

## PROCEDURES FOR CIVIL DIVISION 04

JUDGE WILLIAM W. HAURY, JR.  
Courtroom WW16165 Chambers WW16131  
Judicial Assistant, Hope Allan ([hallan@17th.flcourts.org](mailto:hallan@17th.flcourts.org))  
(954) 831-0608

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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. All motions and responses shall be double-spaced with margins not less than one inch. 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.

(e) The Court does not accept hard copies of motions and related papers. All motions and related papers must be uploaded as Supporting Documents once the hearing appears on CMS. Instructions for uploading Supporting Documents are attached as Exhibit B. Instructions for hyperlinking case law are attached as Exhibit C. If there is more than one item in your pdf, please “bookmark” your PDF submission.

## 2. Motions - Generally

(a) **Motions for Rehearing.** Please see Adm. Order # [2022-5-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 *Fla. R. Gen. Prac. & Jud. Adm.* 2.545 (e) regarding party consent. If a case is settled prior to the trial date, the scheduling party **MUST** immediately provide **email** notification to Ms. Allan and cancel all future hearings.

(c) **Motions to Withdraw.** If you do not have client consent in accordance with *Fla. R. Gen. Prac. & 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.

(d) **Motions for Summary Judgment – Generally.** In accordance with *Fla. R. Civ. P.* 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.

Under 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.

Under 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. 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 (c) (5) requires the non-movant to serve a response at least 20 days before the time fixed for the hearing.

If there are Affirmative Defenses, have they been addressed? If an Affidavit is based on business records, does the Affidavit comply with 90.803 (6) and *Yisrael v. State*, 993 So.2d 952, 956-958 (Fla. 2008)?

**(e) Motions for Attorney Fees.** The parties should first set motions for attorney fees and costs for a determination on entitlement only. Once the Court determines entitlement to fees or costs, or if the parties agree to entitlement, the Court will issue a scheduling order regarding the determination of the amount. See s. 4 (g).

**(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. 4<sup>th</sup> DCA 2013). Attorney fees and other unliquidated damages will require a hearing. Quiet Title and Partition actions require an affidavit or certified copy of the deed upon which you rely.

**(g) Motions in Limine.** The Court prefers to hear all motions in limine at the time of trial. The parties are not to schedule motions in limine for special set hearings absent Court approval. If a party wants the Court to hear a motion in limine prior to trial, the party can advise the Court at the Calendar Call, and the Court can schedule the motion prior to the trial.

### 3. Hearings.

**(a) In Person & Zoom Hearings.** Administrative Order 2022-44-Gen vacated the remaining COVID administrative orders. Therefore, all hearings should be in person. As courtesy, Judge Haury will permit attendance by Zoom at motion calendar, case management conferences and calendar call without a motion provided there is no objection from the opposing party. If in doubt, please see *Fla R. Gen. Prac. & Jud. Admin.* 2.530. If your hearing is by Zoom, please include the Zoom instructions in your Notice of Hearing. Zoom sign on instructions are attached as [Exhibit A](#). Do not designate the courthouse address as the hearing location if your hearing is by Zoom. The parties may stipulate to do the hearing by Zoom.

**(b) Generally.** All hearings must be coordinated with opposing counsel. Prior to setting a hearing on CMS, counsel must meet and confer regarding the matter to be set and the hearing date. The meet and conferral must be either in person or by phone. Email conferrals are not sufficient unless it results in an agreed order. Please upload the motion and all related papers as Supporting Documents. *For motions to dismiss, include the complaint. For discovery matters, include the request if it is not part of the response.* If you fail to upload Supporting Documents your hearing may be cancelled. Instructions for uploading Supporting Documents are attached as [Exhibit B](#).

**(c) 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 your hearing online in the same manner in which it was set. When 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](mailto: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.

**(d) Special Set Hearings – 15 and 30 minutes.** Special Set Hearings for up to 30 minutes may be set online. Please do not contact the JA to set a hearing requiring 30 minutes or less or to confirm a hearing that has been set. If you would like an earlier date, please continue to check for cancellations.

