



**State of Florida  
Ninth Judicial Circuit of Florida**

**MICHAEL DEEN  
CIRCUIT JUDGE  
Circuit Civil**

**COUNTIES OF ORANGE AND OSCEOLA  
ORANGE COUNTY COURTHOUSE  
Hearing Room/Chambers 14<sup>th</sup> Floor  
Courtroom 18B**

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**PROCEDURES FOR JUDGE MICHAEL DEEN  
ORANGE CIRCUIT CIVIL DIVISION 39**

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT CIVIL DIVISION 39 WHEN PRACTICING BEFORE JUDGE MICHAEL DEEN.

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## A. GETTING AN ORDER

### 1. NO HEARING: Ruling in Chambers

- a. There are many matters that the Court will rule on without a hearing. This includes Motions to Dismiss, for Rehearing, to Compel, in Limine, and many others.
- b. How to get a Ruling in Chambers:
  - 1) **Agreed Motions:** If the motion is agreed to, or unopposed, counsel may simply email the filed motion along with a proposed order. The proposed order must state in the title that it is an agreed order and otherwise comply with the requirements of Section A(11) of these Procedures.
  - 2) **Contested Motions:** The moving party shall file the motion and the non-moving party shall file a written response. After both the motion and response are filed (or if no response is filed as addressed in paragraph 3 below), the moving party shall email the filed materials to chambers requesting a ruling in chambers.
  - 3) **If No Response is Filed:** If the non-moving party refuses to submit a response to the motion or otherwise does not respond to the movant within three days, the moving party shall submit **two proposed orders:** (a) a proposed order addressing the relief requested in the motion; and (b) a proposed order compelling a written response within ten (10) days.
  - 4) Upon receipt of contested motions, the Court will determine whether a hearing is necessary. If a hearing is required, the Court will advise the parties to coordinate hearing time in accordance with Section A.1. If a hearing is not necessary, the Court will issue a ruling in chambers.

### 2. HEARING

- b. First, stop...do you really need a hearing? It takes longer to get an order and requires more from you. Many matters will be considered in chambers (see above). If you need a hearing, keep reading.
- c. Prior to scheduling a hearing, the motion(s) must be filed and visible on the docket. True Ex Parte motions (e.g., motions for injunctive relief without notice, motions in execution on a judgment) still must be filed and visible on the docket to be acted on by the Court.
- d. Coordination of Hearings. All counsel must comply with Admin. Order 2012-03-01's mandatory "meet and confer" requirements before securing hearing time.<sup>1</sup>
  - 1) Hearing times must be cleared with opposing counsel and pro se parties, and good faith cooperation is expected of all counsel, their staff, and pro se parties. All counsel, their staff, and pro se parties have an obligation to respond promptly to scheduling inquiries.
  - 2) Coordination of hearings must include any request that a hearing be evidentiary and any request for attendance by telephone or videoconference.

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<sup>1</sup> Administrative Order 2012-03-01 at <https://ninthcircuit.org/resources/admin-orders> .

- 3) Should counsel, their staff, or pro se litigants fail to respond to a request to coordinate hearing time within three (3) business days, or refuse to cooperate in setting a hearing, the requesting party may unilaterally set a hearing giving at least two weeks' notice of the hearing to opposing parties. The notice of hearing must state that the opposing party refused to coordinate a hearing time in the Certificate of Compliance.
  - 4) Similarly, if a party desiring a hearing is unable to coordinate hearing time with opposing counsel (or other party if pro se) after three (3) good faith attempts, the party requesting the hearing shall submit the request for hearing time to the judicial assistant with all documentation (including emails) demonstrating that party's efforts to coordinate a hearing date. The notice of hearing must state that the opposing party refused to coordinate a hearing time in the Certificate of Compliance.
  - 5) Motions to compel coordination of a hearing are not permitted given the availability of unilateral setting of hearings under the foregoing circumstances.
- e. Regular (*i.e.*, non-Ex Parte and Short Matters hearing time) hearing time may be obtained by using the **aiCalendar system**: <https://aicalendar.ocnjcc.net/Calendar/Orange/1520>. Additional instructions regarding the setting of hearings may appear on the aiCalendar page.
- 1) Matters requiring more than fifteen (15) minutes must request consecutive available time slots for the total duration of time needed.
  - 2) **JACS DOES NOT WORK, PLEASE DO NOT USE IT.**
- f. All hearing requests for *more than* (30) minutes must be approved by the Court either at short matters or by motion, indicating the other party's position. The motions may be submitted to the Court to review in chambers (see subsection j below).
- g. To secure hearing time, coordinate with opposing counsel, then email [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) with the following in the body of the email:

