

**PROCEDURES AND PREFERENCES FOR ALL COUNTY CIVIL
CASES ASSIGNED TO JUDGE CARLOS A. REY**

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PLEASE NOTE – ALL HEARINGS ARE SCHEDULED AS IN PERSON

SECTION 1 – INTRODUCTION

The Rules of Judicial Administration encourage the speedy, just and inexpensive resolution of cases, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. The following procedures and preferences, which shall apply to all civil cases assigned to Judge Carlos A. Rey, are intended to facilitate the just, prompt, and cost-effective determination of cases, and to encourage courtesy, civility and professionalism in all participants. These procedures and preferences are intended to supplement, not supplant, the Florida Rules of Civil Procedure, or the Florida Small Claims Rules (where applicable), which shall control if there is any conflict between the two.

SECTION 2 – MOTION PRACTICE

2.1 – Form and Content – All motions and responses thereto, unless made orally during a hearing or trial, shall be in writing. All motions shall state with particularity the grounds therefore and the relief sought. All motions and responses thereto, except those listed in 2.7, shall cite in the body thereof all authorities relied upon or shall be accompanied by a memorandum of law. **Copies of reported cases should not be filed in the court file or forwarded to the Court.**

2.2 – Summary Judgment Motions – Any motion for summary judgment shall contain therein, or by separate statement, a short concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried. The statement shall be supplemented by an appendix which shall contain copies of the appropriate affidavit(s), portions of depositions, specific interrogatories and answers thereto, specific admissions, or other document of record relied upon to establish the material fact. Citation to the documents contained in the appendix should be provided in the statement of undisputed facts.

The party opposing a motion for summary judgment shall, likewise, file and serve a response containing a short and concise statement of the material facts as to which it is contended there exists a genuine issue to be tried, with an appendix in the format set forth above. All material facts set forth by the moving party that are not addressed by the statement in opposition will be deemed to be admitted.

If needed, a hearing for a summary judgment motion shall be set no sooner than 45 days after filing.

2.3 – *Certificate of Good Faith Conference* – Before filing any motion, except as noted in paragraph C., the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion. The motion shall clearly recite that the moving party has conferred with opposing counsel and they have:

- a. been unable to agree on the resolution of the motion;
- b. cleared the hearing dates with opposing counsel; or
- c. made a good faith effort to coordinate the scheduled hearing time and were unable to agree on a date and time.

However, no conference is required for appropriate ex-parte motions, uncontested motions, judgment on the pleadings, summary judgment, or other dispositive motions. If a motion is uncontested or unopposed, reference to that fact should be made in the title of the motion (i.e., “Plaintiff’s Unopposed Motion for Extension of Time”).

A party alleging that a pleading fails to state a cause of action will confer with counsel for the opposing party before moving to dismiss, and, upon request of the other party will stipulate to an order permitting the filing of a curative amended pleading in lieu of filing a motion to dismiss.

2.4 – *Motions Decided on Papers and Memoranda* – Motions, except those for summary judgment, may be considered and decided by the Court on the pleadings, the court file, and memoranda, without hearing or oral argument. Responses in opposition shall be filed within five days after service of the motion for discovery disputes, ten days for motions directed to the pleadings, and twenty days for motions for summary judgment. Request for additional time shall be made by a motion filed before the date the response is due. If a timely response is not filed, the court may deem the motion uncontested. The movant may file a reply within ten days of service of the response in opposition.

2.5 – *Hearings or Oral Argument on Motions* – Any party who seeks oral argument on a motion shall contact the judge’s office to schedule a hearing. No hearings will be set until after a motion is filed with the Clerk of Court. **All hearing dates will have to be cleared with opposing counsel before being confirmed with the court.** Once a date is cleared with opposing counsel and confirmed with the court, it will be the movant’s responsibility to produce and distribute a notice of hearing. A courtesy copy should be submitted to the court.

2.6 – *Zoom Hearings* – Any attorney desiring to attend a hearing by Zoom should file that request in writing and provide a proposed order to the Court. If granted, the Court will add the Zoom meeting ID, and any other necessary information, to the proposed order.

2.7 – *Motions Not Requiring Citation to Authority or Memoranda* – Citation to authority in the body of the motion or accompanying memoranda are allowed but not required by either the movant or the opposing party, unless otherwise directed by the court, with respect to the following motions:

- a. 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;
- b. To continue a pre-trial conference, hearing, or the trial of an action;
- c. To add or substitute parties;
- d. To amend the pleadings;
- e. To file supplemental pleadings;
- f. To request oral argument; and
- g. Any other motion which, by its nature, does not require authority.

2.8 – *Preparation of Orders* – All orders submitted by counsel shall be accompanied by a cover letter that contains a statement that the form of the order has or has not been agreed to by opposing counsel along with a copy of the motion. If an agreement cannot be reached, the movant (or the party directed by the Court to prepare the order), shall submit a proposed order and the opposing party shall submit its own proposed order within 5 days. All orders are to be submitted to the Court’s Judicial Assistant via email in WORD format. If mailing a proposed order, multiple copies and addressed stamped envelopes sufficient for all parties shall be submitted along with the order.

