

KEATHAN B. FRINK
CIRCUIT COURT JUDGE
SEVENTEENTH JUDICIAL CIRCUIT IN
AND FOR BROWARD COUNTY, FLORIDA



BROWARD COUNTY COURTHOUSE
201 S.E. 6TH STREET,
CHAMBERS –16127/
COURTROOM 16155
FORT LAUDERDALE, FL 33301
DIV12@17TH.FLCOURTS.ORG
(954) 831-7395

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**PROCEDURES FOR CIVIL DIVISION 12
JUDGE KEATHAN B. FRINK**

**ALL SPECIAL SET HEARINGS, JURY and NON-JURY TRIALS ARE HELD IN
COURTROOM 16155**

WE DO NOT ACCEPT E-MAILS (unless otherwise specified in these procedures) AND/OR FAXES. DO NOT E-MAIL PLEADINGS.

This Court DOES NOT ACCEPT hard copies (including binders) as the Division 12 is a paperless division. The only way you can send the documentation for the Judge to review is via CMS as a "Supporting Document".

ALL HEARINGS including: Uniform Motion Calendar, LOP/Case Management, and Calendar Call **will be held through ZOOM Video Conference only** until further notice from this Court.

CLERK OF COURT: For questions regarding any civil matters, please send an email to circuitcivileclerk@browardclerk.org. Any questions will be answered through that email address.

NOTICE(S) OF HEARING:

- 1.) For **uniform motion calendar**, you **MUST** include the Court's ZOOM video conference information as referenced below on the notice of hearing. *Do not include the courthouse address in your notice of hearing for uniform motion calendar unless an in person hearing has been authorized by the Court.*

- 2.) For **special set hearings**, you **MUST** include the courthouse address on the notice of hearing.

PLEASE FOLLOW THE INSTRUCTIONS BELOW.
JUDGE FRINK'S ZOOM LINK:

Judge Keathan Frink is inviting you to a scheduled Zoom meeting.

Topic: Judge Frink Docket

Join Zoom Meeting

<https://17thflcourts.zoom.us/j/647324402>

Meeting ID: 647 324 402

(888)475-4499 US Toll-free, (833)548-0276 US Toll-free, (833)548-0282 US Toll-free,
(877)853-5257 US Toll-free

For Hearings Requiring Court Reporters:

Parties who desire a Court Reporter will make the necessary arrangements with the Court Reporter to appear by ZOOM at all hearings.

- **The Court Reporter will announce their presence.**
- **Any witness(es) or interpreter will announce their presence, the attorneys must ensure a person authorized to give oaths is present.**
- See [Supreme Court of Florida, Administrative Order No. AOSC20-16](#).

ABSOLUTELY no Proposed Orders may be submitted in advance of any hearing or trial, any proposed Orders submitted in advance of a hearing WILL be considered EX PARTE communications and the party submitting such Order may be sanctioned.

PAGE & 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. Proposed orders on motions requesting leave to exceed the page limitation may be uploaded to CMS for the Court's consideration. Upload the motion as a supporting document for the Court's review.

COURTESY COPIES FOR HEARINGS

This Court requires courtesy copies for each hearing noticed or re-noticed. **You must upload same through the Court Management System (CMS) as a supporting**

document. If courtesy copies are not uploaded to CMS as a Supporting Document to CMS five (5 days) prior to your hearing, your hearing MAY BE CANCELLED.

Please upload the following as individual documents when either setting the hearing, or after a hearing has been set:

- (1) notice of hearing;
- (2) motion together with exhibits;
- (3) supporting case law [please name each uploaded file by **case law name**];
- (4) any other attachments [responses, reply, etc.].

- This Court DOES NOT ACCEPT hard copies (including binders) as the Division 12 is a paperless division. The only way you can send the documentation for the Judge to review is via CMS as a “Supporting Document”.
- *ABSOLUTELY no Proposed Orders may be submitted in advance of any hearing or trial, any proposed Orders submitted in advance of a hearing WILL be considered EX PARTE communications and the party submitting such Order may be sanctioned.*
- *If pleadings are not filed with the Clerk of Court and uploaded to CMS your hearing will not proceed.*

NO DOUBLE BOOKING, ADD-ON, or CROSS-NOTICE of any hearing is permitted at any time. Sanctions may be imposed for non-compliance.

