

State of Florida
Ninth Judicial Circuit of Florida

John E. Jordan
Circuit Judge

Orange County Courthouse
425 North Orange Ave., Ste. 1430
Orlando, Florida 32801
407-836-0443
WWW.NINTHCIRCUIT.ORG

Cathy Stephens
Judicial Assistant

DIVISION 40 PROCEDURES – CIRCUIT CIVIL

**Division 40 location: Orange County Courthouse
425 North Orange Ave., Orlando, Florida 32801**

CHAMBERS: 1430 (14th floor)

HEARING ROOM: 1400.02 (14th floor)

COURT ROOM: 18C (18th floor)

40Orange@ninthcircuit.org

DIVISION 40 PROCEDURES

The Court expects all parties appearing in Division 40 to be familiar with and to comply with Division 40 Procedures. Parties may find these Procedures and other documents on the website of Judge John E. Jordan: ninthcircuit.org/judges/circuit/john-e-jordan.

Ex parte / Short Matters/Non-Evidentiary Hearings

- (1) In Person (in person are given priority) or
- (2) Remote Division 40 Cisco Link:

ninthcircuit.webex.com/meet/40orange

Meeting Number: 2332 894 5902

**Webex telephonic appearance: 1-904-900-2303
access code: 2332 894 5902##**

**All hearings more than 1 hour/Evidentiary Hearings/
Pre-Trial Conferences/ Trials are In Person Appearance Only**

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1. MOTION PRACTICE:

a. MANDATORY MEET AND CONFER:

Parties must comply with the “meet and confer” requirement of Florida Rule of Civil Procedure 1.202(d) and Administrative Order No. 2012-03-01. Non-compliant motion or notice of hearing may be summarily stricken or denied by the Court, requiring resubmission of the motion, notice of hearing, or both.

b. UNCOOPERATIVE OPPOSING SIDE:

If a Party/Attorney is not cooperating in the “meet and confer” requirement or coordinating in scheduling hearings after (3) three attempts (on separate business days), the moving Party may unilaterally schedule a hearing a minimum of 14 business days for non-evidentiary and 35 days for evidentiary hearings from the date of the Notice of Hearing. Counsel must obtain email confirmation from JA prior to filing any Notice of Hearing.

2. ORDERS:

a. CONTENT OF ORDERS

1. Orders shall be in 14 pt. type Times New Roman, in Word; Proposed Order must be in the current version of Microsoft Word (**No PDF**) format when emailed to 40Orange@ninthcircuit.org. The title of the Order shall have a full description of the motion and relief granted. The body of the Order shall state the date motion was filed and include page numbers.
2. The Order shall not include the word “Proposed”. Order must be specific as to the relief sought (i.e. “Grant” or “Denied” is not sufficient).
3. “Done and Ordered” nor the Judge’s signature line shall **start a new page**. All or a portion of the Order must appear above the Judge’s signature.
4. Court does not send conformed copies. **Certificate of Service must include service methods.** (See Below)

CERTIFICATE OF SERVICE

The foregoing was filed with the Clerk of Court by using the Florida Courts E-filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorneys/interested parties identified on the E-Portal Electronic Service List via transmission of Notices of Electronic Filing generated by the E-Portal System.

Moving Counsel shall serve by U.S. Mail and email if any, to all parties not on the E-Portal within 3 days with proof to the Clerk of the Court.

Cathy Stephens, Judicial Assistant

b. AGREED ORDERS

If the parties have filed a Motion and an agreement has been reached on a proposed Order, the Moving Party, shall email to 40Orange@ninthcircuit.org:

1. A copy of the filed cover letter that reflects the agreement of the parties.
2. A Proposed Agreed Order for the Court's consideration (in Word format). **See Content of Orders above.**

c. ORDERS WITHOUT AGREEMENT AFTER HEARING

If the Court directed that a Party prepare a proposed order following a hearing, and the content of the proposed order is not agreed upon, a short matter hearing is required. The Court will not accept “dueling orders” unless specifically requested by the Court.

