

MARDI LEVEY COHEN  
COUNTY COURT JUDGE  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA



BROWARD COUNTY COURTHOUSE  
201 S.E. 6TH STREET  
FORT LAUDERDALE, FL 33301  
(954)831-5842

**CIVIL DIVISION (50)  
PROCEDURES and FORMS  
(Revised January 8, 2020)  
Chambers 13138  
Judicial Assistant: Claudia López**

**ALL HEARINGS WILL TAKE PLACE IN COURTROOM 13164**, unless otherwise specified in hearing notice.

**PROCEDURE 1  
FILING PLEADINGS**

Judge Mardi Levey Cohen participates in the e-filing program. All parties represented by an attorney **MUST** submit all pleadings through the online e-order system. Please follow this link to learn how this is done:  
<https://www.myflcourtaccess.com/Help/HomePage.html>

Please be advised that when a motion or pleading is e-filed, the judge does not receive a hard copy and may not know that your motion was filed. If you file something that the judge needs to see or act upon, you have **three** options:

1. Upload an agreed or proposed order directly to the judge's portal via the online e order system and attach the motion or pleading to the order in the online system. All such motions and pleadings **MUST** be a part of the court file online.

Do not directly mail or deliver to the judge's chambers a motion for default or a motion for final judgment with accompanying pleadings, as all such motions must be filed online.

Landlord tenant motion for default and motion for eviction and writ of possession can be submitted directly to the judge with the accompanying writ of possession and check to the sheriff. These motions can be submitted online through the e-order system but the writ of possession will not be executed upon until the sheriff receives payment.

2. Parties that are not represented by an attorney may hand deliver or mail a separate hard copy of the motion with a proposed order as well as stamped and addressed envelopes to the judge's chambers.
3. Set the motion for a hearing using the online scheduling system or, where applicable (see below), by contacting the judicial assistant.

**PROCEDURE 2  
FILING AGREED ORDER/  
ORDER TO COMPEL DISCOVERY /ORDER INVOKING  
RULES OF CIVIL PROCEDURE/ORDER WAIVING APPEARANCE**

If you are submitting an agreed order (eg. *ex-parte* order compelling discovery [via Local Rule 11]), or an order invoking the Rules of Civil Procedure, and all parties are represented by attorneys, you **MUST** submit these through the online e-order system with corresponding motion attached. Please follow this link to determine how this is done:

<https://www.myflcourtaccess.com/authority/trainingvideos.html>

*Any hard copies of orders dropped off or mailed to the court will NOT be entered if they are one of these types of orders. This also means you CANNOT bring Proposed Orders Invoking Rules to be signed at the small claims pretrial conference as they will NOT be entered. You must still use the approved form for invoking the rules.*

The form of the order that must be used is attached to these procedures below.

**PROCEDURE 3  
SCHEDULING MOTION  
CALENDAR AND HEARINGS**

Motion Calendar (5 min) and Special Set hearings that are up to 15, 30 or 60 minutes in duration, may be scheduled using the on-line scheduling system. See "Online Scheduling" at <http://www.17th.flcourts.org/cms-manuals/>. If you have any difficulty in the registration or scheduling, send an email 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 equal to or greater than 30 minutes must be set through the judicial assistant.

Please do not utilize the Division 50 email address to set hearings, send pleadings or correspond with opposing counsel.

For scheduled hearings, **DO NOT** provide the judge with a **BINDER** containing hard copies of pleadings. The judge has access to all pleadings and documents that have been e-filed. If you send a binder that contains the pleadings she will request that you pick it up prior to or during the hearing. **Please DO provide the judge with all pertinent case law 48 hours before the hearing.**

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 time frame, please call the court's judicial assistant to obtain a different date or time.

Please do not attempt to set a hearing in 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.

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 party requesting relief shall furnish the court a prepared order with stamped envelopes for *prose* parties.

#### **PROCEDURE 4 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 e-file or mail a motion explaining why you cannot attend the hearing, a copy must be sent to opposing counsel or opposing party.

#### **PROCEDURE 5 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. This may be done by use of the online system, by selecting and submitting a proposed order. The judge will then select whichever order she feels most accurately reflects her ruling, or draft a separate order if needed.

#### **PROCEDURE 6**

## **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 proposed order or agreed order must be uploaded in the judge's portal. 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.