PROCEDURE FOR UPLOADING ORDERS VIA COURT MANAGEMENT SYSTEM (CMS)

1. AGREED OR UNOPPOSED ORDERS

The word “AGREED” or “UNOPPOSED” must be in the title and in the body of the Order being uploaded without the motion.

DO NOT upload: (1) agreed order to continue a hearing and/or trial; (2) agreed order to withdraw as counsel of record; and (3) agreed order regarding any telephonic/ZOOM hearings. **Motions to continue and withdraw as attorney of record must be set for hearing on the Uniform Motion Calendar.**

2. PROPOSED ORDERS

Pursuant to division rules, PROPOSED ORDERS may be uploaded to the CMS system **ONLY following a hearing and ruling by the Court on the motion at bar.** The Proposed E-ORDER shall state the date the matter which is the subject of the

Proposed Order was heard AND whether the opposing party will be submitting their own competing proposed order or are in agreement that the Order is an accurate representation of the ruling. [if the opposing party “will not” be submitting a proposed order, paragraph 1 must so state]. A misrepresentation by counsel or a party on whether a competing order will be submitted may be subject to sanctions.

3. **PROPOSED ORDERS AFTER HEARING WITH NO ORAL RULING BY THE COURT**

Pursuant to division rules, proposed ORDERS following a hearing where the Court made no oral ruling, may be submitted **only** with permission of the Court, through the Division 12 email address: div12@17th.flcourts.org

4. **FINAL ORDER OF DISMISSAL ONLY** (no stipulation)

5. **STIPULATIONS**

Stipulations must be filed and a separate ORDER APPROVING STIPULATION (stipulation followed by Order) may be uploaded to CMS for the Courts consideration. Any Stipulation for Substitution of Counsel **must contain the client’s consent**. The Order Approving the Stipulation for Substitution of Counsel must contain the new attorney’s name, mailing address, e-mail address, and telephone number.

5. **EX-PARTE ORDER COMPELLING DISCOVERY**

Parties must file an ex-parte motion compelling discovery pursuant to Local Rule 10A followed by a proposed Order.

The above orders **MUST** be submitted through the Court Management System (CMS). For further information please visit: <http://www.17th.flcourts.org/agreed-and-proposed-orders/>

DISAGREEMENT WITH LANGUAGE IN THE ORDER

Please note that when you submit orders through CMS, the orders do not go to the Judicial Assistant, the orders go directly to the Judge. The Judge does not know that the parties disagree with the language.

1. The only time that orders should be uploaded to CMS is when the parties have agreed to the language in the order, and the order must contain the date of the hearing and type of motion (if applicable).

2. If the opposing counsel disagrees with the language, do not upload the order to CMS, EACH PARTY must submit the Order by email to DIV12@17TH.FLCOURTS.ORG advising the Court that the parties DO NOT AGREE.
3. If the parties do not agree with the language of the Order that indicates the Court's ruling, each party must submit the Order by email to DIV12@17TH.FLCOURTS.ORG with a cover letter advising the Court when the hearing was held, that the parties DO NOT AGREE, and that each party will be submitting a separate Proposed Order.
 - Please ensure the Proposed Order is in Word.Doc Format and include all parties in the email.

REMEMBER! The Judge signs the order when the order is uploaded to CMS because the Judge presumes the parties have agreed on the language of the order.

UNIFORM MOTION CALENDAR
Pursuant to [LOCAL RULE 10A](#)
8:45 A.M. MONDAY through THURSDAY

Uniform Motion Calendar starts promptly at 8:45 A.M. via ZOOM video conference until further notice from this Court Monday through Thursday. Courtesy copy **must** be uploaded through CMS as required by [Local Rule 10A](#) no later than five (5) working days prior to said hearing. *Failure to fully comply with [Local Rule 10A](#) may result in your case not being heard. All cancellations must be done on the Court Management System (CMS) immediately by the setting party. Please **DO NOT CALL** the Judicial Assistant to cancel or confirm your Uniform Motion Calendar hearing. **NO ADD-ON OR CROSS-NOTICE OF HEARING PERMITTED.***

If pleadings are not filed with the Clerk of Court and uploaded to CMS your hearing will not proceed.

