

## PROCEDURES FOR CIVIL DIVISION 04

JUDGE WILLIAM W. HAURY, JR.  
Courtroom WW16165 Chambers WW16131  
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### 1. In Person/Zoom Hearings

The Court and its staff are working in person at the Courthouse. **The default location for all contested hearings is Courtroom 16165.** As a courtesy, the Court will permit attendance by Zoom at uniform motion calendar, case management hearings and calendar call without the necessity of a motion pursuant to *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 instructions are attached as Exhibit A.

## 2. 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 to the hearing. 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.

## 3. Motions - Generally

(a) **Motions for Rehearing.** Please see AO 2022-5-Gen. Please email a copy to Division 04 when the Motion is e-filed.

(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 Division 04 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.

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.

Rule 1.510 (c) (1) requires a party asserting that a fact cannot be or is genuinely disputed **must** support the assertion by citing to **particular parts** of materials in the record, including depositions, documents, ESI, affidavits, stipulations, admissions, interrogatory answers, or other materials.

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

If there are Affirmative Defenses, have they been addressed? If an Affidavit is based on business records, does the Affidavit comply with s. 90.803 (6), Fla. Stat. (2014) (and *Yisrael v. State*, 993 So.2d 952, 956-958 (Fla. 2008)?

**(e) Motions for Attorney Fees.** In your Motion, please state whether or not entitlement has been agreed to or determined. Once entitlement has been determined, the Court will issue a scheduling order regarding the determination of the amount. See s. 4 (f). Please provide the JA with a copy of your Motion so that a Scheduling Order may be issued.

**(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.

#### 4. Hearings.

(a) **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 to the hearing. *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**.

(b) **Uniform Motion Calendar (UMC).** Please see [Local Rule 10A](#) with regard to UMC limitations and good faith certifications. The Court will commence its 8:45 a.m. docket at 8:30 a.m.

(1) The Court 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.

(3) Parties may not add “add on” motions without Court approval, an update of the CMS scheduling information and notice to the opposing parties. No additional time will be allocated.

(c) **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.

(d) **Special Set Hearings – Over 30 minutes.** For hearings over 30 minutes please e-mail Division 04 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.

**(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 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.

**(f) Attorney Fee Hearings.** An attorney fee hearing will not be scheduled until there has been compliance with the attorney fee scheduling order. (See s. 3 (e)).

**(g) Emergency Hearings.** Please see [AO 2021-50-Civ.](#)

**(h) Case Management Hearings.** The court will set a case management hearing for every case that does not have a trial order. The case management hearing may be cancelled once a trial order is entered.

**5. Scheduling a case for Trial.** Please see [AO 2019-5-Civ.](#) 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 email Division 04 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. If you have not complied with the Uniform Trial Order regarding the requirements of Joint Pretrial Stipulation you may be invited to an in person status conference prior to trial to discuss your non-compliance.

**(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 10 days after the end of the trial period, email Division 04 to inquire when your case will be re-set.

**(c) Settlement.** If your case settles, please email Division 04 immediately. Please file the closing paperwork promptly and cancel any future hearings.

**(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 meets all criteria to be placed on the Ready for Trial Docket. [Ready For Trial Announcement](#), [Ready for Trial Docket Stipulation](#).

## 6. Special Set Hearing Dockets

February 26, 27, 28, 29, 2024  
March 25, 26, 27, , 2024  
April 29, 30, May 1, 2, 2024  
May 28, 29, 30, 2024  
June 24, 25, 26, 27, 2024  
July 15, 16, 17, 18, 2024  
August 5, 6, 7, 8, 2024  
September 3, 4, 5, 2024  
September 30, October 1, 2, 3, 2024  
October 28, 29, 30, 31, 2024  
November 25, 26, 27, 2024  
January 6, 7, 8, 9, 2025  
February 3, 4, 5, 6, 2025  
March 3, 4, 5, 6, 2025  
March 31, April 1, 2, 3, 2025  
April 28, 29, 30, May 1, 2025  
May 27, 28, 29, 2025  
July 14, 15, 16, 17, 2025

## 7. Trial Dockets

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

February 26, 2024  
March 25, 2024  
April 29, 2024  
May 28, 2024  
July 15, 2024  
August 5, 2024  
September 3, 2024  
September 30, 2024  
October 28, 2024  
November 25, 2024  
January 6, 2025  
February 3, 2025  
March 3, 2025  
March 31, 2025  
April 28, 2025  
May 27, 2025  
July 14, 2025

