

PROCEDURES FOR CIVIL DIVISION 13

JUDGE MICHAEL A. ROBINSON
Courtroom #14155/ Chambers #14131
Judicial Assistant, Mairale Dyson (mdyson@17th.flcourts.org)

ALL HEARINGS AND TRIALS ARE HELD IN COURTROOM #14155

PARTIES ARE REQUIRED TO UTILIZE THE ONLINE ELECTRONIC SCHEDULING SYSTEM FOR THE 17TH JUDICIAL CIRCUIT "CASE MANAGEMENT SYSTEM" TO SCHEDULE MOTION CALENDAR, SPECIAL SET HEARINGS, SCHEDULING CASES FOR TRIAL (CALENDAR CALL) AND UPLOADING E-ORDERS

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1. Motions - Page and Other Limitations.

(a) In a motion or petition for an order, the movant shall include a concise statement of the relief requested, a statement of the basis for the request and citation to legal authority, statutory and case law, in support of the motion. Motions set on motion calendar shall not exceed four (4) pages and motions scheduled for special set hearing shall not exceed ten (10) pages. Font size shall not be less than 12 points.

(b) Each party opposing a motion or petition may file a response that includes citation to legal authority, statutory and case law in opposition to the request. A response to a motion calendar matter shall not exceed three (3) pages and a response to a special set matter shall not exceed seven (7) pages.

(c) No party shall file any reply or further memorandum directed to the motion or response allowed in (a) and (b) unless the Court grants leave.

(d) A motion requesting relief from the page limitation shall not exceed two (2) pages, specify what efforts have been made to comply with the page limitation, specify the length of the proposed filing and do not include any attachments.

2. Motions

(a) **Motions for Rehearing.** Please see Adm. Order No. [2010-47-Gen.](#)

(b) **Motions to Continue Trial.** In accordance with the Uniform Pretrial Order, continuances will only be considered for good cause on written motion **prior to calendar call**. Also, please comply with *Fla. R. Civ. P.* 1.460 and 2.545 (e) regarding party consent. If the case is continued the parties must reset it for trial using the Online Scheduling System. If a case is settled prior to the trial date, the scheduling party **MUST** immediately provide **email** notification to Ms. Mairale Dyson.

(c) **Motions to Withdraw.** If you do not have client written consent in accordance with *Fla. R. Jud. Adm.* 2.505, please notice the client with both the motion and the notice of hearing. In the body of the proposed order granting withdrawal please include the client's address, email address and phone number. If the client is not an individual, please include a statement that the entity must be represented by counsel who must file an appearance within 20 days from the date of this order or a default may be entered.

(d) **Motions for Summary Judgment – Generally.** A motion for Summary Judgment is designed to relieve the Court of the expense of a trial when a party is unable to support by competent evidence any material issue of fact. The movant for summary judgment has the initial burden of demonstrating the nonexistence of any genuine issue of material fact. But once he tenders competent evidence to support his motion, the opposing party must come forward with counterevidence sufficient to reveal a genuine issue. It is not enough for the opposing party merely to assert that any issue does exist. Rather it is incumbent upon the opposing party to come forward with competent evidence revealing a genuine issue of fact.

(e) **Motions for Summary Judgment – Foreclosure cases.**

(1) How were the parties served?

(2) If there was a substitution of plaintiff, is a supplemental or amended pleading required for transactions post complaint (Rule 1.190(d))?

(3) Have all of the parties answered or been defaulted?

(4) If there are Affirmative Defenses, are they addressed by the Affidavit of Indebtedness ("AOI")?

(5) Does the AOI comply with 90.803(6) and *Yisrael v. State*, 993 So.2d 952, 956-958 (Fla. 2008)? Are the business records attached?

(6) If there was a change in servicers is there an Affidavit or Declaration for the business records of each servicer?

(7) If the complaint pleads that there is an “owner” other than plaintiff, is there some proof regarding the authorization of the plaintiff to act on behalf of the “owner”?

(8) If the complaint pleads a “lost note” count and the note is no longer “lost” was the complaint amended? *Feltus v. U.S. Bank*, 80 So.3d 375 (Fla. 2d DCA 2012).

(9) Is the original note, with all allonges, present so it can be cancelled? Does it run to the plaintiff or is it endorsed in blank? Does it match the copy attached to the complaint?

