

ANA I. GARDINER
CIRCUIT COURT JUDGE
CIVIL DIVISION (11)
SEVENTEENTH JUDICIAL CIRCUIT
OF FLORIDA



BROWARD COUNTY COURTHOUSE
201 S.E. 6TH STREET, ROOM 1005-B
FORT LAUDERDALE, FL 33301
(954) 831-6767

**CIVIL DIVISION (11)
PROCEDURES**

Chambers 1005 (B)

**Judicial Assistant Maria Diamond
(954)831-6767**

**PROCEDURES FOR
CIRCUIT COURT JUDGE ANA I. GARDINER
(Amended as of October 28, 2009)**

Please **PRINT OUT THE RECEIPT** and attach it to notice and motion
in the following order:

- 1) Receipt
- 2) Notice of Hearing
- 3) Motion

**IF YOU FAIL TO FOLLOW THE REQUIREMENT OF
SCHEDULING MOTION CALENDAR HEARINGS ON THE
COURT'S ONLINE MOTION CALENDAR SCHEDULING
SYSTEM, YOUR MOTION WILL NOT BE HEARD.**

ON-LINE WEBSITE SCHEDULING OF HEARINGS: All motion calendar hearings must be set by an attorney on the 17th Judicial Circuit website at www.17th.flcourts.org, and click “ONLINE SCHEDULING”. All attorneys must register with their **Florida Bar Number** and provide their **e-mail address** before they can schedule hearings on Motion Calendar. If you have any technical questions please send an e-mail to calendar@17th.flcourts.org. The help desk will then assist you with registration or other questions that you may have. **DO NOT CALL THE JUDICIAL ASSISTANT WITH QUESTIONS REGARDING THE WEB-SITE REGISTRATION OR SCHEDULING A CASE FOR MOTION CALENDAR. YOU WILL BE REFERRED TO THE E-MAIL ADDRESS ABOVE.** All counsel should note that no more than **two motions** may be scheduled on any one case on a single Motion Calendar. No additional “add-ons” will be permitted.

TIME: Monday – Thursday @ 8:45 A.M., in Room #1005B. (Fridays are reserved for specially set hearings, and trials). All motions will be heard when all parties are present.

ATTORNEYS MAY CANCEL THEIR OWN HEARING:

When logged on to the system, **CLICK EXPAND** on the case they wish to cancel...type in the cancellation reason...and **click cancel**.

COVER LETTER: **IT IS MANDATORY** that any and all pleadings, notices, and/or any other paperwork send to the Court includes a cover letter with a brief explanation of the enclose document, and what is being requested from the Court! If a cover letter is **NOT INCLUDED**, the paperwork will be forwarded to the Clerk’s Office for filing.

EMERGENCY HEARINGS PROCEDURE: For any **true emergency matter**, a courtesy copy of the Motion for Emergency Hearing shall be submitted to the Court for review. The motion should indicate how much hearing time will be needed and include any supporting information which will help the Judge determine if the matter is an emergency. A proposed order with self-addressed stamped envelopes should be provided with each emergency motion. Please notify the Judicial Assistant immediately about your Emergency Motion once it has been filed. After the Judge has reviewed the motion, she will give instructions to the Judicial Assistant about setting the motion for hearing. The Judicial Assistant will then contact you with regard to the Judge’s determination.

SPECIAL SET HEARINGS:

ON-LINE WEBSITE SCHEDULING OF SPECIAL SET HEARINGS: Special Set Hearings of 15 and 30 min **must** be set by an attorney on the 17th Judicial Circuit website at www.17th.flcourts.org, click “ONLINE SCHEDULING”. All attorneys must register with their Florida Bar Number and provide their e-mail address before they can schedule hearings.

Special Set Hearings of 45 min up to 1½ hours are set by the Judicial Assistant. The party requesting the hearing is given dates by the JA to clear with opposing counsel/party. The person setting the hearing shall then call the JA back with the date that has been selected. **You may**

not leave a message for the Judicial Assistant with the date selected for a Special Set hearing!

Within ten (10) days from when a Special Set hearing is set with the Judicial Assistant. The person setting the hearing shall submit to the Court a copy of the motion to be heard and a Notice of Hearing.