### **Trial Period**

March 4 – March 22, 2024  
April 1 – April 26, 2024  
May 6 – May 24, 2024  
June 3 – June 21, 2024  
July 22 – August 2, 2024 (2 Weeks Only)  
August 12 – August 30, 2024  
September 9 – September 27, 2024  
October 7 – October 25, 2024  
November 4 – November 22, 2024  
December 2 – December 20, 2024  
January 13 – January 31, 2025  
February 10 – February 28, 2025  
March 10 – March 28, 2025  
April 7 – 25, 2025  
May 5 – 23, 2025  
June 2 – 20, 2025  
July 21 – August 1, 2025

## 8. Trial Evidence.

(a) **Exhibits.** Pursuant to the Uniform Pretrial Order, please review and mark 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 in-court Clerk Court will provide the parties with exhibit stickers along with instructions on how to label the exhibits. Exhibits for identification are by letter. Exhibits in evidence are by number. The Court can address any evidentiary disputes prior to the commencement of trial.

(b) **Deposition Designations.** No later than **15 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 **5 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.

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

## 9. Court Holidays and Suspension Dates.

May 27, 2024  
June 19, 2024  
July 4, 2024  
July 5, 2024  
September 2, 2024  
November 11, 2024  
November 28, 2024  
November 29, 2024  
December 25, 2024

## 10. 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 2024 v11)



## 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/u/abHt4egTow>

## 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

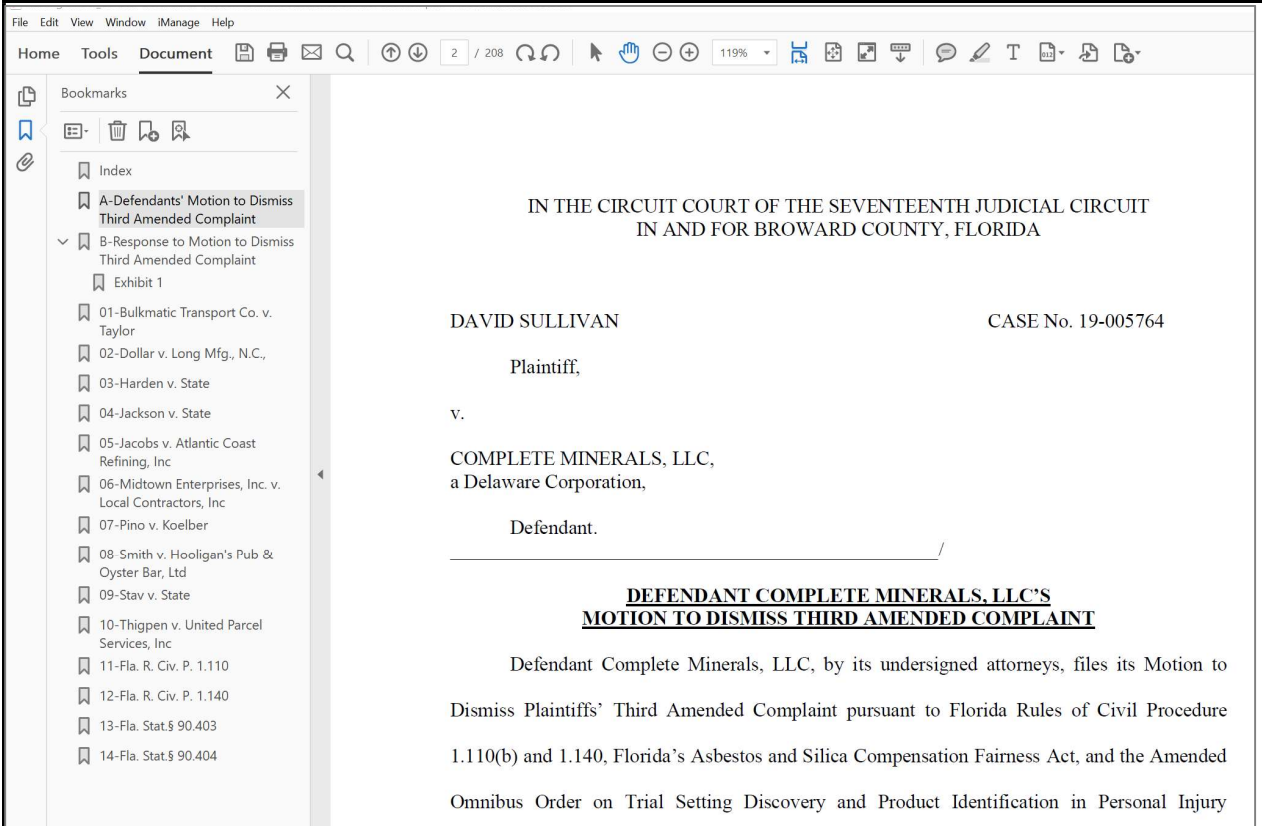
### Hyperlinking Case Law & Supporting Documentation to Briefs