(f) Motions for Default Final Judgment. A hearing may not be required if the Plaintiff has pleaded a specific dollar amount in the complaint. Please include a copy of that portion of the complaint that states the specific dollar amount with your AOI. If the Plaintiff is seeking any relief beyond well-pleaded liquidated damages, a hearing is required, *Minkoff v. Caterpillar Financial Services Corp.*, 103 So.3d 1049 (Fla. 4th DCA 2013). Attorney fees and other unliquidated damages will require either an evidentiary or a summary judgment hearing. Quiet Title and Partition actions require an affidavit or certified copy of the deed upon which you rely.

3. Hearings.

(a) Generally. All hearings must be coordinated with opposing counsel. A courtesy copy of the motion and all related papers must be in the hands of Ms. Dyson at least four (4) business days prior to the hearing and should include:

- (1) The online scheduling receipt on top;
- (2) The notice of hearing; and
- (3) The motion together with all items to which the motion is directed.

For motions to dismiss, include the complaint. For discovery motions, include the subject discovery.

(4) Please staple, clip or bind all papers as appropriate. Binders are welcomed and accepted.

(5) Please bring a proposed or blank order to the hearing with adequate copies for all parties and properly addressed stamped envelopes.

*Courtesy copies **must be mailed in or delivered** to: Broward County Courthouse, 201 S.E. 6th Street, Room #14131 (West Wing), Fort Lauderdale, FL 33301.

(b) Uniform Motion Calendar (UMC). Please see Local Rule 10A with regard to UMC limitations and good faith certifications. Judge Robinson will commence docket at 8:30 a.m.

(1) Judge Robinson attempts to review each matter prior to the hearing. If your matter is resolved, please timely cancel you hearing online in the same manner in which it was set. Where possible, please cancel by 3:00 p.m. on the business day prior

to the hearing. If you have any difficulty with Online Scheduling please email calendar@17th.flcourts.org.

(2) Matters will be heard on a “first come, first served” basis. If opposing counsel is not present, please call them and if acceptable to do so text said counsel.

(c) Special Set Hearings – 15 and 30 minutes. Special Set Hearings for up to 30 minutes may be set online. Please do not contact Ms. Dyson to set a hearing requiring 30 minutes or less or to confirm the hearing after it has been scheduled.

(d) Special Set Hearings – Over 30 minutes. Hearings over 30 minutes must be coordinated through Ms. Dyson. Please provide a **hard copy** of your motion (with all attachments) and case law to Ms. Dyson and indicate how much time is requested for both sides. Also, please include correct email addresses for all parties. Ms. Dyson will email potential hearing dates to you. Once a date has been agreed to by all parties, please advise Ms. Dyson by email with copies to all parties. Ms. Dyson will then authorize you, by email, to serve and file a notice of hearing for the appropriate date. Failure to strictly comply with this procedure may result in the inability to schedule future special set hearings. *Once the hearing has been set please do not contact Ms. Dyson for additional confirmation.*

(e) Cancellation of a Special Set Hearing. In accordance with Local Rule 10A special set hearings may not be cancelled absent an agreement on the merits or court approval. If your matter is resolved, please cancel your hearing online in the same manner in which it was set. Please cancel as soon as possible so that someone else may use the time slot. Otherwise, please cancel by 3:00 p.m. on the business day prior to the hearing.

(f) Phone Hearings including all Conference Calls. Requests for phone hearings and/or appearances by phone will be addressed in accordance with *Fla. R. Jud. Adm.* 2.530. Please include with your motion a proposed order indicating the name and phone number of the attorney who will handle the hearing. In most cases the Court will initiate the phone call for the hearing. For attorneys and parties who are long distance, the Court may require them to use Court Call.

(g) Attorney Fee Hearings. An attorney fee hearing will not be scheduled until there has been compliance with the attorney fee scheduling order. Please provide Ms. Dyson with a copy of your attorney fee motion so that a scheduling order may be issued.

(h) Emergency Hearings. Please see Administrative Order # [2014-32-CIV](#).

(i) Case Management Hearings. The Court welcomes case management hearings and encourages the use of agreed case management orders.

4. Scheduling a case for Trial. Please see Administrative Order # [2016-28-CIV](#). No unilateral trial settings are permitted. Any disputes regarding a trial date are to be set on the Court’s uniform motion calendar.

(a) **Attendance at calendar call is mandatory.** The order of the trial docket will be determined at calendar call. If your case settles prior to calendar call please email Ms. Dyson so that your attendance may be excused. No motions will be heard at calendar call. Failure to attend calendar call may result in dismissal or other sanctions the Court finds are just and appropriate.

(b) **Civil Trial Pool.** Please see Administrative Order # [2008-CIV-41](#). If you would like to go to the pool please advise the Court at calendar call.