2.9 – *Materials to be Provided to the Court* – A courtesy copy of any motion or similar document seeking or contemplating judicial action, should be provided to the judge contemporaneously with its filing with the clerk. The same courtesy copy procedures apply for responses and replies, to legal memorandum, and all other documents of record, or otherwise, which the party considers necessary for consideration and determination of the motion or other request for judicial action. Alternatively, a party may specifically designate what pleadings or other documents of record in the court file are appropriate for consideration, giving a description of the filing and the date it was filed. All large filings or notebooks to the Court must be printed by the parties with marked exhibits, indexed and tabbed for the Judge at the minimum of **5 days prior to any hearing**. The notebooks maybe hand delivered or mailed to the Judge’s Office. It’s not the Courts responsibility to print the parties exhibits or trial materials.

2.10 – *Rulings on Motions* – In most instances, the Court will make a ruling on the motion at the end of oral argument. In order to accomplish this procedure, the Court will in most instances review all materials provided to it prior to the hearing. Therefore, it is important that the court be provided with all relevant materials in a timely fashion prior to the hearing. Although as indicated above in paragraph 2.1, copies of reported cases should not be filed in the court file, it is appropriate to provide the court with courtesy copies of significant cases.

2.11 – *Emergency Motions* – The Court may consider and determine emergency motions at any time. Counsel should be aware that the designation “emergency” may cause a judge to abandon other pending matters in order to immediately address the emergency. Such motion shall state with particularity the reason the matter constitutes an emergency, including the irreparable harm that will likely result if the matter is not considered in the normal course of events in accordance with the procedures outlined herein. Lack of due diligence by a party or counsel does not constitute an emergency.

2.12 – *Time* – The parties should be aware that due to the volume of motion hearings, scheduled starting times and time limits are strictly enforced. If a movant does not appear or Zoom in, as the case may be, at least by the scheduled time, the motion may be deemed abandoned and summarily denied. Similarly, if the opposing party does not timely appear the motion may be granted without further proceeding.

SECTION 3 - DISCOVERY

3.1 – *Duty of Good Faith and Due Diligence* – The Court expects counsel and the parties to conduct discovery timely, in good faith, and with due diligence. They are expected to cooperate and be courteous in all phases of the discovery process with a goal of fairly and efficiently exchanging information about the case so that it may be resolved in a timely, just and cost-effective manner. Response to requests for discovery should be timely, complete and in good faith. If there are objections, they should be stated specifically and with appropriate factual support.

3.2 – *Completion of Discovery* – The requirement that discovery be completed within a specified time mandates that adequate provisions must be made for interrogatories and requests for admission to be answered, for documents to be produced, and for depositions to be held within the discovery period. Motions requesting an extension of the discovery period must be made prior to the stated date for completion of discovery. This motion must set forth good cause and establish due diligence.

SECTION 4 - CALENDARING OF TRIALS

4.1 – *Trial Setting* – A case management/status conference will be required in order to set any matter for trial. Case managements, or status conferences, may be set on the court’s own motion after a party has filed a notice of matter ready for trial or upon the good faith request of either party. *Mediation will be required in all cases before the pretrial conference.*

4.2 – *Trial Schedules* – Trials in the county civil division are normally scheduled on a 5 week rotation; the week immediately after the Court’s scheduled civil “business” week. Because of limited courtroom availability and other resources, trials cannot be specially set on other weeks, except in very unusual circumstances. Unless otherwise ordered, jury selection is conducted the Friday before the trial period, beginning at 9:00 a.m., and pretrial conferences

will be held two weeks prior to the jury selection. A specific list of available trial periods and the corresponding dates for jury selection and pretrial conferences may be obtained from the judicial assistant. Trials are not specifically set during any given trial period for particular dates. The parties must be prepared to try the case on any day(s) during the trial period. The Court will, however, attempt to accommodate the scheduling needs of the parties, counsel or witnesses, and information as to the trials scheduled for any given trial period can be obtained from the judicial assistant.

4.3 – *Non-Jury Trials* – All Small Claims trials will be calendared at the pretrial conference if the parties are not able to settle the case. If a jury trial is requested for a Small Claims case, it will be calendar as set out in sections 4.1 and 4.2. Parties requesting a bench trial for a county civil case may do so either in writing, or at a subsequent hearing date, and will be calendared upon agreement of the parties.

SECTION 5 - MISCELLANEOUS

5.1 – *Settlement* – Any time a matter is scheduled for trial or hearing and the parties have resolved the matter, all parties have the responsibility of notifying the Court as soon as possible of the settlement, and advising the Court of the party who will prepare and present the appropriate judgment, dismissal, stipulation or other order.

5.2 – *Cover Letter* – All materials delivered to the Court should be accompanied by a cover letter advising the Court of the circumstances or reason for the transmittal. For example, a cover letter with a proposed order should indicate if it is pursuant to a ruling on a certain date, is agreed to by all parties, or is submitted under other circumstances.

5.3 – *Copies to Counsel or Parties* – All materials, including transmittal letters, submitted to the Court must be copied to all other counsel or unrepresented parties unless otherwise permitted by law.