties and file a certificate of service in the court file no later than three days from the date of the order.
- 8. **Temporary Procedures Related to Mortgage Foreclosure Proceedings.**
 - a. Non-jury trials in mortgage foreclosure proceedings shall be held remotely via Zoom until full public access to the Orange County Courthouse is permitted, unless a party demonstrates good cause why the non-jury trial should not go forward remotely.
 - b. For any remote non-jury trial in a foreclosure action, hard copies (or originals, if a party intends to move originals into evidence) of all exhibits upon which a party intends to rely at trial shall be sent to Chambers via regular mail (tagged and marked as required by the Court's Division 39 Procedures at Part F, Section 7) and e-mailed to the Judicial Assistant (copied to all counsel) not later than three days prior to the start of trial, along with an exhibit listing each of the exhibits as marked for identification.
 - c. Motions to cancel foreclosure sales may be sent to Chambers for ruling on the papers. Motions to re-set foreclosures sales must be scheduled for telephonic hearing on the Ex Parte and Short Matters docket pursuant to a notice of hearing that provides any defendant the opportunity to call in for the hearing. No video (e.g., Zoom) hearings will be permitted on motions to reschedule foreclosure sales.