AVAILABLE SPECIAL SET HEARING DATES FOR 2024/2025

Parties will need to check CMS periodically for the Court's special set dates. It is suggested that you utilize the month view to see what is available.

SPECIAL SET HEARINGS - 15 AND 30 MINUTES

***As of November 1, 2022, special set hearings will be held in person.**

Special Set hearings (15 and 30 minutes) must be set utilizing the Court Management System (CMS). **Please do not contact the Court's Judicial Assistant to set or cancel**

same. A courtesy copy must be uploaded through CMS no later than **five (5) working days** prior to said hearing. Failure to comply with [Local Rule 10A](#) may result in your case not being heard. *All cancellations must be done immediately on the Court Management System (CMS) by the setting party.* **NO ADD-ON OR CROSS-NOTICE OF HEARING PERMITTED.**

IT IS MANDATORY that all parties consult regarding availability of each attorney. Users may log on at the same time to see the Court's schedule of available times when selecting the date and time for a hearing.

ALL parties utilizing the Court Management System (CMS) shall certify that they have consulted with all other parties in obtaining the hearing time in the notice of hearing pursuant to [Local Rule 10A](#) which governs the Uniform Motion Calendar, Ex Parte Motions to Compel Discovery and Special Set Hearings.

Counsel, in good faith, shall secure the hearing time necessary to give all parties adequate time to argue the merits of the motion.

[If pleadings are not filed with the Clerk of Court and uploaded to CMS your hearing will not proceed.](#)

SPECIAL SET HEARING – OVER 30 MINUTES

***As of November 1, 2022, special set hearings will be held in person.**

The moving party must first e-file the motion and then send a courtesy copy along with a cover letter indicating the length of time sought for the hearing to the division email account. *This request for a hearing over 30 minutes MUST BE submitted electronically through e-mail to: DIV12@17TH.FLCCOURTS.ORG. You MUST include all parties in email.* Once the Judge reviews your motion, the Judicial Assistant will contact the moving party to coordinate a hearing date and time. After confirmation of a special set date and time, the Judicial Assistant will enter an order specially setting the hearing. If a response is filed, a courtesy copy must be uploaded to CMS as a Supporting Document at least five (5) business days prior to the hearing.

ANY SPECIAL SET HEARINGS OF MORE THAN 30 MINUTES CANNOT BE CANCELLED WITHOUT ORDER OF THE COURT UNLESS THE PARTIES HAVE AN AGREED ORDER RESOLVING THE MATTER PRIOR TO HEARING DATE.

Counsel, in good faith, shall secure the hearing time necessary to give all parties adequate time to argue the merits of the motion.

If pleadings are not filed with the Clerk of Court and uploaded to CMS your hearing will not proceed.

CANCELLATION OF A HEARING

Should any scheduled hearing become unnecessary **the scheduling party shall immediately cancel said hearing using the Court Management System (CMS)**, notify all parties, and file the appropriate notice of cancellation. Special set scheduling is for the benefit of the users. Once you have secured hearing time, **please do not contact the Judicial Assistant to confirm any hearing.** If a hearing is cancelled by the Court, the Court Management System (CMS) will generate an *e-mail* notice to all parties registered with the e-portal.

All hearings set by the Court can only be cancelled or reset by the Court. To RESET a hearing, the moving party must motion the Court and set same on the Uniform Motion Calendar for hearing. To CANCEL a hearing, the moving party must provide the Court with **written notification** that the subject matter of the hearing has been resolved (by way of stipulation, agreed order, etc.).

NOTICE TO ATTORNEY AND UNREPRESENTED PARTIES

Uniform Motion Calendar begins promptly at 8:45 a.m. followed by Special Set Hearings and/or Trials. You must sign in and be present. You must telephone or email opposing counsel if he or she has not appeared for said hearing and find out the reason for the inability to attend. Otherwise, if opposing counsel does not appear the Court will hear the case.

