



State of Florida

Ninth Judicial Circuit of Florida

David P. Johnson
County Judge

WINTER PARK COURTHOUSE
4037 Metric Drive
Winter Park, FL 32792
(407) 836-0692(office)

Leslie Salas-Fandino
Judicial Assistant

**Guidelines and Procedures
For
County Civil Division 71
Judge David P. Johnson
Orange County Judge**

In order to assist self-represented litigants (referred to as **pro se litigants**) and attorneys, the following guidelines and procedures are adopted for County Civil Division 71 in Orange County, Florida when practicing before Judge David P. Johnson. **Please note** these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below.

Small Claims Action

If you file a Small Claims action (damages sought are \$8,000 or less) it will be set for a Pre-Trial Conference/Mediation (Clerk sets the date and time on Summons). Assuming service of process timely perfected, parties will conduct a telephonic or Zoom Pre-Trial Conference. The link for the Pre-Trial will appear on the notice.

Parties are encouraged to resolve cases prior to the pre-trial date but they still must appear at the Pre-Trial Conference to meet with the Judge and make sure the agreement has been approved by the Court. **Make sure to check in.** Attorney can appear at Mediation without client in a Small Claims action if they have full settlement authority. **Pre-Trial Conference may only be continued by Court Order.**

If a party fails to appear at Pre-Trial Conference/Mediation, opposing side can request a Clerk's Default or Court Dismissal of Action. Attorneys wanting a Clerk's Default must submit the Order to the Clerk's office. Clerk will not provide a Default Order to an

attorney. If default is entered, submit a Default Final Judgment packet to the Judge, via the Clerk so that all pleadings/affidavits are properly filed. Attorneys may submit these documents in word format to the division email: 71orange@ninthcircuit.org

Note: Administrative Order effective October 7, 2021 (2009-12-03) regarding First Party Insurance Claims. While these cases maybe filed as Small Claims cases, the Rules of Civil Procedure are invoked upon filing of action.

County Court Action

If you file a County Court claim (\$8,001 to \$50,000) no mediation date will be set. Defendant typically has 5 to 20 days to reply after service (see Summons for response date). If Defendant fails to respond, the Plaintiff can move for a Clerk's Default. If Defendant is self-represented (or "pro-se") and files a response to complaint, the Court is likely to refer it to Mediation's office at the Courthouse (\$60 mediation fee each party; Mediation office asks that you kindly pay in advance!). Landlord Tenant actions are treated differently pursuant to Florida law.

All Parties must be familiar with Ninth Judicial Circuit Administrative Order 2021-04-01, Order Governing Civil Case Management and Resolution.

Hearings

Self-Represented (Pro-Se) Litigants – Written requests for relief or judicial action, known as a Motion, must be mailed to or filed with Clerk of Court. Do not fax to Clerk. The Clerk will deliver the Motion to the Judge to review. If a hearing is necessary, the Judicial Assistant will attempt to contact all parties to schedule a hearing. If parties are unable to be reached or fail to return a message, the Judicial Assistant will set the hearing. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, email address (if any), printed name and signature. Mail copies of the Motion to all other litigants or their counsel if represented.

You should sign up for the e-portal to file your documents and receive them on your email, saving time and money by clicking this link:

<https://www.myflcourtagency.com/common/ui/pages/register.aspx?rr=5>

Ex Parte - THERE ARE NO EX-PARTE HEARINGS IN DIVISION 71 AT THIS TIME.

Ex-Parte Orders for Judge Johnson may be dropped off at the Winter Park Courthouse with the clerk's office for the Court's review.

Short Matters- Wednesdays 9:00-10:00 a.m. (THERE MAY BE BLOCKED DATES) (ATTORNEYS ONLY ON BOTH SIDES)- These are not scheduled with the Court but **MUST** be coordinated with opposing counsel. Email notice of hearing to: 71orange@ninthcircuit.org and write SHORT MATTERS HEARING on the subject line. The hearings are limited to 10 minutes with no evidence or testimony being taken. Parties may appear virtually by logging into <https://ninthcircuit.webex.com/meet/71orange>

How to Schedule a Hearing/Cancel a Hearing

Counsel of record must comply with the 9th Circuit “Meet and Confer” Rule outlined in the Ninth Judicial Circuit Administrative Order No. 2012-03-01

For Contested Hearings:

**ALL NON-EVIDENTIARY HEARINGS 30 MINUTES OR LESS ARE VIRTUAL
UNLESS REQUESTED TO BE IN-PERSON**

**ALL EVIDENTIARY HEARINGS INCLUDING NON-JURY TRIALS ARE IN
PERSON UNLESS OTHERWISE ORDERED**

Using aiCalendar, select an available hearing date and time. Go to:
[Orange County Civil Division 71 - 9th Judicial Circuit Court Calendar](#)
Coordinate the date and time with opposing counsel.

To set unilaterally, you MUST comply with the requirements of the Ninth Judicial Circuit Administrative Order No. 2012-03-01 and include a completed Certificate of compliance with your hearing request.