**Case No.**

**Full Case Style**

**Motion(s) to be heard**

**Date/Time Coordinated**

**Amount of time requested**

**Remote or In-person appearance**

**Date "meet & confer" completed**

**Is the case evidentiary (require testimony and/or submission of exhibits):**

If your request is missing any of the above information, it will not be confirmed. Regularly set hearings must be confirmed by the JA before parties may file a notice of hearing. Hearings set by notice of hearing but not confirmed with the JA will not be heard.

- h. For evidentiary hearings, the hearing request must indicate that an evidentiary hearing is being requested, and the notice of hearing must expressly state that the hearing will be evidentiary (*e.g.*, "Notice of Evidentiary Hearing"). The following additional procedures apply:

- i. Additional motions may not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel, and the Judicial Assistant, that sufficient additional time can be reserved in which to hear them. If an adverse party believes a motion or motions have been inappropriately “piggy-backed” by cross-notice, such adverse party must file a motion to strike the cross-notice in advance of the scheduled hearing. Only the party setting the hearing may cancel the hearing.

### 3. **Virtual Hearing Procedures**

- a. Division 39’s virtual link is: <https://ninthcircuit.webex.com/join/39orange>
- b. Virtual Hearings are encouraged and used for most hearings.
- c. All parties are responsible for making sure they are technologically capable to attend virtual hearings PRIOR to making a virtual hearing request. If you do not know how to use the technology prior to the hearing, then file a motion to have hearing in person no more than 5 days before the hearing.
- d. The hearing notice must expressly state that the hearing will be Virtual and contain the link set forth in this Section.
- e. Witnesses utilizing videoconference for Court must:
  - (i) Be labeled using their first and last names
  - (ii) Have government-issued identification in their possession and readily available to provide to the person administering the oath.
  - (iii) Must be willing to submit to the perjury laws of Florida if testifying from out of state.
- f. **Virtual Evidentiary Hearings:** If the evidentiary hearing is virtual, all exhibits that a party intends to rely on at the evidentiary hearing must be delivered to the Clerk three (3) days prior to the hearing.
  - (i) See section (A)9 for labeling exhibits.
- g. Telephonic appearances are discouraged and generally not allowed.

### 4. **Emergency Hearings and Time Sensitive Hearings**

- a. Counsel may contact the Judicial Assistant for an emergency hearing where the circumstances warrant it, and the following will apply:
  - (i) The body of the motion must contain a detailed explanation of the circumstances constituting the emergency.
  - (ii) The motion must contain a “Certificate of Emergency” wherein counsel of record certifies that he or she believes the facts and circumstances to constitute an emergency for which immediate hearing time is required and understands that designating a matter as an emergency may result in the Court cancelling or rescheduling other matters both professional and personal so as to accommodate the parties.

- (iii) The motion must be emailed to [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) before a hearing will be set. The Judicial Assistant will contact counsel to set a hearing if the Court determines that an emergency hearing is warranted based on the description and certification contained in the motion.
- b. Failure to include a Certificate of Emergency or certification of a matter as an emergency without a good faith basis may result in the imposition of sanctions and/or denial of the motion.