NOTICE FOR TRIAL ***(Cases Ready for Trial)***

Attorneys **must utilize** the Court Management System (CMS) to schedule jury and non-jury trials for calendar call. Counsel must certify they have consulted with all counsel of record or parties regarding an agreed trial setting. All available calendar call and trial periods are available on the Court Management System (CMS). *Be advised that when case is set for calendar call that CMS generates a trial order that is sent to the Judge. There is no need for you to upload trial order to CMS. **Calendar Call starts promptly at 10:00 A.M. via ZOOM video conference until further notice from the Court.** Trial counsel MUST appear at calendar call.*

You must upload to CMS the pretrial stipulation prior to calendar call and also once the matter is set for trial.

No unilateral trial settings are permitted. Any disputes regarding a trial date are to be set on the Court's uniform motion calendar. After agreement of a trial date, the moving party shall set the matter for calendar call using the Court Management System (CMS). CMS will generate the trial order and transmit it to the Court. In addition, the moving party shall prepare a notice for trial in accord with Florida Rule Civil Procedure 1.440. Some trial periods may be unavailable due to the docket being full, holidays, etc. *If a trial period does not appear on CMS, then that period is full.*

CASE MANAGEMENT

*Please see and review [Administrative Order 2021-19-CIV](#), in reference to the establishment and implementation of civil case management plan issued pursuant to Florida Supreme Court Administrative Order AOSC20-23, Amendment 12, (April 13, 2021).

CALENDAR CALL/TRIAL PERIOD DATES:

<i>Calendar Call @ 10 AM</i>	<i>Trial Period</i>
December 11, 2023	01/08/2024 – 02/02/2024
February 5, 2024	02/12/2024 – 02/29/2024
*March 1, 2024	03/11/2024-04/05/2024
April 8, 2024	04/15/2024-05/03/2024
May 6, 2024	05/13/2024 -5/31/2024
June 3, 2024	06/10/2024 – 06/28/2024
July 1, 2024	07/08/2024 – 07/26/2024
July 29, 2024	08/12/2024 – 08/30/2024
September 3, 2024	09/09/2024-09/27/2024
September 30, 2024	10/07/2024 -10/25/2024
October 28, 2024	11/04/2024 – 11/26/2024
December 2, 2024	12/09/2024 – 12/20/2024
January 6, 2025	01/13/2025 – 01/31/2025
February 3, 2025	02/10/2025 – 02/28/2025
FUTURE DATES TBD/PLEASE CHECK CMS	

TRIAL CONTINUANCE / CANCELLATION

All jury and non-jury trial continuances require a hearing on the Uniform Motion Calendar **including** agreed continuances.

If a case is settled prior to the calendar call or trial date, the Plaintiff and Counter-Plaintiff **MUST** immediately notify the Court by in writing via email to: div12@17th.flcourts.org and file a Notice of Settlement. A copy of the filed Notice of Settlement must be attached to the written notification. When providing written notification please advise that the trial set for calendar call (date) with the trial period of (date) is settled.

EMERGENCY MOTIONS (INJUNCTIONS, etc.)

The moving party must comply with Administrative Order 2021-50-Civ "CIRCUIT AND COUNTY CIVIL AND PROBATE EMERGENCY MATTERS." The filed emergency motion, request form, along with a proposed Order, **MUST BE submitted electronically through e-mail to: DIV12@17TH.FLCOURTS.ORG** for the Court's consideration and someone will contact you thereafter. You MUST include all parties in your email to the Court.

MOTIONS FOR RE-HEARING/RECONSIDERATION

The moving party must comply with Administrative Order 2022-5-GEN "Administrative Order Regarding Motions for Rehearing." The filed motion along with a proposed order **MUST BE submitted electronically through e-mail to: DIV12@17TH.FLCOURTS.ORG** for the Court's consideration. You MUST include all parties in your email to the Court.