REQUIREMENTS TO SCHEDULE HEARINGS/ADD-ON MOTION(S):

ALL HEARING REQUESTS MUST BE EMAILED

Carefully consider the amount of time required for your hearing including a reasonable amount of time for the opposing party to respond.

MOTIONS MUST BE eFILED/ATTORNEYS MUST COMPLY WITH THE MEET AND CONFER ADMIN ORDER/OPPOSING COUNSEL MUST BE COPIED ON ALL EMAILS/HEARING MUST BE COORDINATED with opposing counsel. EMAIL HEARING REQUEST TO Judicial Assistant at: 71orange@ninthcircuit.org and you MUST include on the body of your email the following:

CASE STYLE:

CASE NUMBER:

DATE AND TIME SELECTED:

HOW MUCH TIME NEEDED:

TITLE OF THE MOTION(S):

NAME OF ATTORNEYS FOR BOTH PARTIES OR IF THE PARTY IS PRO-SE:

MEET & CONFER DATE:

DATE COORDINATED WITH OC:

IS THE HEARING VIRTUAL OR IN PERSON:

Hearings are not set until confirmation is received from the JA. Leaving a voice message with your selection of hearing date will not be honored.

*For Hearings requiring more than one (1) hour on the same case number combine 30-minute slots Mon-Thurs or any Friday morning.

Cancellation of Hearings:

It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are cancelled. The Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Emailed Notice of Cancellation to:

71orange@ninthcircuit.org. **Hearings/Trials cannot be cancelled unilaterally.** You must email or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with Clerk's Office and email to Judicial Assistant a notice of cancellation. If you settle a case, file dismissal with Clerk's Office, email copy and advise the Judicial Assistant to take the case off hearing/trial docket.

Emergency Hearings:

In an emergency situation arises, counsel/pro se litigant may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The motion must be delivered to the Court before a hearing will be set. The Court will review the motion and, if determined an emergency exists, the hearing will be set on the Friday morning of the current week. The parties may attend the hearing virtually unless otherwise ordered by the Court.

Virtual Appearances: Judge Johnson's Division 71 Web-Ex Link is:

<https://ninthcircuit.webex.com/meet/71orange>

You appear virtually at your own risk and all evidentiary requirements still apply.

Court Reporter - If you want a record of hearing/trial you must make arrangements for a Court Reporter. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present in the hearing room/courtroom.

Interpreters - Unlike criminal cases, **County Civil does not provide language interpreters for litigants. You must make your own arrangements. Caveat** –Under the ADA, Court Administration will provide sign language interpreter in civil matters. Contact Court Administration no later than 2 working days in advance to arrange accommodation for hearing or voice impairment. See Administrative Order 2008-01-02.

Cooperation of Counsel – If counsel/pro se litigant does not cooperate in scheduling a hearing, the requesting party may unilaterally set a hearing giving at least 14 days written notice (plus 5 days if mailed) to the opposing counsel/litigant who failed to cooperate. If this is the issue, email the Judicial Assistant with the request to unilaterally set. Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time.

Faxes – **Division 71 does not accept any submissions via fax.**

Caselaw/Exhibits - Case law/exhibits/motions/orders to the Judge. Emails, especially day of hearing/trial, are strongly discouraged. **IN A USB/FLASH DRIVE** Mail or hand deliver to the Winter Park Courthouse, 4037 Metric Drive, Winter Park, Florida 32792 in advance of hearing/trial (3 days prior) all of the materials you intend to rely on at the Hearing/Trial. **(see additional delivery options on last page of these procedures)** Keep in mind all Fed

Ex/UPS deliveries addressed to the Judge are received by the Courthouse Mail Room and are delayed in delivery to the Judge. If you use FedEx/UPS for next day morning delivery it may be two days before the Judge receives it. **NO BINDERS PLEASE.**

Filing of Pleadings – E-File using Florida e-Filing Portal. The Court does not automatically receive copies of motions e-filed. Any motions you would like the Court to review must be first e-Filed and then e-mailed to the JA. If you go to the Clerk’s Office, Room 310, to file a document/pleading in a case set for hearing within 48 hours, please tell the Clerk at the counter. He or she will make sure it makes it into the Court file/Odyssey.

Proposed Orders – Division 71 all Proposed Orders are to be delivered via e-Mail. If you are appearing in person for a hearing, bring proposed Orders to **ALL** hearings, with proper number of copies, and self-addressed stamped envelopes. If the parties are appearing virtually and there is an attorney on both sides, the parties agree to the form of the Order, the Order can be emailed to 71orange@ninthcircuit.org in WORD format to be signed and e-filed. Agreed Orders must indicate the word “Agreed” within the order itself. Please attach a courtesy copy of the motion and any required supporting documentation or affidavits. **PLEASE DO NOT MAIL PAPER ORDERS TO CHAMBERS.**

The Court serves parties/counsel of record via e-Filing Portal. Plaintiff is responsible for serving any party not participating in electronic filing. Please make sure emailed Orders contain the following certificate of service wording:

COURT SERVES PARTIES/COUNSEL OF RECORD VIA E-PORTAL. PLAINTIFF 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.