**5. Short Matters**

- a. Short Matters hearings are held virtually, Monday through Thursday at 8:30 a.m.
- b. Short Matters hearings are for uncontested matters that can be heard in five (5) minutes or less, or contested matters that can be heard in ten (10) minutes or less.
- c. If it is apparent the matter set for hearing does not comport with the time constraints of Ex Parte and Short Matters hearings, your matter will not be heard.
- d. Hearing materials will not be reviewed for short matters, other than any filed motion and response to the motion. If your matter requires hearing materials, it may be more appropriate for regular court hearing time or for a ruling in chambers.
- e. Matters to be heard at Ex Parte and Short Matters are not scheduled with the Judicial Assistant but must be coordinated with opposing counsel or pro se parties. Before setting a hearing at Ex Parte and Short Matters, the parties must satisfy the “meet and confer” requirement set forth in Admin. Order 2012-03-01 and include a Certificate of Compliance in the notice of hearing.
- f. Parties are encouraged to be present in the Ex Parte and Short Matters promptly at 8:30 a.m. or earlier. Short Matters will conclude upon the completion of all short matters noticed by the parties present (if there is no one left, short matters will end).
- g. Motions to be heard, along with the notice of hearing must be emailed to [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) no later than two (2) days prior to the date of the hearing.

**6. Foreclosure Cases**

- a. Most foreclosure hearings can be scheduled for Ex Parte and Short Matters. Longer hearings should be set in accordance with hearing procedures.
- b. In advance of the hearing of a motion for summary judgment, Plaintiff’s counsel shall file the original note and mortgage with the Clerk. Additionally, Plaintiff’s counsel shall contact the Clerk in advance of the hearing to request the Clerk to retrieve the original note and mortgage so that the original note is available for cancellation at the time of the hearing in the event the motion is granted. Failure to do so will result in a delay of entry of the final summary judgment and consequently a delay in the conduct of any foreclosure sale.
- c. Agreed upon motions to cancel foreclosure sales do not require a hearing and may be considered in

chambers with a proposed order. However, all proposed orders canceling a foreclosure sale must also include a new date for sale, even if a borrower is in loan modification. The Court will entertain further sale cancellations as appropriate.

- d. Not later than three (3) days prior to the commencement of a non-jury foreclosure trial, the parties shall complete and file an Attorney Worksheet for Foreclosure Trial, the form for which is available on the [Division 39 webpage](#).

**7. Discovery Motions**

- a. First, consider having the motion heard in chambers (see above).
- b. Discovery motions shall include with the motion or as an attachment, the specific discovery request and the specific objection thereto, along with argument regarding same.
- c. Any motions filed but not set for hearing within a reasonable time will be considered abandoned.
- d. All such motions must comply with the Florida Rules of Civil Procedure including, but not limited to, a certification of a good faith attempt to resolve that matter without court action. *See* Fla. R. Civ. P. 1.380(a)(2) and Admin. R. 2012-03.
- e. The filing of a motion for protective order, without attempting to set it for immediate hearing, is insufficient to protect from any discovery requested.

**8. Motions in Limine (“MIL”)**

- a. First, consider having the motion heard in chambers (see above).
- b. Form omnibus motions in limine requiring the parties to simply comply with well-established law and the rules of professional conduct are disfavored and may be summarily denied without prejudice to a timely trial objection.
- c. Before setting any MIL for hearing, counsel must meet either and confer on each and every requested Motion in Limine. *See* Admin Order 2012-03.
- d. All rulings on MIL are non-final orders subject to modification during trial as evidence is presented. *See* Fla. Stat. § 90.104.
- e. MILs shall not be ruled upon unless they contain a certification of a good faith attempt as to each item to resolve the matter without court action. Notices of hearing on MIL must specifically identify the specific issues which remain in controversy after counsel has conferred.

**9. Hearing Materials**

- a. DO NOT SEND HARDCOPIES OR USBs.
- b. All hearing materials shall be submitted via email and the Court will discard any binders or usb drives without reviewing them. Hearing materials shall be emailed to chambers and opposing counsel not less than three (3) days prior to the hearing.
- c. Please send your hearing materials in no more than two emails. If you are unable to send your hearing materials in two emails due to the attachments being too large, try summarizing the case law (with cites) you are attaching instead of sending every case and try again.
- d. CASE LAW: Any cases being relied on by the parties at a hearing or trial should be provided to opposing counsel and the Court no later than three (3) days before the hearing. Case law will only be accepted prior to the hearing via email. However, the Court will always consider any law applicable to the matters being litigated. Litigants shall highlight the parts of a law or case that they believe are the most relevant to the issues at hand.