To check the status of a specific proposed order to see if a ruling has been made by the Judge, Parties shall first review the Clerk's system to see if an Order has been docketed. If the order in question has not been filed with the Clerk, then an email to the JA at 40Orange@ninthcircuit.org may be sent (including all parties on the email), allowing a minimum of **five (5) business days** for agreed orders and **14 days** for all other orders. The following information shall be included in the email: 1) When and how the Order was presented to the Court (email; date and time) and 2) the date the hearing was held (if applicable).

3. NOTICE OF HEARINGS:

Division 40 is located in Hearing Room 1400.02 at the Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 32801. Division 40 encourages in person attendance at all hearings. Remote Webex appearance is permitted except as noted above.

Court Reporters must announce their presence prior to the beginning of any hearing. Attorneys are responsible to notify Court Reporters of this requirements.

Court does not print hearing documents. Hearing documents, including case law, for the Court shall be presented by hard copies (maximum of 50 pages) or USB (preferred) and to be delivered at least five (5) business days prior to hearing. Hearing documents over 50 pages shall be on a USB. Marked and tagged evidence should be hard copy and brought to the hearing. **Courtesy Court copies via USB Drive must be indexed and/or bookmarked/hyperlinked. Do not assign a password to USB,** unless materials confidential.

Notice of Hearings **must include:**

- 1) Date and Time of Hearing.
- 2) Motion(s) to be heard **and** the date each Motion(s) were filed.
- 3) The physical address: Hearing Room 1400.02, Orange County Courthouse, 425 N. Orange Ave., Orlando, FL 32801 **and** the Webex address (if applicable):
 - a. Webex address:
ninthcircuit.webex.com/meet/40orange and Telephonic: 1-904-900-2303 with Access code 2332 894 5902##.
- 4) Date Parties Complied with the Meet and Confer Requirements and if not the reason.
- 5) Complete Certificate of Service: pro se names/physical/email addresses sent
- 6) Pursuant to Admin. Order 07-97-32-05, must include the Americans with Disabilities Act of 1990 language (14 point – bold - Times New Roman) (See below):

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.

a. EX PARTE and SHORT MATTER HEARINGS

Unless otherwise ordered by the Court, motions must state good cause therefore and cite any applicable rule, statute or other authority justifying the relief sought. If the motion is contested and can be heard in 10 minutes or less without the taking of evidence, then the moving party may set the motion for hearing at the court's short matter hearing time. The following are examples of matters which may be brought during short matters:

- a. discovery motions (fully complied with mandatory Meet and Confer);
- b. extensions of time for the performance of an act required or allowed to be done, provided that the request is made before the expiration of the period originally prescribed or extended by previous orders;
- c. to continue a pretrial conference, hearing or the trial of an action;
- d. to add or substitute parties; Motions to Withdraw (without consent);
- e. to amend the pleadings;
- f. to file supplemental pleadings;
- g. to appoint a next friend or guardian ad litem;
- h. to stay proceedings to enforce judgment;
- i. for *pro hac vice* admission of counsel who are not members of The Florida Bar;

Ex parte / short matters are heard Monday through Thursday at 8:30 a.m. in Hearing Room 1400.02 (unless otherwise specified), short matter non-evidentiary hearings are 10 minutes or less. Motions will be heard on a first come, first served basis with in person hearings heard first and deemed closed at 9:30 am (9:00 am on trial days). Counsel is limited to one (1) motion at a time. These hearings are not coordinated with the JA but must be coordinated with opposing counsel on a date that Judge Jordan is available. **Please check Judge Jordan’s unavailability for ex parte / short matters hearings** as the Court does not arrange for alternate Judges to cover during his absence. (calendar.ninthcircuit.org/Calendar/Orange/1519).

