

**JUDGE MILY RODRIGUEZ POWELL**  
PROCEDURES FOR CIVIL DIVISION 09  
201 SE 6th Street Fort Lauderdale, FL 33301  
Courtroom #15-155 Chambers #16-115131  
Judicial Assistant, Marlene Henderson  
[div09@17th.flcourts.org](mailto:div09@17th.flcourts.org)

**Effective (June 10, 2021) TEMPORARY PROCEDURES FOR THE  
CORONAVIRUS (COVID-19)**

**ALL HEARINGS (UMC & SPECIAL SETS) WILL BE CONDUCTED BY A ZOOM  
CONFERENCE. THE INVITATION IS BELOW. PLEASE ENSURE NOTICES OF  
HEARINGS ARE NOTICED VIA ZOOM.**

**ALL MOTIONS/ RESPONSES/ REPLIES/ ETC. MUST UPLOADED TO SUPPORTING  
DOCUMENTS. PLEASE DO NOT EMAIL PLEADINGS. FAILURE TO UPLOAD MATERIAL  
TO SUPPORTING DOCUMENTS MAY RESULT IN COURT CANCELLATION.**

**MOTIONS TO DISMISS COMPLAINT MUST BE UPLOADED TO SUPPORTING  
DOCUMENTS, AS WEL AS THE COMPLAINT THAT IS THE SUBJECT TO THE MOTION  
TO DISMISS**

**MAIL AND FED-EX WILL NOT BE RECEIVED BY OUR OFFICE AT THIS  
TIME. ALLORDERS (AGREED OR PROPOSED) MUST BE SUBMITTED THROUGH THE  
WORKBENCH. DO NOT SEND COMPETING ORDERS. IF PARTIES DO NOT AGREED TO  
LANGUAGE, A CMC MUST BE SET ON UMC.  
NO CORRESPONDENCE TO THE COURT SHOULD BE SUBMITTED ON AN EX-PARTE  
BASIS. PLEASE ENSURE ALL PARTIES ARE COPIED.**

**FOR ALL EVIDENTIARY HEARINGS/TRIALS, PLEASE REVIEW AO 2020-42-GEN  
ADMINISTRATIVE ORDER HERE. ALL NOTICES MUST BE PROPERLY FILED AS  
EVIDENTIARY HEARINGS.**

**ALL CALENDAR CALLS, UNLESS OTHERWISE STATED, WILL BE MOVING  
FORWARD ON THEIR ASSIGNED DATES USING ZOOM. ALL PARTIES MUST  
APPEAR. CIRCUIT CIVIL JURY TRIALS ARE BEING CONDUCTED IN-PERSON AS OF  
JUNE 1, 2021.**

**JUDGE MILY RODRIGUEZ POWELL is inviting you to a scheduled Zoom meeting.**

**Topic: Judge Rodriguez Powell Docket  
Join Zoom Meeting  
<https://17thflcourts.zoom.us/j/109129436>  
Meeting ID: 109 129 436  
One tap mobile  
+13126266799,,109129436# US (Chicago)  
+16468769923,,109129436# US (New York)  
Dial by your location or Toll Free Below  
+1 312 626 6799 US (Chicago)**

+1 646 876 9923 US (New York)  
+1 669 900 6833 US (San Jose)  
+1 253 215 8782 US  
(888)475-4499 US Toll-free,  
(833)548-0276 US Toll-free,  
(833)548-0282 US Toll-free,  
(877)853-5257 US Toll-free  
+1 301 715 8592 US  
+1 346 248 7799 US (Houston)  
+1 408 638 0968 US (San Jose)  
Meeting ID: 109 129 436

Find your local number: <https://17thflcourts.zoom.us/j/adcKOlwtS>

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## JURY TRIALS ARE HELD IN COURTROOM 15-155

ONLINE SCHEDULING IS REQUIRED FOR MOTION CALENDAR, SPECIAL SET HEARINGS,  
SCHEDULING CASES FOR TRIAL (CALENDAR CALL) AND UPLOADING E-ORDERS

### **DIVISION 09 DOES NOT ACCEPT ANY CORRESPONDENCE OR PLEADINGS VIA EMAIL UNLESS GRANTED PRIOR PERMISSION.**

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#### 1. **Motions - Limitations**

(a) Motions and any supporting documents must be uploaded to Supporting Document Tab at least 5 days prior to the hearing, unless directed differently within these rules.