**(e) Special Set Hearings – Over 30 minutes.** Hearings over 30 minutes are in person (unless otherwise agreed) and are coordinated through the JA. After your meet and conferral, (see s. 3. (a)) please e-mail [hallan@17th.flcourts.org](mailto:hallan@17th.flcourts.org) with:

- (1) The date of your conferral.
- (2) The manner of your conferral – in person or by phone.
- (3) Who participated in the conferral.
- (4) Whether the matter is time sensitive or is entitled to a statutory

preference.

- (5) The amount of time requested by the moving party.
- (6) The amount of time requested by the non-moving party.
- (7) A list of preferred dates.
- (8) The correct email address for each attorney.
- (9) A copy of the motion with all attachments.

Once a date has been provided, an order will be issued. Please do not contact the JA to further confirm the hearing.

**(f) 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 day prior to 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. If entitlement is disputed, it will be determined first. Please provide the JA with a copy of your attorney fee motion so that a scheduling order may be issued.

**(h) Emergency Hearings.** Please see Adm. Order# [2021-50-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 and Administrative Order 2022-49-Civ. Please provide a copy of your notice of readiness for trial to the JA. Any disputes regarding a trial date are to be set on the Court's uniform motion calendar.

**(a) Calendar Call.** The order of the trial docket will be determined at calendar call. If your case settles prior to calendar call, please e-mail the JA 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) 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 the JA to inquire when your case will be re-set.

**(c) Settlement.** If your case settles, please email the JA immediately. Please file the closing paperwork promptly.

**(d) Ready for Trial Docket.** In an effort to offer litigants with pending jury trials greater access to the Courts, litigants with pending cases in the Circuit Civil Division may place cases on the 17<sup>th</sup> Judicial Circuit's ready for trial docket. The ready for Trial Docket will afford litigants and their counsel the opportunity to place any Circuit Civil case to be

tried by a jury on a Trial Docket. The case may or may not be under a current trial order but the parties through their counsel shall stipulate the case meet all criteria to be placed on the Ready for Trial Docket. [Ready For Trial Announcement](#), [Ready for Trial Docket Stipulation](#).

## 5. Special Set Hearing Dockets

January 30, 31- February 1 & 2, 2023  
March 6, 7, 8, & 9, 2023  
April 3, 4, 5, & 6, 2023  
May 1, 2, 3, & 4, 2023  
May 30, 31 & June 1, 2023  
July 10, 11, 12 & 13, 2023  
August 7, 8, 9 & 10, 2023  
September 5, 6, & 7, 2023  
October 2, 3, 4, & 5, 2023  
October 30, 31, November 1, & 2, 2023  
November 27, 28, 29, & 30<sup>th</sup>, 2023

## 6. Trial Dockets

### **Calendar Call at 10:00 A.M.**

January 30, 2023  
March 6, 2023  
April 3, 2023  
May 1, 2023  
May 30, 2023  
July 10, 2023  
August 7, 2023  
September 5, 2023  
October 2, 2023  
October 30, 2023  
November 27, 2023

### **Trial Period**

February 6-March 2  
March 13-March 20  
April 10-April 28  
May 8-May 26  
June 5- June 23  
July 17-July 28  
August 14-September 1  
September 11-September 29  
October 9-October 27  
November 6-November 22  
December 4-December 22

## 7. Trial Evidence.

(a) **Exhibits.** Pursuant to the Uniform Pretrial Order, please attempt to pre-mark and agree to all trial exhibits prior to the beginning of trial. The parties should provide all exhibits to the in-court clerk by 9:30 a.m. the morning of the first day of the trial. The Court will provide the parties with exhibit stickers along with instructions on how to label the exhibits. The Court can also address all evidentiary disputes prior to the commencement of trial. No separate trial notebook with exhibits is necessary for the Court.

Zoom evidentiary hearings are governed by Administrative Order 2022-37-Gen (Amendment 1).

**(b) Deposition Designations.** No later than **15 days prior to Trial**, 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 **5 prior to Trial**, 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 Trial Order may be required to attend a status conference subsequent to calendar call.

