

PROCEDURES FOR CIVIL DIVISION 18

JUDGE WILLIAM W. HAURY, JR.
Courtroom #WW14170/ Chambers #WW14125
Judicial Assistant, Mrs. Rhonda Ethridge (rethridge@17th.flcourts.org)

Hearings are to be set on-line with the 17th Circuit's Case Management System
Uniform Motion Calendar commences at 8:30 am.

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1. Motions - Page and Other Limitations.

(a) In a motion or other application 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 in support of the request. 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 application may file a response that includes citation to legal authority 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 not include any attachments.

2. Motions - Generally

(a) **Motions for Rehearing.** Please see Adm. Order # [2017-33-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 Mrs. Ethridge.

(c) **Motions to Withdraw.** If you do not have client 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.** If there are Affirmative Defenses, are they addressed by the Affidavit of Indebtedness? Does the Affidavit comply with 90.803(6) and *Yisrael v. State*, 993 So.2d 952, 956-958 (Fla. 2008)? Are the business records (ledger, payment history) attached to the Affidavit? If the loan has been transferred, is there a declaration under 90.902 (11) from the prior entity?

(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 (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 indorsed in blank? Does it match the copy attached to the complaint?

(f) Motions for Default Final Judgment. A hearing may not be required if you have pled 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 you are seeking any relief beyond well-pled 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 Mrs. Ethridge 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 accepted.

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

*Courtesy copies **must be mailed in or delivered** to: Broward County Courthouse, 201 S.E. 6th Street, Room #14125 (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 Haury will commence his 8:45 a.m. docket at 8:30 a.m.

(1) Judge Haury 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 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.

(c) **Special Set Hearings – 15 and 30 minutes.** Special Set Hearings for up to 30 minutes may be set online. Please do not contact Mrs. Ethridge 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 Mrs. Ethridge. Please provide a hard copy of your motion (with all attachments) to Mrs. Ethridge and indicate how much time is requested for both sides. Also, please include correct email addresses for all parties. Mrs. Ethridge will email potential hearing dates to you. Once a date has been agreed to by all parties, please advise Mrs. Ethridge by email with a copy to all parties. Mrs. Ethridge 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 Mrs. Ethridge 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 you 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 day prior to the hearing.

(f) **Phone Hearings.** Requests for phone hearings 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.

(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 Mrs. Ethridge 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 # [2019-5-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 Mrs. Ethridge 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.

(b) **Civil Trial Pool.** Please see Administrative Order # [2017-34-CIV](#) If you would like to go to the pool please advise the Court at calendar call.

(c) **Roll overs.** 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 Mrs. Ethridge to inquire when your case will be re-set.

(d) **Settlement.** If your case settles, please email Mrs. Ethridge immediately. Please file the closing paperwork promptly.

5. Special Set Hearing Dockets

August 12, 2019 - August 15, 2019
September 3, 2019 – September 5, 2019
October 1, 2019 – October 3, 2019
October 28, 2019 – October 31, 2019
November 25, 2019 – November 26, 2019
January 6, 2020 – January 9, 2020
February 3, 2020 – February 7, 2020
March 2, 2020 – March 6, 2020
March 30, 2020 – April 3, 2020
May 4, 2020 – May 8, 2020
June 1, 2020 – June 5, 2020
July 6, 2020 – July 10, 2020
August 3, 2020 – August 7, 2020
August 31, 2020 – September 4, 2020
October 5, 2020 October 9, 2020
November 2, 2020 – November 6, 2020
November 30, 2020 – November 2, 2020

6. Trial Dockets

Calendar Call at 10:00 AM

August 12, 2019
September 3, 2019
October 1, 2019
October 28, 2019
November 25, 2019
January 6, 2020
February 3, 2020
March 2, 2020
March 30, 2020
May 4, 2020
June 1, 2020
July 6, 2020
August 3, 2020
August 31, 2020

Trial Week Period

August 19, 2019 – August 30, 2019
September 9, 2019 – September 27, 2019
October 7, 2019 - October 25, 2019
November 4, 2019 – November 26, 2019
December 2, 2019 – December 20, 2019
January 13, 2020 – January 31, 2020
February 10, 2020 - February 28, 2020
March 9, 2020 – March 27, 2020
April 6, 2020 – May 1, 2020
May 11, 2020 – May 29, 2020
June 8, 2020 – June 26, 2020
July 13, 2020 – July 31, 2020
August 10, 2020 – August 28, 2020
September 7, 2020 - October 2, 2020

October 5, 2020
November 2, 2020
November 30, 2020

October 12, 2020 - October 30, 2020
November 9, 2020 - November 27, 2020
December 7, 2020 - December 23, 2020

7. Trial Evidence.

(a) **Exhibits.** In accordance with the Uniform Pretrial Order all trial exhibits are to be pre-marked and agreed to (if possible) 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.

(b) **Deposition Designations.** No later than **20 days prior to Calendar Call**, each party shall serve his, her or its designation of depositions, or portions of depositions, each intends to offer as testimony in his, her or its case in chief. No later than **10 prior to Calendar Call**, each opposing party shall serve his, her or its counter (or “fairness”) designations to portions of depositions designated, together with objections to the depositions, or portions thereof, originally designated. No later than calendar call, each party shall serve his, her or its objections to counter designations served by an opposing party.

(c) **Video Depositions.** Any video deposition which will not be played in its entirety must be edited prior to trial. “Turning down” the audio, to exclude testimony, while the video is playing will not be permitted.

(d) **Joint Pretrial Stipulation Status Conference.** Parties who have not fully complied with the Joint Pretrial Stipulation requirement of the Uniform Pretrial Order or the Division’s Procedures may be required to attend a status conference subsequent to calendar call.

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

8. Court Holidays and Suspension Dates.

Friday, August 30, 2019

Monday, September 2, 2019 – Labor Day

Monday, September 30, 2019 – Rosh Hashanah

Wednesday, October 9, 2019 – Yom Kippur

Monday, November 11, 2019 – Veteran’s Day

Thursday, November 14, 2019 - November 15, 2019

Thursday, November 28, 2019 – Thanksgiving Day

Friday, November 29, 2019 – Day after Thanksgiving

Monday, December 23, 2019 through and including Tuesday, December 31, 2019

Wednesday, January 1, 2020 – New Year’s Day

Monday, January 20, 2020 Martin Luther King Jr.’s Birthday

Wednesday, March 11, 2020 through and including Friday, March 13, 2020

Friday, April 10, 2020 – Good Friday

Monday, May 25, 2020 – Memorial Day

Friday, July 3, 2020 – Independence Day (Observed)

Monday, September 7, 2020 – Labor Day

Monday, September 28, 2020 – Yom Kippur

Wednesday, November 11, 2020 – Veterans Day

Thursday, November 26, 2020 - Thanksgiving Day

Friday, November 27, 2019 – Friday after Thanksgiving

9. Electronic Agreed Orders and Judgments.

(a) Generally.

(1) Proposed and Agreed Orders may be uploaded via the Case Management System (“CMS”). Attach supporting documents as appropriate.

(2) Do not include a “Done and Ordered” line. This will be added by CMS. Please preview the order to verify that the judge’s signature line is not on a page by itself.

(3) Please do not submit duplicate orders by 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. Attach the motion as a supporting document.

CMS will send the approved electronic order to the E-portal for service by the portal to all registered eservice parties' email addresses and any additional email addresses added manually by the filer or judge. Electronic orders will not be mailed.

If you have additional questions please see: <http://www.17th.flcourts.org/online-scheduling-help-page-2/>

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 July 30, 2019)