The Court requires courtesy copies of the Notice of Hearing and the Motion to be heard for all short matter hearings **at least three (3) business days** before the hearing occurs. **Notice of Hearing must include 1) physical address (with hearing room – 1400.02), 2) the full remote Webex information and 3) the required ADA information.** Failure to provide a correct courtesy copy (3) three business days prior to the short matter hearing may result in Court Order to reschedule the hearing or a delayed ruling.

Attorneys/Parties may appear at ex parte/short matter hearing remote without motion and order. Please note that Webex is a virtual “room” with other participants. Please mute (do not put on hold) all computers/telephones until the judge calls for the case. If there are any issues, contact the Judicial Assistant, Cathy Stephens at 407-836-0443.

b. EVIDENTIARY HEARINGS

No less than thirty (30) days before a scheduled evidentiary hearing, parties **must disclose** to all other parties, all documents/photos/videos/evidence and the name, address and phone number/email address of each potential hearing witness and the expected subjects they will testify on, with copies provided. Parties must disclose if an interpreter will be used, including language to be interpreted. Moving party shall bear any costs or expense for the interpreter. Parties must cooperate in the deposition of any witness prior to the evidentiary hearing for any witness not previously disclosed/deposed during discovery. **Evidentiary Hearings are in person for attorneys and court reporters.** Witness(es) may appear by Webex if agreed in writing by all parties or by Court Order.

****Reminder – Notice of Hearing must reflect that it is an Evidentiary Hearing.**

c. ALL OTHER HEARINGS

Notice of Hearings **must** specify:

- 1) Length of hearing;
- 2) Date and time of hearing;
- 3) Title of Motion scheduled;
- 4) Date the Motion was filed with the Clerk;
- 5) Hearing room (including courthouse address);
- 6) if applicable - instructions for parties to appear via **Webex (include Webex information)** or a combination (hybrid of both in person and Webex);
- (7) Certificate of Service to include completed address information for all pro se parties not on the E-Portal;
- (8) Required ADA verbiage.

Please note: Once filed, Summary Judgment Motions shall be scheduled for oral argument unless all parties waive oral argument. Motion for Oral Argument is not required. Notice of Hearings on Summary Judgment motions **must** schedule the hearing no earlier than 50 days from filing Summary Judgment Motion, to allow responding party to comply with *Florida Rules of Civil Procedure* 1.510.

When requesting hearing time, please refer to the “Available Hearing” link of Judge Jordan’s Court website (<https://calendar.ninthcircuit.org/Calendar/Orange/1519>). All Motions **must** be filed with the Clerk prior to scheduling for hearing. Once hearing time is coordinated, **email** the JA at 40Orange@ninthcircuit.org to secure the time and receive confirmation. **All parties must be included when emailing the Judicial Assistant to avoid ex parte communications.** Information required on the email request to the JA:

- (1) Case Number with Style of the Case in subject line;
- (2) Name of Attorneys and specify who they represent;
- (2) Date / time coordinated and length of time of hearing requested;
- (3) Motion(s) the Court will hear and the date the Motion(s) was filed;
- (4) Date of compliance with Meet & Confer;
- (5) Specify if matter is evidentiary.

The JA does not set hearing time over the phone. Your hearing time is not confirmed until you receive an email from the JA. File your Notice of Hearing

immediately after you receive email confirmation from the JA. Please notify the JA immediately of any cancellations. Last-minute cancellations prevent use of the hearing time by other parties. Parties may not cross-notice (piggyback) other motions without prior approval of opposing counsel and the JA.

d. COMMUNICATION TECHNOLOGY – REMOTE APPEARANCE

Remote Appearance Notifications:

Five minutes before the hearing, all remote participants should connect to Webex. At the time of the hearing, the judge will connect to the Webex hearing. *Please Note: You will be entering a virtual “room” with other participants. There will be others on the line. Please mute your computer/telephone until your case is called.*

Attorneys should be prepared to electronically share, via Webex, document(s) in evidence with witness(es) appearing remotely. It is the responsibility of counsel to confirm witnesses have Webex capable equipment and valid identification. Any exhibits or evidence to be used in video conference hearing must be provided to opposing counsel and Court three (3) business days prior to the hearing.

