

**IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT,
IN AND FOR ST. JOHNS COUNTY, FLORIDA**

AMENDED STANDING ORDER FOR CIVIL CASES IN DIVISION 59¹

(Amended November 3, 2021)

The following procedures apply to all civil cases pending in Division 59. These procedures are designed to assist the parties in having their cases handled as efficiently as possible. If you have questions regarding the requirements set forth herein, please contact the judicial assistant for the division at mlapinski@circuit7.org or (904) 827-5654.

1. Orders on Unopposed Matters: Orders on consented to matters which do not need a hearing may be forwarded to the Judge. The motion and order must specify that the relief sought has been agreed to by all parties. The order must be submitted electronically utilizing the procedures set forth below.

2. Orders on Ex Parte Motions: The Court will consider the following *ex parte* motions:

A. Motions to Cancel Foreclosure Sales: The Court will consider motions to cancel or reschedule foreclosure sales on an *ex parte* basis, **only** if the following requirements are met: (a) the written motion is received by the Court no less than five (5) business days before the scheduled sale date and served on all parties; (b) the motion must contain specific facts setting forth the reasons for the postponement; (c) the motion must have supporting documentation attached (e.g. short sale contract, loan modification information, etc.); (d) the motion must specify all efforts to contact all other parties and any agreement or objection to the relief sought. Motions will not be granted as a matter of right and will only be granted on a limited basis upon the Court's determination of good cause.

B. Motions to Withdraw by Counsel: Counsel may seek withdrawal from representation upon filing of an appropriate motion. Notice must be provided to all parties and their client. The motion must set forth the reasons for withdrawal and the client's last known address. ***If the client does not consent to the withdrawal in writing, a hearing will need to be scheduled.***

C. Motions to Substitute Counsel: Motions to substitute counsel must comply with Fla. R. Gen. Prac. & Jud. Adm. 2.505 and contain the client's written consent.

3. Motions to Compel Discovery:

A. All motions to compel discovery must contain the certification required in Fla. R. Civ. P. 1.380(a)(2). Motions lacking the requisite certification will be denied.

B. Unless there has been a complete failure to respond or object to written discovery requests, motions to compel discovery need to include quotation, in full, of each interrogatory,

¹ Section 4M is amended to reflect the commencement of in-person civil hearings. Section 7 is added to address recent amendments to Fla. R. Civ. P. 1.510.

deposition question, request for admission, or request for production to which the motion is addressed; followed by quotation, in full, of the answer or response which is asserted to be insufficient, or the objection and grounds stated by the opposing party.

C. Discovery disputes called up for a hearing the Court determines to not be meritorious, failure to respond to discovery, or objections to discovery that have no legitimate basis will result in sanctions.

4. Hearings:

A. All hearings need to be scheduled through the Benchmark internet scheduling system. Instructions for using Benchmark can be found on the Judge's webpage at www.circuit7.org. **Hearings may not be scheduled on the Court's calendar less than 10 days before the scheduled hearing date without the Court's consent.**

B. No hearing shall be scheduled on motions that have not yet been filed. Hearings scheduled on unfiled motions will be stricken. A Notice of Hearing must be filed ***immediately*** upon securing the hearing time. If a hearing is being cancelled, the party who scheduled the hearing must ***immediately*** notify the Court.

C. Uncontested matters may be scheduled on the Court's Uniform Motion Calendar. For dates and instructions please visit the Judge's webpage. Contested matters, or matters that require the taking of testimony, shall not be set on the Uniform Motion Calendar.

D. ***No hearing may be scheduled for longer than one hour on Benchmark.*** Any hearing requiring more than one hour needs to be scheduled through the judicial assistant. If a hearing is scheduled for more than one hour without prior authorization from the Court, the hearing will be stricken.

E. Counsel must assure that enough time is reserved to allow for arguments by all parties. All parties will receive equal time during hearings. Hearings scheduled with insufficient time to hear all parties' arguments will be stricken and continued until sufficient time is available.

F. Other parties in a case are not permitted to notice a hearing on a different motion at the same time as the scheduled hearing without the consent of the party that reserved the time. Hearings set in such a manner will be stricken.