For Information on how to operate the Evidence Presentation System in the courtroom please review this video: <https://youtu.be/V8aqOA0fZ5g>

## **8. Court Holidays and Suspension Dates.**

January 16, 2023  
April 7, 2023  
May 29, 2023  
June 19, 2023  
July 4, 2023  
September 4, 2023  
September 25, 2023  
November 10, 2023  
November 23, 2023  
November 24, 2023  
December 25, 2023

## **9. Electronic Orders and Judgments.**

### **(a) Generally.**

(1) Proposed and Agreed Orders may be uploaded via CMS. Please attach Supporting Documents as appropriate.

(2) Do not duplicate content that is provided by “Insert Header” and “Insert Footer.” This will be added by CMS.

(3) Please do not submit duplicate orders by mail.

**(b) Agreed Orders and Judgments.** Only orders and judgments that are agreed to may be submitted as an agreed order or agreed judgment.

**(c) Orders and Judgments after Hearing.** The order or judgment must contain the date of hearing and type of motion. If parties disagree regarding the language of the order, then upload competing orders to CMS at the same time. Please include a cover letter, as a Supporting Document, stating that there are competing orders.

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

Additional Assistance can be found at:  
[http://www.17th.flcourts.org/images/stories/17th\\_pdf\\_files/AttorneyCMSManual.pdf](http://www.17th.flcourts.org/images/stories/17th_pdf_files/AttorneyCMSManual.pdf)

Please let us know if you have any suggestions.

(Revised January 2023)



## EXHIBIT A

### Zoom Sign on Instructions

Please become familiar with Zoom prior to your hearing. See Zoom US.

Judge Haury is inviting you to a scheduled Zoom meeting. You may appear by phone or computer. Appearance by computer is preferred.

Topic: Judge Haury Docket

#### **Join Zoom Meeting**

<https://17thflcourts.zoom.us/j/726619094>

**Meeting ID: 726 619 094**

One tap mobile

+16468769923,,598494885# US (New York)

+13126266799,,598494885# US (Chicago)

Dial by your location

+1 646 876 9923 US (New York)

+1 312 626 6799 US (Chicago)

+1 253 215 8782 US

+1 301 715 8592 US

+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

Toll Free: (888) 475-4499 (833) 548-0276 (833) 548-0282 (877) 853-5257

Find your local number: <https://17thflcourts.zoom.us/j/726619094>

## EXHIBIT B

### Uploading Supporting Documents Via CMS

#### For hearings that have not been scheduled

- Log in to CMS (Court Management System)
- **Click** on New Event
- Select the Category Type
- Pick a date Both Parties agree on
- Enter Case Number – Make sure Case Style Matches
- Type in the Motion that is set to be Heard
- **Click** - Add Attachment
- Once the Attachment has uploaded- Select the Category the document falls under
- **Check off** both boxes for the Terms and Conditions listed at the Bottom

#### For hearings that have been scheduled

- Log in to CMS (Court Management System)
- **Click** on the Calendar Tab
- Select the Show Events by Case Tab
- Type in the case number
- Enter a date range for when the hearing was set or enter the exact date
- Choose the Event for which the Documents go
- Once the Event has been chosen, **Click** Add Attachment
- Select the File from the Computer drive (**DESKTOP or A SAVED FOLDER ON YOUR COMPUTER**)
- Please make sure all documents have been previously E filed
- Once the Document has been Selected, Select the **Document Category**
- **Click** Save

**Once the Documents have been saved, it will reflect on the screen a PDF, Name of the Document and the Date the Document was Attached  
The Link Below Provides a Step-by-Step Tutorial**