**10. Exhibits**

- a. This section applies to both trials and hearings.
- b. Copies of all exhibits must be provided to Opposing Counsel three (3) business days prior to the hearing in hard copy or digitally. Exhibit and Witness Lists are highly encouraged to be filed with the clerk three (3) days prior to the hearing. If the hearing is in person, all exhibits must be tagged with the yellow tags utilized by the clerk BEFORE the hearing.
- c. If the hearing is virtual, exhibits must also be delivered to the Clerk three (3) days prior to the hearing if the hearing is virtual. If the hearing is in person, the parties may bring their exhibits and give them to the clerk the day of the hearing.
- d. All Exhibits shall be marked for identification purposes only utilizing LETTERS and shall be given a number once the exhibit is received into evidence. For example, what is marked for identification purposes only as Petitioner's A, will be moved into evidence as Petitioner's Exhibit 1. If all letters are utilized, exhibits should be marked with two letters, such as AA.
  - 1) Please see <https://www.myorangeclerk.com/Divisions/Records/Court-Evidence>.
  - 2) Evidence instructions and tags are available from the Clerk's Office (Room 150, Orange County Courthouse) Monday through Friday, 7:30 a.m. to 4:00 p.m.

**11. Proposed Orders**

- a. Proposed orders must be submitted electronically in Word format by email to [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org). The email submitting a proposed order must be copied to all parties to the case, and should specifically indicate whether the form and/or content of the order is agreed or not.
- b. Unless otherwise required by the type of case, proposed orders should be submitted with the following signature style:

ORDERED in Orange County, Florida on the date reflected in the e-signature below.

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Circuit Court Judge

COURT SERVES PARTIES/COUNSEL OF RECORD VIA E-PORTAL. MOVANT IS RESPONSIBLE FOR SERVING ANY PARTY NOT PARTICIPATING IN ELECTRONIC FILING AND THEN FILING A CERTIFICATE OF SERVICE WITHIN THREE (3) BUSINESS DAYS OF THIS ORDER.

- c. Proposed orders must be accompanied by an e-filed cover letter (the cover letter must have the filing stamp across the top) setting forth the date of the hearing, with a copy to all counsel and pro se parties. The cover letter must indicate whether all parties agree to the content of the order. The cover letter but not the proposed order must be e-filed.
- d. Proposed orders and cover letters submitted electronically to [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) must be in Word format. The Word file name must: (a) include the case number [e.g., 20\*\*-CA-\*\*\*\*\*], (b) abbreviated case style [e.g., Doe v. Jones], and (c) whether the file is a “Proposed Order” or “Cover Letter”.
- e. All orders must describe, in the caption, the subject and ruling of the court, *i.e.*, “*Order Granting Plaintiff’s Motion for Partial Summary Judgment on Liability.*” See Fla. R. Civ. P. 1.100(c)(1). If “agreed orders” are provided, the title must indicate the substance of the order in addition to the indication that it is an “agreed order.”

## **B. GETTING READY FOR TRIAL**

### **1. Setting Cases for Trial**

- a. For all cases filed on or after January 1, 2025, trial orders shall be issued on cases within 3 business days of the complaint being filed unless otherwise ordered. A trial order should already be in place for all cases filed prior to 1/1/2025. If no trial order is in place, please notify the judicial assistant and the Court will issue a Uniform Trial order.

### **2. Pretrial Conferences**

- a. The Uniform Trial Order is strictly enforced, please read it and follow it.
- b. Discovery closes the day prior to the pretrial conference. Parties should be ready to try their cases by the time of the pretrial conference.
- c. Pretrials will be utilized to set the order of the trial docket, to discuss witness problems, the size of the venire, audiovisual equipment needs, need for interpreters, time allotment for voir dire, opening and closing, responsibility for obtaining the court reporter, and other trial related issues.
- d. Motions will not be heard at the pretrial conference.
- e. Prior to the pretrial conference, parties shall email to [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) a completed and signed Pretrial Check List and Order Controlling Trial.
- f. Attendance at the pretrial conference by the attorneys who will try the case (lead trial counsel) is mandatory. Substituted appearance by counsel other than trial counsel at the pretrial conference is not permitted absent leave of Court for good cause shown.