(c) **Rollovers.** If your case is not reached on the trial docket, you will be placed on the next available trial docket. If you have not received such an order within 10 days of the end of the trial period, email Ms. Dyson to inquire when your case will be re-set.

(d) **Settlement.** If your case settles, please email Ms. Dyson immediately. Provide the Court with the Notice or Stipulation of Voluntary Dismissal when appropriate.

5. Special Set Hearing Dockets 2018

February 5, 2018 – February 8, 2018

March 5, 2018 – March 8, 2018

April 30, 2018 – May 10, 2018

June 4, 2018 – June 7, 2018

July 2, 2018 – July 12, 2018

September 17, 2018 – October 4, 2018

October 29, 2018 – November 8, 2018

November 19, 2018 – November 21, 2018

December 3, 2018 – December 13, 2018

6. Trial Dockets 2018

Start time is 10:30 A.M. unless otherwise indicated

Calendar Call

February 5, 2018

March 5, 2018

March 26, 2018 at 10:00 am

(previously scheduled for April 2, 2018)

May 7, 2018

June 4, 2018

July 9, 2018

Trial Period (Weeks)

February 12, 2018 – March 2, 2018

March 12, 2018 – March 29, 2018

April 9, 2018 – April 27, 2018

May 14 – June 1, 2018

June 11 – June 29, 2018

July 16 – August 3, 2018

August 9, 2018
September 2018
October 1, 2018
November 5, 2018

August 13 – August 31, 2018
No Calendar Call/ No Trial Week Period
October 8, 2018 – October 26, 2018
November 26, 2018 – November 30, 2018

7. Trial Evidence. All trial evidence should be pre-marked and agreed to prior to the day of trial. You will be provided with exhibit stickers along with instructions on how the exhibits should be labeled. All exhibits are to be provided to our in-court clerk by 9:30 a.m. the day of the trial. To the extent possible, evidentiary disputes will be addressed prior to trial. Any video which will not be played in its entirety must be edited prior to trial.

For Information on Evidence Presentation System in courtrooms please review this video:
<https://youtube/V8aqOA0fZ5g>

8. Court Holidays and Suspension Dates.

Friday, March 30, 2018	Good Friday
Monday, May 28, 2018	Memorial Day
Wednesday, July 4, 2018	Independence Day
Monday, September 3, 2018	Labor Day
Monday, September 10, 2018	Rosh Hashanah
Wednesday, September 19, 2018	Yom Kippur
Monday, November 12, 2018	Veteran's Day
Thursday, November 22, 2018	Thanksgiving Day
Friday, November 23, 2018	Friday after Thanksgiving Day
Monday, December 24, 2018	Christmas Eve
Tuesday, December 25, 2018	Christmas

9. Electronic Agreed Orders and Judgments.

(a) Generally.

- (1) Only Agreed Orders and Judgments may be uploaded; they must be in pdf format. Do not include correspondence, motions or stipulations. Motions and stipulations must appear on the docket prior to uploading.
- (2) The signature line must be on the last page of the submission.
- (3) Please verify that all email addresses are accurate.
- (4) Please do not submit duplicate orders by regular mail.

(b) Agreed Orders. The sender **MUST** certify the submitted order is agreed by selecting a specific category. The categories include:

- Agreed order (Not Applicable to continue a hearing)
- Final Order of Dismissal of the Case as to all Parties

- Final Order of Dismissal as to One or More Parties but not a Final Order of Dismissal of the Case
- Agreed Final Judgment
- Agreed Case Management Order
- Agreed Stipulation for Substitution of Counsel (See section 2 (c).)

(c) Orders After Hearing. The order reflects the court's ruling at a previous hearing and the language is agreed to by all parties. The order must contain the date of hearing and type of motion.

(d) Local Rule 10A Discovery Orders. See Local Rule 10A. If there has been a request for an extension of time an *ex parte* motion may not be utilized.

The Online Electronic Scheduling System for the 17th Judicial Circuit will send the approved electronic order to those registered with the state E-portal. Electronic orders will not be mailed.

If you have additional questions please see <http://www.17th.flcourts.org/eordersFAQ>

If you have technical questions or need assistance with the Online Scheduling System or with the submission of e-orders, please e-mail the JIS Department at: calendar@17th.flcourts.org

Additional Assistance can be found at:

http://www.17th.flcourts.org/images/stories/17th_pdf_files/AttorneyCMSManual.pdf

Please let us know if you have any suggestions.

(Revised January 2018)