<https://www.youtube.com/watch?v=04elG0CDPJs&feature=youtu.be>

## EXHIBIT C

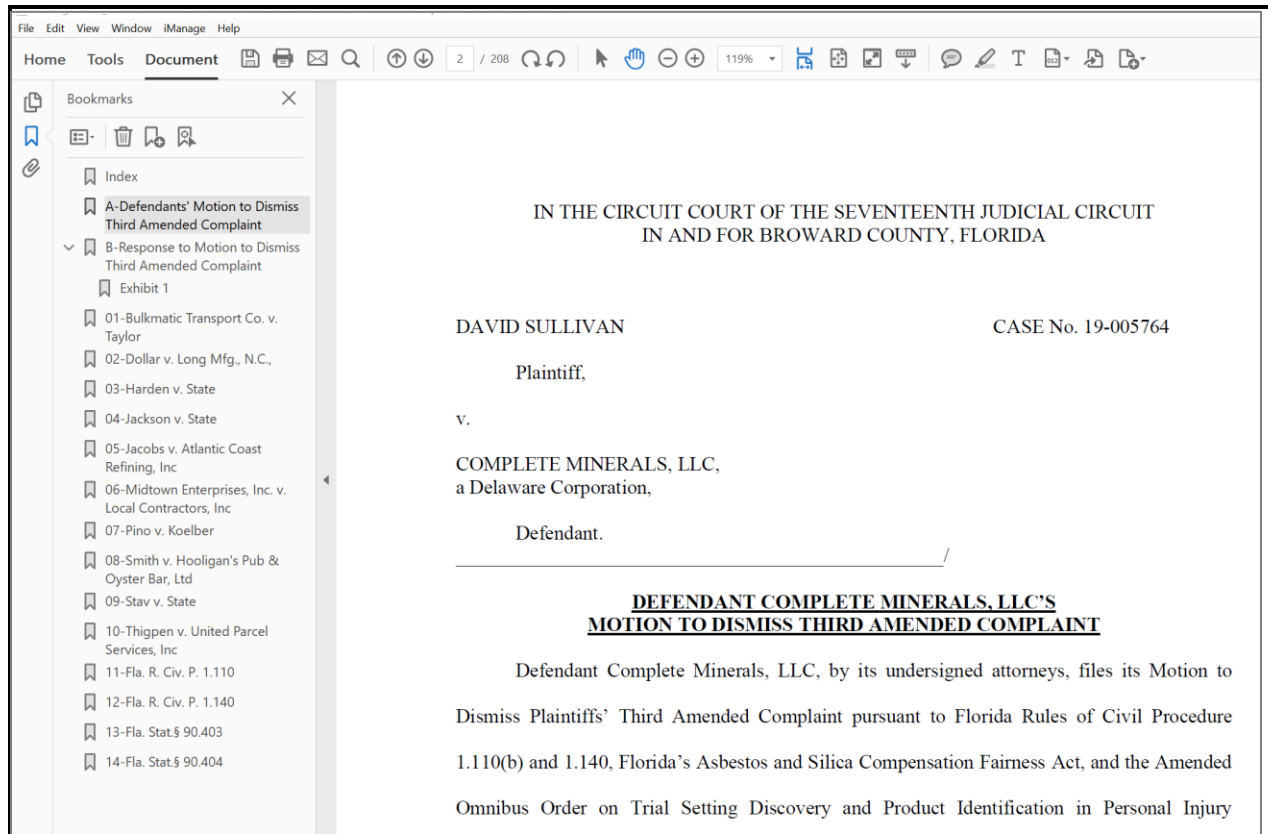
### Hyperlinking Case Law & Supporting Documentation to Briefs

#### Preparation

- Create Combined PDF of brief, case law and supporting documents in order.
- Make sure all documents are OCR'd or you will not be able to create Hyperlinks.

