

**JUDGE MARDI LEVEY COHEN**

**PROCEDURES FOR DIVISION**

**50**

**Judicial Assistant Claudia López (954) 831-5842**

**Chambers 13138/Courtroom 13164**

***ALL HEARINGS WILL TAKE PLACE IN COURTROOM 13164***

Please be advised that when a motion or pleading is e-filed, THE JUDGE DOES NOT RECEIVE A COPY. If you file something that the judge needs to see or act upon, you must HAND DELIVER OR MAIL A SEPARATE HARD COPY of the motion with a proposed order as well as stamped and addressed envelopes. Hard copies of all motions, accompanying memoranda, cases or other supporting authorities, must be delivered to the judicial assistant at least five (5) business days prior to the scheduling hearing. Failure to do so will cause your hearing to be rescheduled.

**SCHEDULING MOTION CALENDAR AND HEARINGS**

Motion Calendar and Special Set Hearings that are up to 15 or 30 minutes in duration, may be scheduled using the on-line scheduling system. (See "Online Scheduling" at [www.17th.flcourts.org](http://www.17th.flcourts.org)). If you have any difficulty in the registration or scheduling, send an e-mail to [calendar@17th.flcourts.org](mailto:calendar@17th.flcourts.org) with a description of your problem.

All motions must be filed with the Clerk's office prior to scheduling any hearing.

All special set hearings greater than 30 minutes must be set through the Judicial Assistant.

You may NOT utilize the Division 50 email address to set hearings.

The on-line scheduling system is provided as a convenience to the parties and is not intended to be the only means of scheduling hearings. If after a good faith attempt to schedule the hearing on-line, you are unable to set the matter within the needed timeframe, please call the Court's Judicial Assistant to obtain a different date or time.

Please do not attempt to "squeeze" a hearing into a time slot that does not provide adequate time to resolve the issues. "Add-ons" will not be permitted without notice to opposing counsel and approval of the court. If a matter cannot be resolved within the allocated time, the parties will have to seek additional hearing time and may have to come back on a separate day. In order to be respectful of everyone's time, the Court will limit the litigants hearing to the amount of time allotted.

You must send a hard copy of the Notice of Hearing and the Motion, along with any accompanying memoranda, cases or other supporting authorities, to the Judicial Assistant at least five (5) business days prior to the scheduled hearing date. Failure to do so will cause your hearing to be rescheduled.

Ex-parte matters and non-evidentiary motions may be heard on the Uniform Motion Calendar provided such matters can be conducted in five (5) minutes equally allocated among the parties. The part requesting relief shall furnish the Court a prepared order for with stamped envelopes for all parties.

Hearings that must be scheduled through the Judicial Assistant and not through the use of the On-line Scheduling System:

Eviction and Unlawful Detainer Hearings

Attorney Fee Hearings

Hearings that will take more than thirty (30) minutes

Non-Jury Trials

Motions for Rehearing/Reconsideration

#### **UNILATERALLY SET HEARINGS**

It is mandatory that all parties consult with one another regarding their availability. If a hearing is unilaterally set without any effort to coordinate a date and time with opposing counsel, the matter will not be heard by the Court. Please keep in mind that the Judge has no way of knowing if a hearing was unilaterally set without coordination. Therefore, if a party unilaterally sets a hearing without coordination and you are not available to attend the hearing, you must mail or hand deliver a letter to the Judicial Assistant prior to the hearing explaining such and including the basis for your unavailability. Your letter must also be e-filed as correspondence and a copy must be sent to opposing counsel.

#### **PROPOSED ORDERS AFTER A HEARING**

A party may not submit an Order through the online order system unless the form of the Order has been approved by both parties. If the parties cannot agree on the wording of an

Order after the Court has ruled, each party shall submit their own Order to the Judge with a cover letter explaining that the parties disagree as to the Court's ruling. The Judge will then select whichever Order she feels most accurately reflects her ruling or draft a separate Order if needed. Please submit sufficient copies of your proposed Order. The prevailing party is responsible for supplying self-addressed stamped envelopes.

#### **MOTION FOR CONTINUANCE**

You must contact opposing counsel to determine if they have an objection prior to filing a Motion for Continuance. The Motion must be filed with the Clerk of Court and a copy with a proposed order, sufficient copies to conform and self-addressed stamped envelopes should be delivered to the Judge. If the continuance is agreed to by all parties, please submit an Agreed Order to the Judge. If the other side objects to the continuance, it will be necessary to set a hearing on the Motion through on-line scheduling or by contacting the Judicial Assistant.

The court will not automatically accept a joint Motion for Continuance of a Pre-trial Conference or Trial. The Court will evaluate the Motion on a case by case basis.

#### **CANCELLATION OF MOTION CALENDAR AND SPECIAL SET HEARINGS**

If you are cancelling a Motion Calendar Hearing, please cancel it through the on-line scheduling system as soon as possible in order to allow someone else to schedule their hearing for that time slot. These hearings may only be cancelled by the attorney that set the hearing. If you reach an agreement, please file the Agreed Order. If the Judge signs the Order prior to the hearing, you do not need to appear. However, if it is not signed you must attend.

Special Set Hearings may only be cancelled by the parties if an agreement on the merits has been reached and the parties have entered into a written stipulation or with Court approval.