G. If parties desire to submit legal memoranda on issues to be presented at a hearing they need to be filed, and a chambers copy received by the Judge, no later than ten (10) business days before the hearing.

H. Chambers copies of motions (including attachments), memoranda, and court filings addressing motions to be heard, ***exceeding fifteen (15) pages must be received by the Court in the Judge's chambers, in hardcopy,*** no later than fifteen (15) days before the scheduled hearing.

I. All motions, except dispositive motions and motions to dismiss, ***must*** contain a certification that counsel for the movant has conferred with opposing counsel in a good faith effort to resolve the issues in the motion.

J. If a hearing is cancelled, a Notice of Cancellation must be filed **and** the judicial assistant must be **immediately** notified of the cancellation so the time may be made available for litigants in other cases. Only the party that scheduled a hearing may cancel said hearing.

K. Parties arranging a court reporter for attendance at a hearing must assure the court reporter meets the requirements set forth in Seventh Judicial Circuit Administrative Order 2014-023. Court reporters not satisfying these requirements will not be permitted to report the proceedings but the hearing will proceed as scheduled.

L. Emergency hearings must be requested in writing, setting forth the reasons why the matter is considered an “emergency.” The request must be delivered to the Judge’s chambers. Matters referred to as an “emergency” that do not constitute a true emergency, will be summarily denied. Generally, emergencies exist where persons or property face the threat of imminent harm without court intervention.

M. Counsel for the parties and witnesses shall appear in-person for all evidentiary hearings unless the Court permits appearance by teleconference upon Order of the Court. Counsel for the parties shall appear in-person for all non-evidentiary hearings scheduled for one hour or longer, unless the Court permits appearance by teleconference upon Order of the Court. Counsel may appear in-person or by teleconference, without a Court Order, for any non-evidentiary hearing less than one hour in duration; however, the Court and all counsel shall be notified of counsel’s intention to appear by teleconference by filing a notice of the same **and** notifying the judicial assistant. Teleconferencing is conducted using the Zoom platform. Zoom is accessible via the Court’s Zoom meeting number 386 329 0263, no password required. The following shall be strictly adhered to during appearances made over Zoom:

- i. Hearings conducted on Zoom are official court proceedings, and proper courtroom decorum must be followed, **including appropriate attire.**
- ii. Unauthorized recording of Zoom proceedings is not permitted.
- iii. If a court reporter is present they must meet the requirements in Seventh Judicial Circuit Administrative Order 2014-023.
- iv. Participants shall not move their device around during the Zoom proceedings.
- v. Participants shall limit distractions during the hearing. Find a quiet place to participate in the hearing.
- vi. Participants should make sure that others using their Wi-Fi network minimize their usage in order to have the best possible connection.
- vii. All participants shall assure, that they are **properly identified by name.** Zoom identifiers such as “iPhone” are insufficient.
- viii. Participants who interrupt the proceedings, or create a distraction, will be disconnected.

N. Failure to comply with the hearing requirements herein may result in the striking of a hearing from the Court’s schedule.

5. Submission of Proposed Orders:

A. All proposed orders must be sent to the Court electronically by email at division59@circuit7.org. The subject line of the email must state only "Proposed Order." The proposed order must be an attachment to the email in Microsoft Word format. Proposed orders shall not be filed thru the e-portal.

B. Executed orders will be served upon counsel of record in the case at their designated email addresses; thus, it is imperative all counsel keep their email addresses up to date. Unrepresented parties who have designated an email address will receive the executed orders at their email address. Unrepresented parties who have not designated an email address will receive orders through the mail.

C. Proposed orders following a hearing at which the Judge announced a ruling and directed a party to submit a proposed order reflecting that ruling must be presented to opposing counsel prior to submission to the Court. The email to the Court with the attached proposed order must indicate whether the proposed order had been shown to opposing counsel for review and whether opposing counsel agrees to its content.

D. Proposed orders following a hearing at which the judge did not announce a ruling shall only be submitted if the Court requested the parties to do so.