/s/ Leslie Fandino, Judicial Assistant

Discovery Disputes

Discovery Motion – The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. Motion must be set for hearing to bring the matter to the Court’s attention.

Attorney Fees - **If you are seeking attorney fees you must, 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, **confer with counsel** for the opposing party in a **good-faith effort** to resolve by agreement the issues raised, and **shall file** with the court at the time of filing of the motion a statement certifying that he/she has conferred with opposing counsel and that counsel have been unable to resolve the dispute.

As provided in Section (a) (4) of Rule 1.380, if the motion is granted, the court shall award expenses which may include attorney's fees. Review the 2007 Handbook on Discovery Practice, which is available on the Ninth Judicial Circuit website, www.ninthcircuit.org.

County Court Trial

County Court actions will be set for trial when they are at issue.

Non-Jury Trial - All hearings and trials will be held at the Winter Park Courthouse, located at 4037 Metric Dr., Winter Park, Florida 32792 in Courtroom B, unless otherwise noted. In Division 71, for a **non-jury trial**, file a Notice for Trial (i.e. that the case is at issue) with the estimated time needed by all sides and Court will schedule the Trial OR a Status Conference Hearing. The Court will ultimately decide the trial date and how much time will be allocated for trial. If you need more than an hour, set out reasons in writing to Judge. If presenting last minute evidence, bring three (copies) of each evidence presented to the trial.

Jury Trial - For a **jury trial** in Division 71, file a Notice for Trial and email it to the Judicial Assistant, the Court will then set it for a Status Conference date. At the Status Conference, the Court will determine if case is at issue and if so, set it on a Jury Trial Docket. Order of cases will be determined at Pre-Trial Conference, usually 10 days before start of trial period. After status conference court will issue a **Uniform Order Setting Case for Jury Trial and Pre-Trial Conference**. If presenting last minute evidence during trial, bring three (copies) of each evidence presented to the trial.

All Pre-Trial matters including Mediation, all hearings, and discovery must be completed before the Pre-Trial Conference.

Have A Question About Your Case?

Please understand that the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and pro se litigants, the Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file or by simply filing an appropriate Motion.

When the Court signs an Order it is e-filed using the Florida e-Filing Portal and delivered to the Clerk. Parties registered on the e-Filing Portal will automatically receive a copy of the Order. If you want to know if an Order has been entered check the Clerk's website for the most updated information. Court does not maintain copies of signed Orders.

Myorangeclerk.com - As of March 2009 County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for "**myclerk**". Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember "o" as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the Clerk. You cannot open up a particular document (unless you go to Room 350 and use a computer in the Viewing Room); you essentially are looking at a docket index. It is the same one that the Judicial Assistant is looking at if you were to call with a question. Please use "myclerk" instead of calling the Judicial Assistant.

Electronic Filing - County Civil is part of the Electronic filing system used in Circuit Civil. You can electronically file County Civil pleadings. **Note:** If you know a name/address is erroneously listed in Odyssey, contact Clerk's Office to modify. If address has changed, file Notice of Change of Address with Clerk's Office. Clerk has complete authority over what goes into Odyssey. **Court Files** - Technically County Civil is "file less". In other words, the Judges do not need files as they can access Odyssey. If you file something today Clerk's policy to have it displayed in Odyssey in 72 business hours. The reality is that it may be much longer.

E-MAIL Address Required: Effective October 1, 2022, ALL litigants are required to provide the Clerk of Courts a valid email address for service of Orders and Pleadings. If a party does not have a valid email address they must fill out an Affidavit attesting to the fact they don't have an email. These forms are available in Room 350, in the Civil Clerks Office.

Review File - If you want to review a file in person or see the pleadings listed in Odyssey go to **Viewing Room** located at the Orange County Courthouse, 425 North Orange Avenue, Orlando, Florida 32801, in Room 150. Using available computers, type in password "public" and navigate to file. No charge to view; \$1 per page to print out.

Confirm Upcoming Hearing - Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Click the "Attorney" link on right side and click the "Dockets" link toward the bottom of the Information column. Select the division and it will display scheduled hearings/trials for approximately the next two weeks.

Contact Information

Judge David P. Johnson

Winter Park Courthouse
Courtroom B

Leslie Salas-Fandino

Judicial Assistant

Phone Number: 407-836-0692

4037 Metric Drive., Winter Park, FL 32792

ALL COUNTY CIVIL Division 71 emails:

71orange@ninthcircuit.org

HEARING MATERIAL DELIVERY

Winter Park Courthouse

4037 Metric Drive, Winter Park, FL 32792

Alternatively, hand deliveries can be made at any clerk's office counter to be inter-office delivered to Judge Johnson.

Clerk of the Court Phone Number: 407-836-2000

425 N. Orange Ave. Ste. 310, PO Box 4994, Orlando, FL 32801

Website: www.myorangeclerk.com

File Viewing Room: Room 150