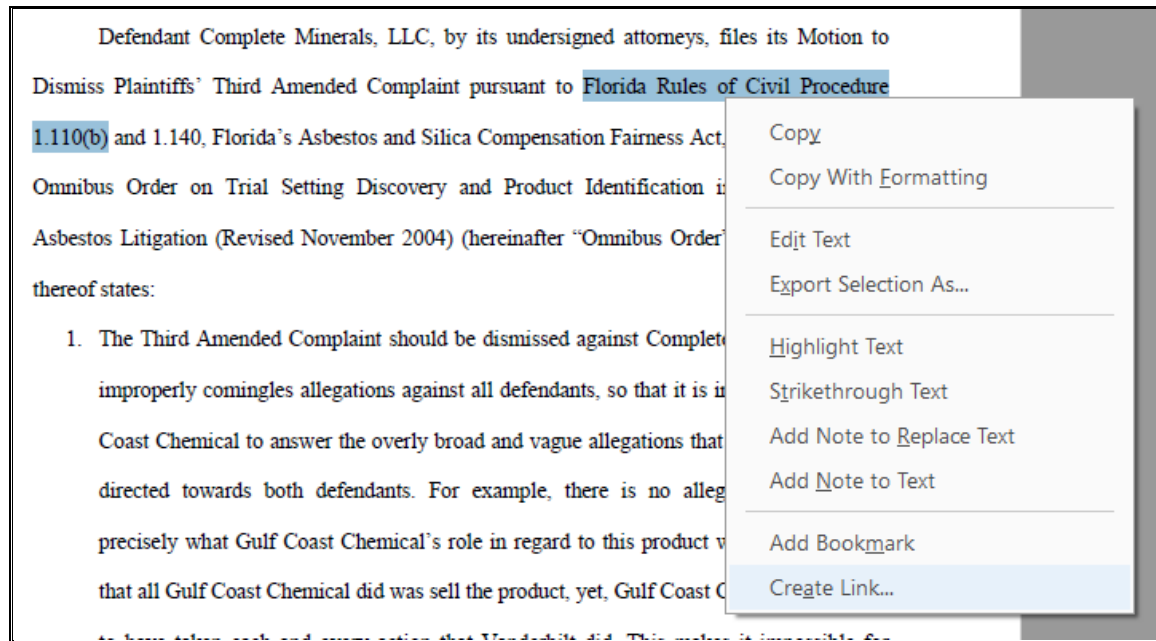
#### Bookmarking

- Bookmark the motion, cases and/or supporting documents

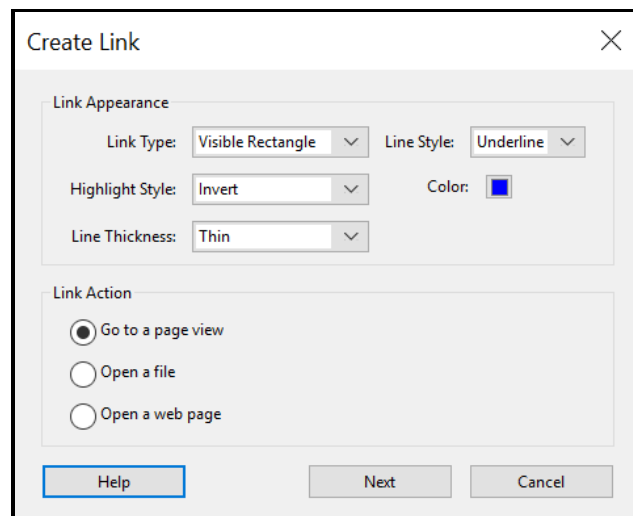


## Creating the Hyperlink

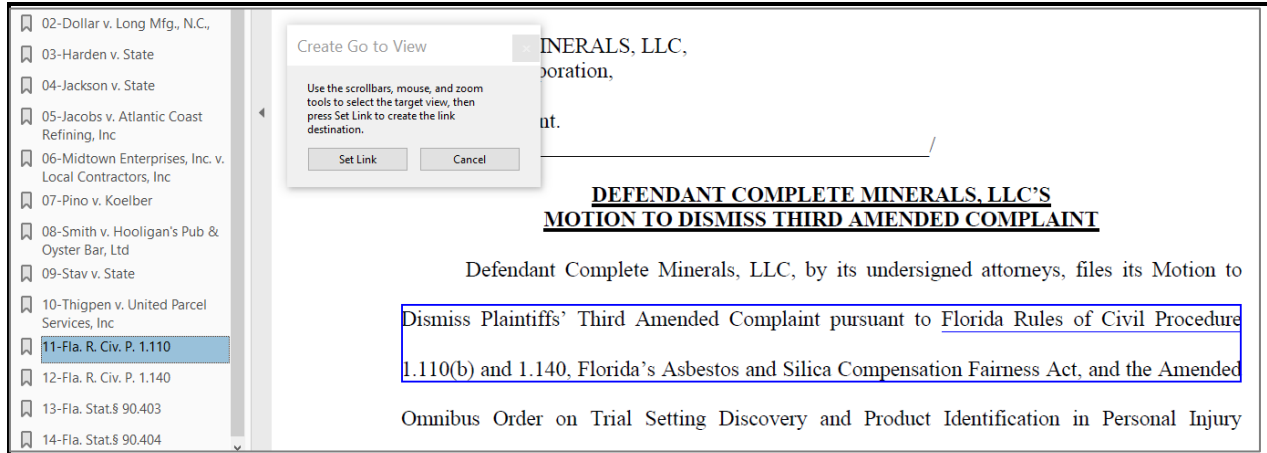
- **Highlight the area** where you want the link to appear.
- Right mouse click and **select, Create Link**.