#### 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



The screenshot shows a PDF viewer interface with a sidebar on the left containing a list of bookmarks. The main document area displays a legal filing in the Circuit Court of the Seventeenth Judicial Circuit, Broward County, Florida. The document is titled "IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA". The parties are listed as DAVID SULLIVAN, Plaintiff, and COMPLETE MINERALS, LLC, a Delaware Corporation, Defendant. The case number is CASE No. 19-005764. The document is a motion to dismiss, titled "DEFENDANT COMPLETE MINERALS, LLC'S MOTION TO DISMISS THIRD AMENDED COMPLAINT". The text of the motion begins with "Defendant Complete Minerals, LLC, by its undersigned attorneys, files its Motion to Dismiss Plaintiffs' Third Amended Complaint pursuant to Florida Rules of Civil Procedure 1.110(b) and 1.140, Florida's Asbestos and Silica Compensation Fairness Act, and the Amended Omnibus Order on Trial Setting Discovery and Product Identification in Personal Injury".

File Edit View Window iManage Help

Home Tools Document 2 / 208 119%

Bookmarks

- Index
- A-Defendants' Motion to Dismiss Third Amended Complaint
- B-Response to Motion to Dismiss Third Amended Complaint
  - Exhibit 1
- 01-Bulkmatic Transport Co. v. Taylor
- 02-Dollar v. Long Mfg., N.C.,
- 03-Harden v. State
- 04-Jackson v. State
- 05-Jacobs v. Atlantic Coast Refining, Inc
- 06-Midtown Enterprises, Inc. v. Local Contractors, Inc
- 07-Pino v. Koelber
- 08-Smith v. Hooligan's Pub & Oyster Bar, Ltd
- 09-Stav v. State
- 10-Thigpen v. United Parcel Services, Inc
- 11-Fla. R. Civ. P. 1.110
- 12-Fla. R. Civ. P. 1.140
- 13-Fla. Stat.§ 90.403
- 14-Fla. Stat.§ 90.404

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

DAVID SULLIVAN CASE No. 19-005764

Plaintiff,

v.

COMPLETE MINERALS, LLC,  
a Delaware Corporation,

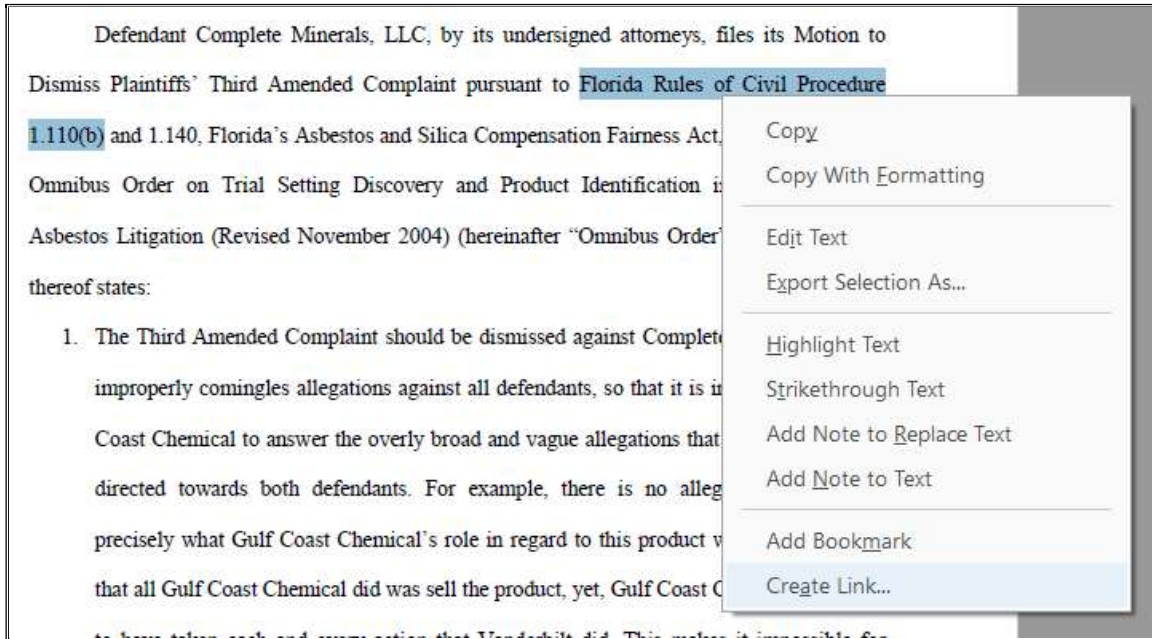
Defendant.