## **PROCEDURE 7 CANCELING OF MOTION CALENDAR AND SPECIAL SET HEARINGS**

If you are canceling a motion calendar hearing, please cancel it through the on-line scheduling system as soon as possible, in order to allow other litigants to schedule their hearing for that time slot. These hearings may only be canceled 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 canceled 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.

## **PROCEDURE 8 EMERGENCY HEARINGS**

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 2014-32-CIV [http://www.17th.flcourts.org/wp-content/uploads/2017/08/2014-32-civ\\_amended.pdf](http://www.17th.flcourts.org/wp-content/uploads/2017/08/2014-32-civ_amended.pdf)) for procedures. If it is determined that your motion meets the criteria, the judicial assistant will contact you regarding a hearing date and time.

## **PROCEDURE 9 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* discovery 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.). See, Local Rule 11.

Sanctions may be imposed if discovery is not completed within fifteen (15) days from the date the *ex-parte* discovery 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.**

### **PROCEDURE 10 NOTICE FOR TRIAL, UNIFORM ORDER SETTING PRETRIAL DEADLINES AND RELATED REQUIREMENTS**

When filing a Notice of Readiness for Trial, you must file the original with the Clerk of Court and deliver a copy of the notice to the court. Please inform the court of the amount of time needed for trial. Upon receipt of your Notice of Readiness for Trial, your case might be referred to mediation or arbitration. In addition, you will receive a Uniform Order Setting Pretrial Deadlines and Related Requirements (UPDO). Please read the order thoroughly as it contains very important information and deadlines.

The court will send an UPDO when a notice of trial readiness is filed, or when the court determines either, (a) trial deadlines must be set or (b) trial is set in 100 days. Please note that if the court enters a trial order which does not provide dates for calendar call and trial, that the trial's order deadlines must be followed and a trial date shall be set in the future.

The judge understands 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 or email 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 or default of the case.

### **PROCEDURE 11 TELEPHONIC APPEARANCE**

Telephone appearance may be permitted for hearings (30) 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; motion and proposed order must be uploaded into the judge's portal; include in the order, attorney's name and phone number to call. The judge, once the motion is granted, will contact the attorney (or witness) within thirty minutes of the time set for the hearing. In addition, please make sure your hearing notice reflects you have set a telephonic hearing. **The exception to this procedure is pretrial conference hearings, motion for summary judgment and mediation as your appearance is required.**

**PROCEDURE 12  
MOTION 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 email address if any, within the text of the motion and order. 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 consents 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 *prose* parties, including your clients.

**PROCEDURE 13  
SUBSTITUTION OF COUNSEL**

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

**PROCEDURE 14  
MOTION FOR REHEARING, RECONSIDERATION AND NEW TRIAL**

Please refer to Administrative Order 2017-33-GEN (<http://www.17th.flcourts.org/wp-content/uploads/2017/08/2017-33-gen.pdf>) 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.

**PROCEDURE 15  
SMALL CLAIMS PRETRIAL CONFERENCE**

Parties must electronically submit to the judge, five (5) days prior to the hearing, the Motion to Invoke the Florida Rules of Civil Procedures and agreed order. **Last minute submissions will not be considered and the right to invoke the rules will be waived.**

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

## **FORM ORDERS**

### **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.

Waiver of Appearance at Pretrial Conference and Order

The parties hereby agree to invoke the Rules of Civil Procedure and agree to waive procedures under Small Claims Rules, and further agree to waive their appearances at the pretrial hearing, which is scheduled for \_\_\_\_\_

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Email address

\_\_\_\_\_  
Signature: Attorney for Plaintiff

\_\_\_\_\_  
Signature: Attorney for Defendant

ORDER INVOKING RULES OF CIVIL PROCEDURE

This cause came to be considered on the Plaintiff and Defendant's agreement to waive the procedures under the Small Claims Rules, invoke the Rules of Civil Procedure. It is therefore

ORDERED AND ADJUDGED THAT:

1. The Florida Rules of Civil Procedure are hereby invoked, except as may be provided hereinafter below.
2. The Defendant shall have 20 days from the date of this order to file a response to Plaintiff's complaint or may suffer default without further notice or hearing.
3. If this case is proceeding in Division 50, then pursuant to rule 7.020(c), rule 1.440 is not invoked and rules 7.135 and 7.150 are reserved and prevail over rule 1.430.