### **4. Trial Priority Order**

- a. A Trial Priority Order will be issued in every case left set for trial, following pre-trial, typically 10-14 days prior to the trial period beginning.
- b. The Trial Priority Order will contain most, if not all, answers to any questions from the parties about how the trial period will proceed and what occurs if a case is not reached.

### C. SETTLEMENT OR RESOLUTION

1. Plaintiff's counsel has the duty to immediately notify the Court of the settlement of any matter on the trial docket. Filing a notice of settlement does not, in and of itself, remove the case from a trial docket or excuse counsel from appearance at trial call.
2. Parties having filed a notice of settlement of a case set for trial are only relieved from personal appearance at trial call upon: (1) providing to chambers a file-stamped copy of a joint stipulation for dismissal or voluntary dismissal prior to the first day of trial; or, (2) submitting a proposed Order Setting Status Hearing Regarding Settlement setting the case for a status hearing. Absent either of the foregoing, failure to appear at trial call, even where a notice of settlement has been filed, may result in entry of an order to show cause directed towards the non-appearing party or parties.

### D. TRIALS

#### 1. Courtroom Decorum

- a. The [Ninth Judicial Circuit Courtroom Decorum Policy](#) is incorporated herein in its entirety.
- b. Water, and only water, is permitted at counsel's table.

#### 2. Cell Phones, Communication Devices, and Cameras

- a. Cell phones must be turned off or in the silent mode when in the courtroom. If it is necessary to make or take phone calls, please step out of the courtroom.
- b. Witnesses will not be permitted to possess any type of communication device while on the witness stand.
- c. No photographs or recording, video or otherwise is permitted within the courtroom unless specifically permitted by the Court after formal request is made.

#### 3. Trial Briefs

- a. If a trial brief is to be filed with the Court it must be submitted via email to [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) no later than three (3) business days before the trial is to commence.

#### 4. Voir Dire

- a. The Court will conduct a preliminary voir dire of the venire regarding qualifications, familiarity with participants in the proceedings, language barrier issues, health or medical issues, hardships, strong bias or opinions, and similar matters. Counsel are welcome to request that the Court initially explore certain areas of inquiry that may be important to the trial but sensitive in nature.
- b. Counsel are reminded to be considerate of the venirepersons' personal lives during their inquiries as well as the venirepersons' time constraints.

**5. Opening Statements and Closing Arguments**

- a. Only demonstrative aids, or exhibits marked by the clerk, agreed to by all counsel, or approved by the Court, may be used in either opening statements or closing arguments.
- b. If a Power Point presentation is to be used in opening statements or closing arguments, a hard copy must be filed with the Clerk to create an appellate record. Any PowerPoint or similar presentation must be provided to opposing counsel in compliance with demonstrative aid disclosures in the Uniform Trial Order. Power Points not shown to opposing counsel sufficiently in advance of its intended use to permit objections to be raised and resolved, shall not be permitted.

**6. Exhibits: See section A(10)**

**7. Jury Instructions**

- a. Joint Proposed Jury Instructions and Verdict Form must be emailed to the Judicial Assistant at [39orange@ninthcircuit.org](mailto:39orange@ninthcircuit.org) in Word format no later than 24 hours before the trial. The parties shall designate which instructions are agreed and which instructions, if any, are in dispute.
- b. Jury instructions must include a cover page with the case style and be formatted with 1” margins at the top and bottom, and not less than 1.25” margins at the left and right, in 12-Point New Roman font, single-spaced. The parties’ names must be filled in where appropriate. “Notes for Use” must be deleted. Any blanks or bracketed terms contained in the standard jury instructions must be filled in or deleted if inapplicable. Failure to comply with the foregoing results in substantial trial delays.

**8. Jury Deliberations**

- a. Counsel are advised that jury deliberations past 8:00 p.m. require the consent of the Chief Judge and such consent is often denied out of consideration for the time of both the jurors and courtroom staff. Counsel are advised to tailor the presentation of their cases to avoid sending jurors into deliberations at the end of the day, particularly on Fridays.