4. EVIDENCE:

Evidence received in previous hearings must be ordered by Counsel from the Clerk of the Court prior to the hearing. A seven (7) day notice is recommended. Trial documents that parties intend to admit into evidence shall be pre-marked and/or Bates stamped. The Court should be provided an indexed and hyperlinked USB Drive. Only official Clerk evidence cards are accepted.

5. MOTIONS FOR RECONSIDERATION/REHEARING:

A copy of the filed motion must be provided to the Court via email (40Orange@ninthcircuit.org), at which time the Motion will be reviewed. The Court may rule in chambers on the Motion. If the Court deems a hearing is needed, the JA will then contact counsel by telephone or email to direct them to schedule the hearing.

6. EMERGENCY MOTIONS:

A copy of the filed Motion must be provided to the Court via email (40Orange@ninthcircuit.org), at which time the Motion will be reviewed. If the Motion includes a Request for Emergency Hearing the Court will review the Motion. If the Court grants the request for hearing, the JA will then contact counsel to schedule the emergency hearing or if the Court determines that the matter is not an emergency, to instruct the parties to schedule a hearing on the first available time on the regular calendar. The Court may rule in chambers on the Motion.

7. DISCOVERY MOTIONS:

The mere filing of an Objection, Motion to Compel or Motion for Protective Order is insufficient. A Motion must be filed and set for hearing to bring the matter to the Court's attention.

If no timely response or objection has been filed to initial discovery requests (e.g. Fact Information Sheet, Interrogatories, etc.) the moving party may submit a proposed order with the motion. The Proposed Order must include the lack of response/position verbiage. Unless there is a written objection by the opposing party, no hearing will be necessary, and the Court will rule in chambers.

8. JOINT FINAL PRE-TRIAL STATEMENT:

Court expects parties to meet, prepare and file a **Joint Final Pre-Trial Statement**. **Dueling Pre-Trial Statements will not be accepted.** If one or more party(ies) fail to meet/participate/sign for purpose of preparing a Joint Final Pre-Trial Statement, the complying parties shall file a unilateral Pre-Trial Statement. Non-Complying parties are subject to sanctions, including attorney's fees, costs, expenses, and striking pleadings/witnesses/exhibits.

9. PRE-TRIAL AND TRIAL:

Trials are heard within a two-week trial period. The Court's Pre-Trial Conference Checklist and Order Controlling Trial can be found on Court Website at <https://ninthcircuit.org/judges/circuit/john-e-jordan>. **Parties shall complete Pre-Trial Conference Checklist and email to the Judicial Assistant (40Orange@ninthcircuit.org) in addition to a courtesy copy of the Joint Pre-**

Trial Statement (see above) **no later than seven (7) business days prior to the Pre-Trial Conference.** Do not file the Pre-Trial Checklist and Order Controlling Trial with the Clerk. Parties shall bring a copy with them to Pre-Trial Conference. Lead attorneys **must appear in person at the Pre-Trial Conference and Trial** unless excused by Court Order. Motions are not heard during Pre-Trial Conference. All motions must be properly filed and brought before the Court no later than seven (7) days prior to the Pre-Trial Conference.

Parties shall consult with each other to get the best estimate of length of trial. For example, jury trial expect day one to pick jury (possible opening statements) and last day for charging jury, closing arguments and deliberations. To account for breaks and lunch, time before jury is at best six (6) hours per day. Parties will indicate on Checklist and Court will discuss with Counsel at Pre-Trial Conference. Court will divide trial time between parties. Failure to reasonably comply with designated time may result in a mistrial, limitations of time during trial and subject counsel and party to sanctions, including attorney's fees, costs and expenses.

Prior to Pre-Trial Conference, trial exhibits are to be exchanged and initialed/electronic Bate stamped with all objections noted separately. **Trial exhibit objections** that have not been heard by the Court prior to Pre-Trial Conference may be scheduled at the Court's convenience. All exhibit objections must be heard before the first day of the trial docket.