- **Choose** how you want your links to appear.
- **Under Link Action** you must choose **"Go to a page view."**
- Select **"Next."**

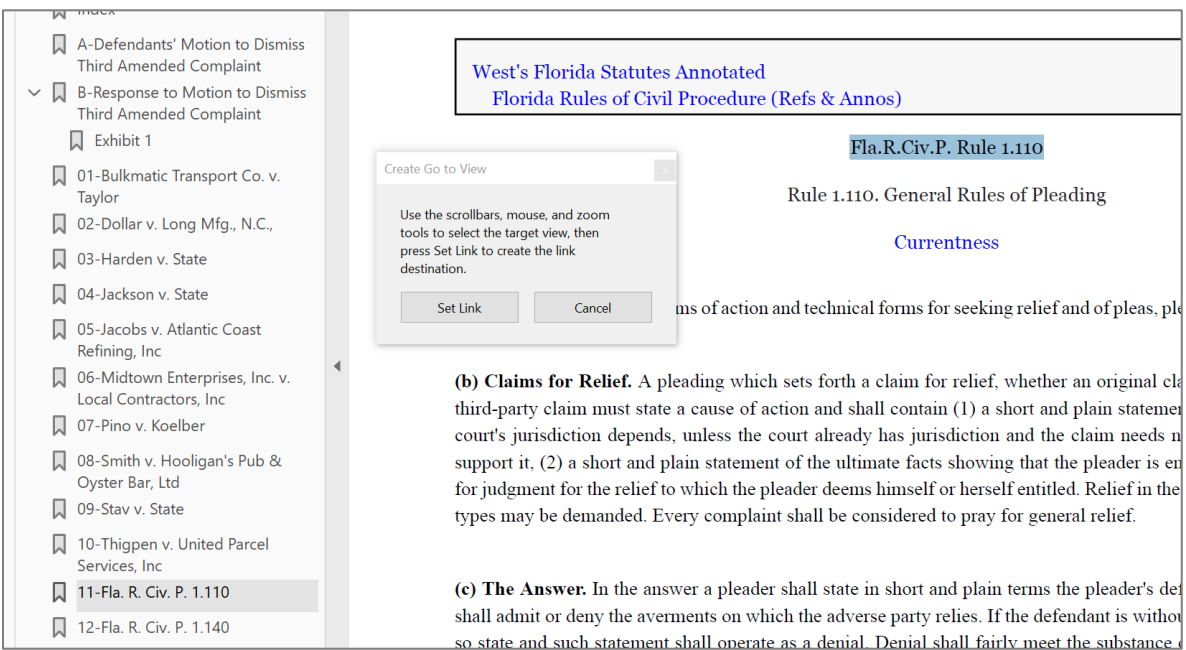


- **After “Create Link” Parameters are Set, Select the Bookmark you want to associate with the Link**

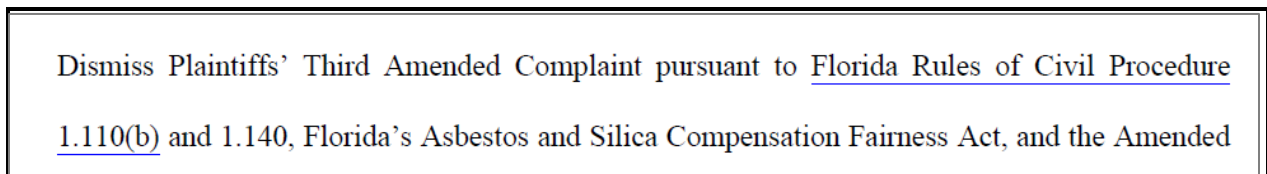


(This will take you directly to the Bookmarked page)

- **Select Set Link**



- **Completed Links will show up per your configuration.**



- **Close or leave Bookmarks open**
- **Save your document**  
(Courtesy of Karen Kaufman Castillo, FRP)