6. Setting Cases for Trial: Parties seeking to set a case for trial do not need to schedule a hearing with the Court but should file a Notice of Trial that complies with Fla. R. Civ. P. 1.440(b). A copy of the Notice must be sent to the Judge's chambers. If a specific trial term is agreed to by the parties, the Notice should so specify. The Court will try to accommodate such requests, if possible. The Notice of Trial must specify whether the trial is by jury or non-jury. If a party opposes setting a case for trial after a Notice is filed, it must immediately file an objection. A copy of the objection must be sent to the Judge's chambers. Parties shall carefully read the Court's Order Setting Case for Trial to comply with the requirements and deadlines therein.

7. Motions for Summary Judgment: Motions for Summary Judgment, and responses thereto, shall strictly adhere to the time requirements in Fla. R. Civ. P. 1.510. Motions and/or responses that do not adhere to the time specifications will not be considered. Replies by movants to a non-movant's response in opposition to a motion for summary judgment are not permitted absent an Order from the Court. Replies filed without Court authorization will not be considered.

8. Motions to Continue Trials: A motion to continue must comply with the requirements in Rule 1.460, Fla. R. Civ. P. and Rule 2.545(e), Fla. R. Gen. Prac. & Jud. Admin. No continuance is granted as a matter of right and the parties should not assume that a continuance will be granted, even if all parties consent.

9. Settlements: If a case set for trial settles, counsel must notify the judicial assistant.

10. Trials: The following procedures are for trials before the Court:

A. Counsel shall stand when court is opened, recessed, or adjourned, the jury enters or retires from the courtroom, addressing or being addressed by the Court, examining witnesses, or making objections.

- B. All objections and remarks shall be directed to the Court, and not to opposing counsel. Disparaging personal remarks or acrimony toward opposing counsel will not be tolerated. Refer to all persons (including witnesses, other counsel, and parties) by their surnames, not by their first names. Exceptions may be made in the case of children.
- C. Counsel shall stand when making objections, and state the legal grounds for the objections, withholding further comment or argument unless requested by the Court. Speaking objections (other than legal basis) are not permitted. The proponent of the question should not make argument as to the objection unless the Court requests a response.
- D. Any paper or other tangible object not yet received into evidence shall be marked for identification by the clerk and shown to opposing counsel before it is tendered to a witness.
- E. All exhibits must be pre-marked by the clerk ***before trial***.
- F. One attorney for each party shall examine or cross-examine any one witness. The attorney who examines or cross-examines shall make any objections.
- G. Offers of or requests for stipulations must be made outside the presence of the jury. Suggestions of counsel relating to the comfort or convenience of jurors must be made outside the presence of the jury. Generally, motions shall be made outside the jury's presence.
- H. Do not ask the Court to declare a witness to be an expert, or "tender" a witness as an expert.
- I. Motions in limine on anticipated evidentiary issues are advised. Motions in limine must be filed no later than the deadline specified in the trial order. Counsel shall advise the Court on any pending motions in limine at the pretrial conference. The movant shall schedule a hearing on the motions in limine prior to the trial date. Motions filed after the deadline on matters known or that should have been known by counsel will be deemed waived.
- J. Counsel for the Plaintiff shall bring one ream of letter size (8x11) paper on the first day of trial and hand it to the clerk. This paper will be used to prepare jury instructions and verdict forms.
- K. Counsel for the Defendant shall bring enough standard letter size (8x11) pads, envelopes to hold the pads, and pens, for each of the jurors, including the alternate juror, to be used for juror note taking.
- L. In the event the jurors deliberate through the lunch or dinner hour, the parties will be expected to pay in equal portions for the jurors' meals.

- M.* Prior to jury selection, counsel for all parties shall generate one set of jury instructions for use at the charge conference. Instructions that are agreed to shall be so designated, instructions not agreed to should be labeled as the Plaintiff's or Defendant's requested instructions. Citations to the source of the instructions should be noted therein. Plaintiff's counsel will be responsible for creating the master set of proposed instructions. This master set of instructions should be given to the Court on paper and on electronic media (e.g. flash drive, etc.) in Microsoft Word format. Proposed verdict forms should be submitted the same way.
- N.* When possible, counsel will be advised at docket sounding which days their cases will be tried during the trial term. Otherwise, counsel shall be prepared to try their cases anytime during the scheduled trial term.

DONE AND ORDERED in St. Augustine, St. Johns County, Florida.



Kenneth J. Janesk II
Circuit Judge