PLEASE REMEMBER EVEN THOU YOU ARE SETTING THE SPECIAL SET HEARINGS ONLINE, JUDGE GARDINER WANTS ALL OF HER NOTICES TO SAY THE FOLLOWING TWO PARAGRAPHS, IF THE NOTICE OF HEARING DOESN'T HAVE THESE TWO PARAGRAPHS, THE HEARING WILL BE CANCELLED.

***The Notice of hearing shall state in bold letters that the hearing is set by the Court as a Special Set hearing and that the hearing CAN NOT be cancelled, nor the appearance of counsel/party is excused without leave of Court. Leave of Court may be obtained by either an agreed order resolving or withdrawing with prejudice all matters noticed for the Special Set hearing, or upon motion filed and set on the Uniform Motion Calendar.**

ALSO

****The Notice of hearing shall state in bold letters** All Memorandums in Support of or in Opposition to the matter to be heard shall be filed and a copy provided to the Court at least five (5) business days before the hearing.

****If the Special Set Hearing is 2 Hours or More the Motion shall be submitted to the Court for review. The motion should indicate how much hearing time will be needed, and then the Judicial Assistant will contact you with regard to the Judge's determination.**

TELEPHONE CALLS TO CHAMBERS: If you are calling before 10:00 a.m., and the Judicial Assistant don't answer the phone is because she is busy with the motion calendar hearings, if you are calling about a phone conference or you are running late, etc. You need to call the opposing counsel and let him or her know, messages are retrieve after 10:00 a.m.

LOCAL RULE NO. 10A: shall be strictly complied with. Every Notice of Hearing on the Uniform Motion Calendar and Special Set Docket shall contain an executed certification by the attorney/party that a good faith attempt to resolve the matter prior to noticing the matter for hearing was made, **AND** that the matter before the Court may be heard and resolved by the Court within five (5) minutes.

SUBMIT MOTION: You must deliver a copy of your motion and notice of hearing to the Judge's Chambers, no later than five (5) business days prior to the hearing date.

SUSPENSIONS: There are no suspensions of the Uniform Motion Calendar other than court holidays.

TELEPHONE ATTENDANCE AT HEARINGS: **NOT PERMITTED** from the Tri-County area (Broward, Miami Dade and Palm Beach Counties). Outside the tri-county area, the Court does allow telephone appearances; however, you must indicate on the Notice of Hearing that your appearance will be by telephone. Also, when setting the hearing on line, please indicate inside the box where you type the title of the motion in **UPPERCASE LETTERS** that the attorney is appearing telephonically, (**PLEASE SEE EXAMPLE**):

Judge Name(Division):	Gardiner, Ana l.(11)
Schedule Date:	11/02/2009
Scheduling Attorney Name:	
Is it Sealed Case:	<input type="checkbox"/> Note: This type of Case Number should be entered as 4 digit alpha, 8 Numeric digits (e.i. FMCE09012345)
Case Number:	<input type="text"/> Note: 4 digit alpha, 2 digits year, 6 digits sequence number (e.i. CACE09012345)
Accept Flag:	<input type="checkbox"/> I hereby certify that I have complied with all requirements of Local Rule 10A for the Seventeenth Judicial Circuit for the setting of this hearing.
Motion For:	APPEAR TELEPHONICALLY , ask for Atty (name), 888-123-444 <input type="text"/> Character left: <input type="text"/>

At least one party must appear in person to sign in. The attorney/party appearing by phone should provide opposing counsel/party the number at which he or she may receive a toll-free call from the Judge at the time of the hearing and opposing counsel shall provide same to the court deputy when signing in. **Do not call the Judicial Assistant with the number.** The **Judge will then call the attorney** when that case is called up for hearing. Telephone hearings are called last during motion calendar. It is not necessary to obtain an order for telephone attendance at Uniform Motion Calendar hearings.

MOTIONS FOR RE-HEARING: You must file the motion with the Clerk’s Office and send a courtesy copy to the Judge’s chambers. After the Judge has reviewed your motion the Judicial Assistant will contact you in the event the Judge thinks it is necessary to schedule a time and date to hear the motion.

CASE MANAGEMENT CONFERENCES: Please read the Order Setting Case Management Conference carefully. Not all Orders are identical. Check the Clerk’s Office website first, if the case has a pending status and no record activity of 120 days the case will be set for case management. So, if you are ordered to appear in court on a case management conference, court appearance is **MANDATORY**, unless an Order of Dismissal or Order vacating the hearing has been filed in the case and a copy is sent to the Judge’s chamber attaching the order of case management.