(b) Each party opposing a motion or application may file a response that includes citation to legal authority in opposition to the request. Responses **MUST** be uploaded to CMS within 5 business days of the hearing.

(c) Please do not submit correspondence to the Judge’s chambers. Any request **MUST** be filed as a motion and set for hearing.

(d) For more information, please review [Local Rule 10A](#).

## 2. Motions – Generally

(a) **Motions for Rehearing/Reconsideration.** Please see Adm. Order No. [2017-33-Gen](#) **Motions may NOT be set for hearing unless authorized by the Court. The clerk’s office does not serve a copy of the motion to the judge or judge’s chambers.**

(b) **Motions to Continue Trial.** Pursuant to the Uniform Pretrial Order, continuances will only be considered for good cause on written motion **prior to calendar call. Any requests for continuances (including agreed motions) must be placed on UMC at least seven (7) days prior to calendar call. Client consent must also be filed in advance of the scheduled hearing.** Also, please comply with *Fla. R. Civ. P. 1.460* and *Fla. R. Jud. Adm. 2.545* (e) regarding party consent. If the case is continued the parties will be notified of the new calendar call date. If the case was previously mediated and neither party wishes to return to mediation please so indicate in your cover letter to the court enclosing the new Uniform Trial Order. If a case is settled prior to the trial date, the scheduling party **MUST** immediately notify our office.

(c) **Motions to Withdraw.** If you do not have client consent per *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. [Click here for Template Motion.](#)

(d) **Motions to Dismiss.** A copy of the complaint **MUST** be attached to the motion to dismiss.

(e) **Motions for Approval of Minor Settlement.** The motion **MUST** be set for a special set hearing. The Court reviews all motions/responses. Any responses must be received by our office at least ten (10) days before the hearing.

(f) **Ex parte Motions.** Please submit “proposed” orders online through the CMS workbench. A copy of the *ex parte* motion must be uploaded for the judge to review.

(g) **Summary Judgment.** Pursuant to the recently amended Florida Rule of Civil Procedure 1.510(a)- A party moving for Summary Judgment shall identify each claim or defense-or part of each claim or defense- on which summary judgment is sought.

The moving party shall file a statement of material facts at the time of filing a motion for summary judgment as a *separate filing*.

Rule 1.510(c)(1) -A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, ESI, affidavits, stipulations, admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

Rule 1.510(c)(5) -The supporting materials must be served with the motion and with the response.

By way of example:

Movant's Statement of Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)
2. John Smith owns Green Acres. (Exhibit 2)

Respondent's Opposing Statement of Material Facts:

1. Green Acres is a vacant property located at 123 Main Street. (Exhibit 1)  
  
Admitted that Green Acres is located at 123 Main Street. (Exhibit Denied that the property is vacant. (Exhibit 5)
2. John Smith owns Green Acres. (Exhibit 2)

Denied as phrased. Admitted that the last recorded deed to Green Acres names John Smith. (Exhibit 2)

Rule 1.510(d)- requires an Affidavit or Declaration stating specific reasons when facts are unavailable to the non-movant party.

Rule 1.510(b), requires the motion be served at least 40 days before the time fixed for the hearing, and Rule 1.510(5) requires non movant to serve a response at least 20 days before the time fixed for the hearing.

### **3. Hearings - Generally**

(a) All hearings should be coordinated with opposing counsel. For UMC and Special Sets, please upload to "supporting documents" on CMS.

**Division 09 does not get involved with scheduling hearings that are less than 30 minutes or on Uniform Motion Calendar. Cases set unilaterally are subject to cancellation at Court's discretion. Do not set your case unilaterally.**

## **SELF-REPRESENTED (“Pro Se”) PARTIES:**

If you represent yourself, any requests you are making of the Judge needs to be in EMAIL. The Judicial Assistant is not a lawyer and handles scheduling only, therefore, do not call and ask for advice on what to file or how to prepare anything. On some matters, you may be able to go to the Clerk of Court’s office on the fourth floor and they can help you with their forms.

## **Pro Se REGISTRATION FORM:**

If you represent yourself you can register for CMS by going to: [www.17th.flcourts.org](http://www.17th.flcourts.org).

1. Self Help
2. Court Management System Help
3. CMS Manuals
3. New User
4. Prose Registration Form

Fill out the request form and, when accepted, you can view and schedule hearings.