SUMMARY JUDGMENT MOTIONS

Pursuant to the Florida Supreme Court's [amendment to Florida Rule of Civil Procedure 1.510 effective May 1, 2021](#), parties moving for summary judgment must support or oppose the motion with a statement of material facts. In the interest of judicial economy, in the interest of proper and careful consideration of each party's statement of material facts, and in the interest of determining matters on summary judgment on the merits, the Court orders the parties to file any statements of material facts as follows:

1. The moving party shall file a statement of material facts as a separate filing from a motion for summary judgment.
2. The statement shall not exceed ten (10) pages.
3. Each material fact in the statement that requires evidentiary support shall be set forth in an individually numbered paragraph and supported by a specific citation. This specific citation shall reference pages (and paragraph or line numbers, if applicable) of

the cited exhibit(s). When a material fact requires evidentiary support, a general citation to an exhibit, without a page number or pincite, is not permitted.

4. Each exhibit referenced in the motion for summary judgment and/or in the statement of material facts must be filed on the docket. Exhibits which have already been filed on the docket need not be refiled. If a deposition transcript is referenced, a complete copy must be filed which includes all exhibits. Within twenty-four (24) hours of filing a motion for summary judgment, the movant shall separately file an index of the cited exhibits which names each exhibit and references the docket entry at which that exhibit may be found. (*Show name of document and date filed.)

5. The responding party may file an opposing statement of material facts which responds to the moving party's statement of material facts. Failure to respond may result in the court considering the moving party's facts as undisputed.

6. The opposing statement of material facts shall not exceed ten (10) pages.

7. A responding party's opposing statement of material facts must specifically respond to each statement in the movant's statement by setting forth each of the individually numbered paragraphs contained in the movant's statement and after each paragraph, detail respondent's response or opposition.

By way of example:

Movant's Statement of Material Facts

1. Blackacre is a vacant property located at 123 Main Street. Exhibit A ¶ 1.
2. Sarah Jones owns Blackacre. Exhibit B ¶ 12.

Respondent's Opposing Statement of Material Facts

1. Blackacre is a vacant property located at 123 Main Street. Exhibit A ¶ 1.
Admitted that Blackacre is located at 123 Main Street. Exhibit A ¶ 1. Denied that the property is vacant. Exhibit C at 5.
2. Sarah Jones owns Blackacre. Exhibit B ¶ 12.
Denied as phrased. Admitted that the last recorded deed to Blackacre names Sarah Jones. Exhibit B ¶ 12.

8. Each exhibit referenced in the response to the motion for summary judgment and/or in the opposing statement of material facts must be filed on the docket. Exhibits which have already been filed on the docket need not be refiled. If a deposition transcript is relied upon, a complete copy must be filed which includes all exhibits. Within twenty-four (24) hours of filing a response to the motion for summary judgment, the responding party shall separately file an index of the cited exhibits which names each exhibit and references the docket entry at which that exhibit may be found. (*Show name of document and date filed.)

9. In the event that cross motions for summary judgment are filed, the Court may order the parties to submit a consolidated statement of material facts and responses as

appropriate. If cross motions are anticipated, the parties may jointly move for an order to file consolidated statements prior to filing the motions for summary judgment.

10. A reply statement of facts is not permitted.

Please, **DO NOT CALL** the Judicial Assistant to confirm these procedures, hearings, to see if your documents have been received or signed by the Judge and/or for technical support using the Court Management System (CMS).

You can confirm your hearing by calling the scheduling party. When a hearing is set or cancelled, the Court Management System (CMS) will notify all parties registered with the E-Portal via email.

If you are having technical difficulties using the Court Management System (CMS) or uploading your order, please email the help desk at calendar@17th.flcourts.org.

Please visit the following for additional assistance with the Case Management System (CMS):

- <http://www.17th.flcourts.org/cms-manuals/>
 - <http://www.17th.flcourts.org/cms-faq/>
-

To view videos on the Courtroom Evidence Presentation System in the courtroom, please visit the following:

- <http://www.17th.flcourts.org/evidence-presentation-system/>

Thank you for your cooperation.

CIVIL DIVISION 12
THE HONORABLE KEATHAN B. FRINK