IF YOU ARE CALLING FOR THE FOLLOWING REASONS:

- 1) The case has settled.
- 2) You no longer represent that client.
- 3) You are on vacation that day
- 4) Any other reasons, you need to send a letter to Judge Gardiner with a brief explanation or set a hearing on Motion Calendar. **The Judicial Assistant does not have the authority to excuse your presence, so please do not call and ask her to excuse you.**

FAILURE TO APPEAR AT A CASE MANAGEMENT CONFERENCE MAY RESULT IN THE CASE BEING DISMISSED OR OTHER SANCTIONS BEING IMPOSED.

SPECIAL SET HEARINGS: Availability is currently set as follows:

November 16, 2009– November 20, 2009 (FULL)
January 4, 2010 – January 8, 2010 (FULL)
February 8, 2010 – February 12, 2010 (FULL)
March 15, 2010 – March 19, 2010
April 19, 2010 – April 23, 210

MAIL-IN PROPOSED ORDERS: Any and all proposed Orders submitted to the Judge must be accompanied by a motion, the original proposed order with sufficient copies to all parties and/or counsel, and self-addressed stamped envelopes provided to all involved. No conformed copies will be **SENT OUT** unless you comply with all of the above.

NOTICES OF TRIAL: File the original Notice with the Clerk. Send a copy to the Judicial Assistant along with self addressed stamp envelopes for all parties in the case. Trial notices **will not be sent out** if envelopes are not enclosed.

TRIAL DOCKET AVAILABILITY FOR THE FUTURE IS AS FOLLOWS:

CALENDAR CALL

09/04/09
10/09/09
11/13/09
12/18/09
02/05/10
03/12/10
04/16/10

TRIAL WEEK DOCKET

09/14/09 – 10/05/09 FULL
10/19/09 – 11/13/09 FULL
11/23/09 – 12/08/09 FULL
01/11/10 – 02/05/10 FULL
02/15/10 – 03/12/10 FULL
03/22/10 – 04/16/10
04/26/10 – 05/21/10

05/21/10

05/31/10 – 06/25/10

CALENDAR CALL: Attendance at Calendar Call is **mandatory**. Telephone attendance is not permitted at Calendar Call. No motions of any kind will be heard at the time of Calendar Call. If the case **settles**, please **confirm this in writing** so that your attendance can be excused at Calendar Call. **FAILURE TO APPEAR AT CALENDAR CALL MAY RESULT IN THE CASE BEING DISMISSED OR OTHER SANCTIONS BEING IMPOSED.**

CONTINUANCES OF TRIAL: All continuances of Trial require a hearing on the Uniform Motion Calendar.

ORDERS ON COURT: Proposed Orders should be submitted to the Court with a cover letter or cover sheet indicating the date the matter was heard, sufficient copies and self addressed stamped envelopes for mailing to the parties. **All party names and addresses must be included on all orders and/or judgments.**

ATTORNEY WITHDRAWAL FROM REPRESENTING A CLIENT:

WITHOUT A SUBSTITUTION OF COUNSEL:

ALWAYS INCLUDE YOUR FORMER CLIENT'S NAME AND ADDRESS IN THE CERTIFICATE OF SERVICE ON THE NOTICE OF HEARING and THE MOTION.

PROPOSED ORDERS SHOULD INCLUDE A PARAGRAPH THAT STATES:

"ALL FUTURE PLEADINGS FOR THE _____ [PARTY BEING WITHDRAWN FROM] _____, SHALL BE SERVED UPON _____ [INSERT NAME AND ADDRESS OF FORMER CLIENT] _____."

"EX-PARTE" MOTIONS TO WITHDRAW:

Must have the client's signed consent attached. Otherwise, you must set the motion on the motion calendar, certify that a copy of the motion and notice of hearing was provided to your client at the last known address. All Orders on withdrawal **must have the name and address of your former client** for service of further pleadings.

Substitution of Counsel: Shall be executed by both the former attorney and the new attorney.

REMINDER

PLEASE DO NOT CALL TO INQUIRE WHETHER THE JUDGE HAS SIGNED A PARTICULAR ORDER OR HAS RECEIVED ANY DOCUMENT OR PLEADING. WE

**ARE UNABLE TO ANSWER SUCH QUESTIONS AT THE CURRENT TIME BECAUSE
OF THE ENORMOUS VOLUME OF MAIL RECEIVED EACH DAY.**