Motions that arise during trial, must be brought before the Court between 8:30 am – 9:00 am during ex parte / short matters. Counsel responsible to advise Court Reporters they are needed at 8:30 am. Do not wait until 9:00 am to address Motions/Trial issues. Goal is to get the Jury walking into courtroom at 9:00 am.

9. MOTION FOR CONTINUANCE:

The Court does not automatically grant unopposed motions or stipulations for continuance. The parties should submit courtesy copy to the Judicial Assistant via email (40Orange@ninthcircuit.org) of the filed Motion with a proposed Agreed Order for the Courts' consideration. **See Content of Orders above.**

10. MOTIONS TO WITHDRAW AS COUNSEL:

Unopposed Motions to Withdraw as Counsel **with signed client consent** should be filed with the Clerk. A copy of the filed Unopposed Motion (with signed client consent) and a proposed order may be emailed to the Court.

The proposed order should include the name, address, phone number and email of the client to whom the pleadings will be sent in the body of the order as well as in the certificate of service. If the client is a corporation or other legal entity, the proposed order must include the requirement to obtain substitute counsel within 30 days. Certificate of Service must include service methods for those parties not participating in the E-Portal. **Counsel shall submit to the Clerk a Notice of Filing which reflects copy of the signed order served to any parties not participating in the E-portal.**

Should the Motion to Withdraw as Counsel be opposed **or if signed client consent cannot be obtained**, the moving party shall coordinate a short matter hearing with notice to all parties and **must** include the client.

11. VOICE MAIL:

If you reach the voice mail during the workday, the JA has been called away from her desk to assist the Judge or a litigant, make copies, attend a pre-trial conference, or any one of her many other duties. Please leave a brief message with your name, phone number and case number. Your call will be returned. **The JA responds to emails before voice mails.** If you receive a busy signal, the JA is on the line helping someone else, so please call again or email at 40Orange@ninthcircuit.org.

FREQUENTLY ASKED QUESTIONS

Will the Court consider Oral Motions over the phone to the JA?

Answer: No, all Motions must be in writing and comply with Division 40 procedures.

What is the trial line-up for a future trial docket?

Answer: Trial Order is set after the Pre-Trial Conferences. After Pre-Trial Conference Parties may review the Court docket for the day of trial to see the number lineup for each case.

Can Hearing Time be “reserved” while coordinating with the parties?

Answer: No, the Court does not “reserve” hearing time. Motion must be filed before coordinating a hearing time. Hearing Time is first come, first served.

When can we set our Summary Judgment Hearings?

Answer: Once the Summary Judgment Motion(s) is/are filed.

Does the Court consider competing orders?

Answer: Yes, after a hearing where the Court directs the parties to email competing orders.

My case was previously continued. Do we have to submit a new Pre-Trial Conference Checklist?

Answer: **Yes.** You can rely on a previously filed Pre-Trial Statement, but you must email a **new** Pre-Trial Conference Checklist signed by all trial counsel.

Can the Parties get future PTC and Trial dates?

Answer: The JA will provide future PTC and Trial dates upon emailed request.

Can the JA remove a PTC or Trial where the parties are talking about settlement agreement?

Answer: If the Parties can provide the Court with a signed stipulation that the Case has settled (as to all parties/counts/claims), the JA can remove the PTC and Trial and set a Status Hearing to allow time to get the closing documents filed.

Can I appear remotely for a hearing?

Fla. R. Gen. Prac. & Jud. Admin. Rule 2.530 addresses remote appearances. Division 40 Procedures provide two exceptions whereby a Motion/Order is not required. (1) Ex parte / short matters and non-evidentiary hearings one hour or less. (2) By Court as stated in Notice of Hearing (e.g. Status Hearing). Lead Counsel and pro se parties must appear in person for Pre-Trial Conference, evidentiary hearings and all other hearings scheduled in excess of 1 hour.