

TRIAL INFORMATION SHEET

READ CAREFULLY!

TRIAL DATE: Do not forget your trial date. Failure to show in the virtual hearing on the given date at the right time may result in your losing the case. This hearing will be conducted by use of Microsoft Teams. Give yourself plenty of time to login to Microsoft Teams application. Parties (and attorneys) shall familiarize themselves with the program and, if necessary, sign up for a free account or download and install the App PRIOR to the hearing date and time.

WHAT YOU WILL NEED TO PARTICIPATE: A laptop or phone with a camera and a microphone and an internet connection. Wi-Fi or cellular is fine. If you do not have this equipment available to you, please contact Elizabeth DiTomasso, Magistrate Assistant, at 407.836.0410 so that your hearing can be re-scheduled.

ONCE CONNECTED:

- Before the hearing, make sure that you are properly named. Unidentified parties will not be permitted entry to the hearing.
- When you sign in, be sure that the video and the audio are unmuted and that your camera is facing forward. The “mute” audio setting is usually found in the upper right corner of your video block.
- No party or witness may use a virtual background, and the Court may require participants to share their surroundings to ensure that these procedures are followed.

TRIAL PREPARATION:

- The plaintiff has the initial responsibility of proving its case. The plaintiff must use proper, legal proof prove each element of the case. If the Plaintiff cannot prove its case, the judge may dismiss the case.
- You do not have to hire an attorney to represent you at trial; however, it may be a good idea for you to consult an attorney as soon as possible to learn how to present your case at trial. You may also want to check with the clerk of the court’s self-help center to see what informational opportunities are available in our area.
- If your legal defenses are unsuccessful or you fail to appear at trial, a judgment will be entered against you. A judgment is a legal document signed by the judge that sets out the amount that you owe the plaintiff. It may include attorney’s fees, costs and interest. It is a document that will become public record and also may be recorded by the plaintiff.

INTERPRETERS: The court does not provide language interpreters for civil cases. If a party or witness needs the assistance of an interpreter, then the litigant who needs the interpreter (or whose witness requires assistance) is responsible to provide the interpreter.

COURT REPORTER AND APPEALS: Your non-jury trial will be recorded. You are advised that in this Circuit, electronic recording is provided by the court. A party may provide a court reporter at the party's expense. If you wish to have the proceedings recorded, you must hire a private court reporter. It is your responsibility to secure and pay for a court reporter. Appeals to a higher court because you are not satisfied by the outcome are governed by special rules. One of these rules requires that the appellate court have a complete record of the trial to review for errors. If you do not have a court reporter at your trial, your chances for success on appeal will be severely limited.

QUESTIONS: If you have questions on a small claims case concerning procedures (such as filing motions or issuing subpoenas), please contact the Clerk of the Court, Civil Division. The clerk is not authorized to practice law and therefore cannot give you legal advice. In the event that you need legal advice, please contact an attorney of your choice.

TRIAL EXHIBITS:

- At least three (3) business days in advance of the hearing (e.g. deadline of Monday at 5:00 p.m. for Friday 9:30 a.m. trial,) the parties shall forward to the Court and copy the other side with any exhibits you intend to offer at trial. You may email to MagistrateDiv5@ocnjcc.org. In the subject line shall be the case name, the case number, hearing date and the words EXHIBIT LIST. The Exhibits must be clearly identified and labeled in Alphabetical order [e.g. Exhibit A (A Descriptive Name of Exhibit); Exhibit B (A Descriptive Name of the Exhibit); etc.] Any email that fails to copy the other side will be discarded as ex parte communication.
- Email **DOES NOT** put the item(s) on the record. Evidence and procedure rules and pretrial deadlines will still apply.
- **The designated email address set forth above is for providing proposed exhibits for the hearing/non-jury trial only. There will be no response to any email sent to this address and any email that contains other content will be disregarded.**
- If a witness is going to testify to documents, then the witness must also be provided copies of all pre-marked exhibits prior to the hearing.
- As an alternative to email, parties may drop off exhibits at room 360 for General Magistrate Pulayya c/o Elizabeth DiTomasso, Magistrate Assistant. Parties must then confirm via email that they have dropped off exhibits by emailing Elizabeth DiTomasso, Magistrate Assistant at ctaded2@ocnjcc.org. You must also give a copy to the other side. Please do not do both – email and drop off.

PREPARATION OF REPORTS: After a hearing or trial, the Magistrate will prepare a Report and Recommendation. Upon receipt of the signed Report and Recommendation, the parties shall have 15 days within which to file an Exception to the Report. The 15-day Exception period includes mailing and emailing time.

EXCEPTIONS: Review of the Report and Recommendations made by the General Magistrate shall be by Exceptions as provided in rule 1.490, Florida Rules of Civil Procedure. A record, which includes a transcript, may be required to support Exceptions. If a party files an Exception to the Magistrate's Report and Recommendation with the Clerk of Court within the 15-day Exception period, a copy of the Exception shall be forwarded to the Elizabeth DiTomaso, Magistrate Assistant, ctaded2@ocnjcc.org.

Note: Once Exceptions are filed, the Magistrate is divested of jurisdiction and a hearing on those Exceptions must be scheduled with the assigned Judge. After the hearing with the assigned Judge on the Exceptions, you must forward a copy of the Judge's Order Approving/Denying Exceptions to Elizabeth DiTomaso, Magistrate Assistant, ctaded2@ocnjcc.org.

ORDERS AND FINAL JUDGMENTS: Magistrates are not authorized to sign an Order or Final Judgment. The Order/Final Judgment Adopting a Magistrate's Report will be prepared by the Magistrate's office at the appropriate time. The Magistrate's office routinely monitors the 15-day Exception period and submits an Order Adopting Magistrate Report or Final Judgment at the expiration of that period.

Note: Do not send Orders or Final Judgments to the Magistrates to sign. Do not send Orders or Final Judgments to Adopt a Magistrate Report directly to the assigned Judge.

Orange County: If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, Human Resources, Orange County Courthouse, 425 N. Orange Avenue, Suite 510, Orlando, Florida, (407) 836-2303, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.