**(b) Uniform Motion Calendar (UMC) 8:45 A.M. – 9:30 A.M.** Monday through Thursday. Please see Local Rule 10A with regard to required good faith certifications.

(i) Please use Online Scheduling, on the Self Help menu, at [www.17th.flcourts.org](http://www.17th.flcourts.org) to schedule a UMC hearing. Hearings are limited to 5 minutes. Since the numbers of hearings are limited and since Judge Rodriguez Powell reviews each motion, *PLEASE timely cancel your hearing, online before the hearing if the matter is resolved.* If you have any difficulty with Online Scheduling please email [calendar@17th.flcourts.org](mailto:calendar@17th.flcourts.org).

(ii) Motion calendar matters will be heard on a “first come, first served” basis. If opposing counsel is not present, please call them.

(iii) If a hearing is canceled by the Court, the Online Scheduling system will generate an email notice to the setting party and the setting party shall notify all parties of the cancellation and reset the matter.

(iv) A maximum of two (2) motions will be heard on UMC per case. If more than two motions are requested, please set the case on the special set docket. All motions must be added at the time the hearing is set. Parties are unable to edit the motions after a hearing is scheduled.

**Additionally, notices of hearing, motion, and any supplemental exhibits must be uploaded to the “Supporting Documents” tab on CMS at least five (5) days before scheduled hearing.**

**Hard copies are no longer required to be sent to Chambers for UMC. Failure to comply with uploading documents may result in cancellation of hearing.**

**(c) Special Set Hearings – 15 and 30 minutes.** Special Set Hearings may be scheduled on line for up to 30 minutes. All pleadings must be uploaded to “Supporting Documents” using CMS. **If a response is filed a copy must be uploaded to CMS at least ten (10) business days prior to the hearing. Reply must be uploaded to CMS five (5) business days before the hearing. Failure to comply with this may result in cancellation of hearing or sanctions.**

All motions must be added at the time the hearing is set. Parties are unable to edit the motions after a hearing is scheduled.

**PLEASE DO NOT CONTACT CHAMBERS TO SET A HEARING  
REQUIRING 30 MINUTES OR LESS.**

**(d) Special Set Hearings – Over 30 minutes/Evidentiary Hearings.** Hearings over 30 minutes must be coordinated through Chambers. **Please submit a copy of your motion (with all attachments) to Ms. Henderson with a cover letter indicating how much time is requested for both sides and indicating whether it is an evidentiary hearing. If a response is filed, a courtesy copy must be received by chambers at least ten (10) business days prior to the hearing and include the time and date of the hearing.** The parties will be contacted with potential dates and times for the hearing. Once a date has been agreed to by all parties, please email Ms. Henderson and a hearing will be set. Please serve and file a notice of hearing for the appropriate date and include the time and date of the hearing. If a response is filed, a courtesy copy must be emailed to Ms. Henderson at least ten (10) business days prior.

**No evidentiary hearings are permitted on regular special set dockets. All evidentiary hearings must be coordinated and set by Chambers.**

**(e) Cancellation of a Special Set Hearing.** Pursuant to Local Rule 10A special set hearings may only be canceled by parties if an agreement on the merits has been reached and the parties have entered into a written stipulation, or with court approval. **An agreed order must be submitted electronically.** If a hearing is canceled by the Court, the Online Scheduling system will generate an email notice to the setting party and the setting party shall notify all parties of the cancellation and reset the matter.

**(f) Attorney Fees and Costs Hearings.** No evidentiary hearing will be scheduled until the Court’s scheduling order has been complied with. The court will issue a scheduling Order upon receipt of the motion for attorney fees or costs. **An evidentiary hearing will not be scheduled until all pending appeals are completed.**

**(g) Emergency Hearings.** In order to obtain an “Emergency Hearing”, please provide to chambers a copy of your motion, supporting documentation, and a cover letter advising how much time both sides will require. Also, please review and comply with

Administrative Order # [2014-32-CIV](#). The court will determine if an “emergency” setting is appropriate and you will be advised accordingly. If appropriate, Ms. Henderson will provide you with potential hearing dates.

(i) **Case Management Hearings.** The Court welcomes case management hearings and encourages the use of agreed case management orders. Please set CMCs on UMC.

**4. Scheduling a Case for Trial.** To schedule a case for trial please follow the procedure set forth in 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. Please note that trials are to be scheduled using the online scheduling system.