#### **EMERGENCY HEARINGS PROCEDURE**

The Judicial Assistant cannot schedule an Emergency Hearing without approval from the Judge. In order to request an Emergency Hearing, please refer to Administrative Order number 2014-032-CO for procedures. If it is determined that your motion meets the criteria, the Judicial Assistant will contact you regarding a hearing date and time.

#### **MOTIONS TO COMPEL DISCOVERY**

When a Motion to Compel alleges a complete failure to respond or object to discovery, and there has been no request for an extension, an Ex-Parte Order may be entered requiring compliance with the original discovery demand within fifteen (15) days of the signing of the

Order. The form of the Order that must be used is attached to these procedures. Do not add any additional language to this form, (i.e. waiver of privilege, etc.).

Sanctions may be imposed if discovery is not completed within fifteen (15) days from the date the Ex-Parte Order is entered necessitating a hearing on a Motion to Compel, or if a party fails to appear for a properly noticed hearing on a Motion to Compel. For all other Motions to Compel, the Court requires all parties to make a bona fide effort to resolve each matter being compelled on an item by item basis.

### **AGREED ORDERS**

Agreed Orders may be submitted through the online system for review and signature by the Judge.

### **NOTICE FOR TRIAL**

When filing a Notice of Readiness for Trial, you must file the original with the Clerk of Court and mail or deliver a copy of the notice along with stamped self-addressed envelopes for all parties to the Judicial Assistant. Please inform the Court of the amount of time needed for trial. Upon receipt of your Notice of Readiness for Trial, your case will be referred to mediation or arbitration. In addition, you will receive an Order setting Pre-trial Conference and Calendar Call. Please read the Order thoroughly as it contains very important information and deadlines.

We understand and expect that many cases will settle after placement on a trial docket. However, if your case resolves, as a professional courtesy to the Court, a phone call should be placed to the Judicial Assistant as soon as possible so the Judge can properly manage the rest of her docket. Failure to attend pre-trial conference may result in dismissal of the case.

### **TELEPHONIC APPEARANCE**

Telephone appearance may be permitted for hearings (15) minutes or less and you must comply with Rule of Judicial Administration 2.530. Please indicate when setting a motion on line that you will be appearing by phone; along with submitting a motion and order to the judge to appear telephonically. If setting directly with the Judge's office please provide the JA with the phone number to be called. In addition, please make sure your hearing notice reflects you have set a telephonic hearing and the number to be called. *The exception to this procedure is pretrial conference hearings, motion for summary judgments and mediation; your appearance is required.*

### **MOTIONS TO WITHDRAW AS THE ATTORNEY OF RECORD**

When filing a Motion to Withdraw as Attorney of Record, you are required to include the client's contact information, including address and e-mail address if any, within the text of the Motion. You are also required to serve on your client a copy of the Motion to Withdraw and a Notice of Hearing. You must include your client's name and contact information in the certificate of service for both the Motion to Withdraw and the Notice of Hearing.

If your client or client's consent to your withdrawal, you do not need to set your Motion to Withdraw. Instead please file a consent to withdraw signed by all clients you wish to withdraw from and send adequate copies of the proposed order and addressed stamped envelopes for all parties, including your clients.

### **SUBSTITUTION OF COUNSEL**

Stipulations for substitution of counsel shall be signed by both the former attorney and the new attorney taking over the case.

### **MOTIONS FOR REHEARING. RECONSIDERATION AND NEW TRIAL**

Please refer to Administrative Order 2010-47-GEN for the appropriate procedures to follow when filing a Motion for Rehearing or Motion for Reconsideration. Any Motion that does not conform with these procedures will be returned to the movant so that they can take the necessary steps to comply with the procedures.

Please refer to Florida Rules of Civil Procedure 1.530 when filing a Motion for New Trial. Please mail or hand deliver a copy to the Judicial Assistant along with adequate copies of a proposed order and stamped addressed envelopes for all parties.

**THANK YOU FOR YOUR COOPERATION AND ASSISTANCE.**

**IN THE COUNTY COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT,  
IN AND FOR BROWARD COUNTY, FLORIDA**

**Plaintiff,**

**v.**

**Defendant.**

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**CASE NO.:**

**DIVISION: 50**

**JUDGE MARDI LEVEY COHEN**

**ORDER GRANTING PLAINTIFF'S/DEFENDANT'S  
MOTION TO COMPEL DISCOVERY**

**THIS CAUSE** came before the Court for consideration of the Plaintiff's/Defendant's Motion to Compel (insert discovery sought), and the Court having reviewed the Motion, having considered Local Rule 11, and having been sufficiently advised in the premises, the Court finds as follows:

The moving party has alleged a complete failure of the opposing party to respond or object to discovery, and has further alleged that the opposing party has not requested an extension of time. Pursuant to Local Rule 11, IT IS HEREBY

**ORDERED AND ADJUDGED** that the Motion is GRANTED. The Plaintiff/Defendant shall comply with the original discovery demand within fifteen (15) days from the date of this Order, failing which sanctions may be imposed.

**DONE AND ORDERED** in Fort Lauderdale, Broward County, Florida this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**Mardi Levey Cohen  
County Court Judge**

**Copies furnished to:  
Attorney for Plaintiff  
Attorney for Defendant**