The order of the trial docket will be determined at calendar call. **Attendance at calendar call is mandatory. Calendar call commences at 9:00 A.M. on your scheduled date.** If your case settles prior to calendar call please email Div.09 so that your attendance may be excused. No motions will be heard at calendar call. Failure to attend a calendar call may result in dismissal or other sanctions.

If your case is not selected as the first case for trial at the calendar call, it is very likely that your case will be placed in the Civil Trial Pool, where other judges with time available will be assigned your case for trial. Please see Administrative Order # [2008-41-Civ](#). Do not assume your case will not be reached. Your case may be called for trial during any day of the docket. Please do not call chambers to find out the status of your trial.

**All parties must be available during the complete trial period.** If a party is unavailable during a portion of the trial period, a notice of unavailability must be filed and motion for continuance must be set at least 30 days prior to calendar call.

If your case is not reached on the trial docket, the court will generally issue an order specifying a new trial docket. If you have not received such an order within 10 days of the end of the trial period, call the office to inquire when your case will be reset.

Please [click here](#) for instructions on evidence presentation in the courtroom. Please note: exhibits **must** be published electronically (PDF) through the courtroom AV system. Exhibits must be pre-marked with alphabetical lettering; all exhibits shall be downloaded for display by counsel's computer through the courtroom video system.

All Uniform Trial Order deadlines must be complied with including the submission of joint jury instructions and a joint pretrial stipulation at least 10 days prior to calendar call.

## 5. Special Set Hearing Docket 2021

Every day after UMC Monday, Tuesday, Wednesday, Thursday 9:30 a.m. to 9:45a.m.

June 29 - July 1, 2021 - All day

July 27-29, 2021 - All day

August 31 - September 2, 2021 - All day

September 28-30, 2021 - All day

October 26-28, 2021 - All day  
November 22-23, 2021 - All day  
December 13-14, 2021 - All day

Longer special set hearings are typically reserved for Fridays. Please follow division procedures to request a hearing longer than 30 minutes.

#### 6. Calendar Call 2021 & 2022 (Friday 9am)

CC June 25, 2021 / July 6 - 23, 2021  
CC July 23, 2021 / August 2- 27, 2021  
CC August 27, 2021 / September 8 - 24, 2021  
CC September 24, 2021 / October 4 - 22, 2021  
CC October 22, 2021 / November 1 - 19, 2021  
CC November 19, 2021 / November 29 - December 10, 2021  
CC December 17, 2021 / January 3 - 21, 2022

CC January 24, 2022 (Monday at 10:00am) / February 7 - 25, 2022  
CC February 25, 2022 / March 7 - 25, 2022  
CC March 25, 2022 / April 4 - 22, 2022  
CC April 22, 2022 / May 2 - 27, 2022  
CC May 27, 2022 / June 6 - 24, 2022  
CC June 24, 2022 / July 5 - 22, 2022  
CC July 22, 2022 / August 1 - 26, 2022  
CC August 26, 2022 / September 6 - 23, 2022  
CC September 23, 2022 / October 3 - 28, 2022  
CC October 14, 2022 / November 7 - 18, 2022  
CC November 18, 2022 / December 5 - 16, 2022

#### 7. COURT HOLIDAYS 2021:

<http://www.17th.flcourts.org/wp-content/uploads/2020/08/2021-Court-Holidays.pdf>

#### 8. Electronic Agreed Orders and Judgments.

All Agreed Orders must be submitted electronically and should be processed within two business days.

(a) **Generally.** Registered users of the Online Scheduling System may submit, electronically, agreed orders and certain other orders:

The signature line must be on the last page of the submission.

Please verify that all email addresses are accurate.

Do not electronically transmit any correspondence or motion with the Agreed Order. HOWEVER, motions must be served and filed prior to submission of the order. See *Fla. R. Civ. P.* 1.100 (b).

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

- Agreed order (N/A to continue a hearing or trial)
- 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

(c) **Orders after Hearing.** The order must reflect the date of the hearing and type of motion heard. Additionally, the title of the order must include the title of the motion heard.

(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.

**For help using the system regarding electronic orders (e-orders) please go to:**

<http://www.17th.flcourts.org/index.php/self-help/eorders>

**If you have technical questions or need assistance with the Court Management System (CMS) and/or the submission of e-orders, please e-mail the JIS Department at:**

[calendar@17th.flcourts.org](mailto:calendar@17th.flcourts.org)