**DEFENDANT COMPLETE MINERALS, LLC'S  
MOTION TO DISMISS THIRD AMENDED COMPLAINT**

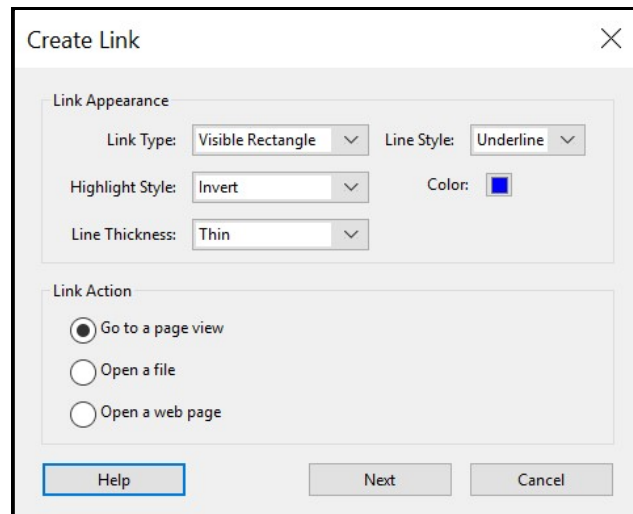
Defendant Complete Minerals, LLC, by its undersigned attorneys, files its Motion to Dismiss Plaintiffs' Third Amended Complaint pursuant to Florida Rules of Civil Procedure 1.110(b) and 1.140, Florida's Asbestos and Silica Compensation Fairness Act, and the Amended Omnibus Order on Trial Setting Discovery and Product Identification in Personal Injury

## Creating the Hyperlink

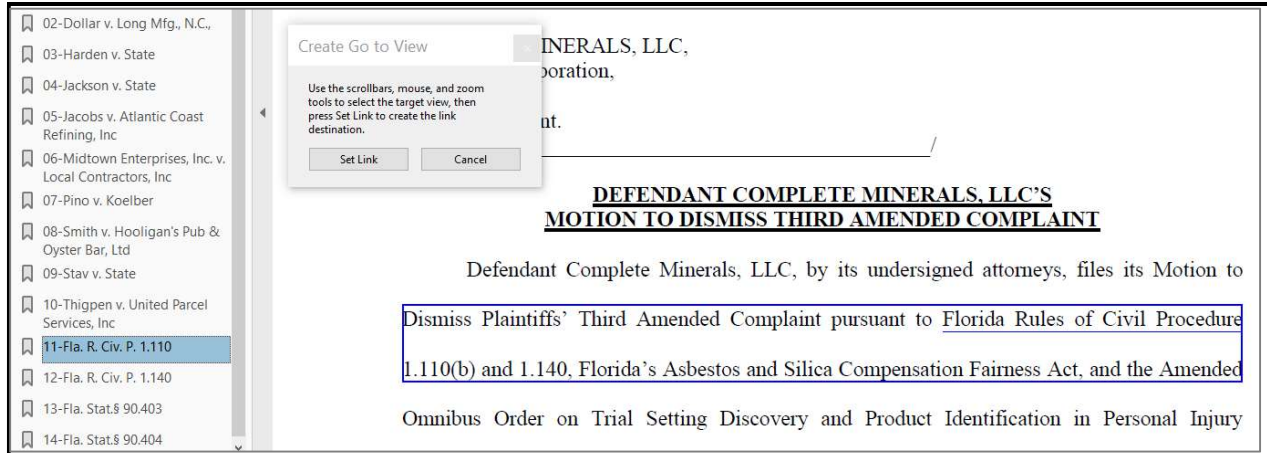
- **Highlight the area** where you want the link to appear.
- Right mouse click and **select, Create Link.**



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

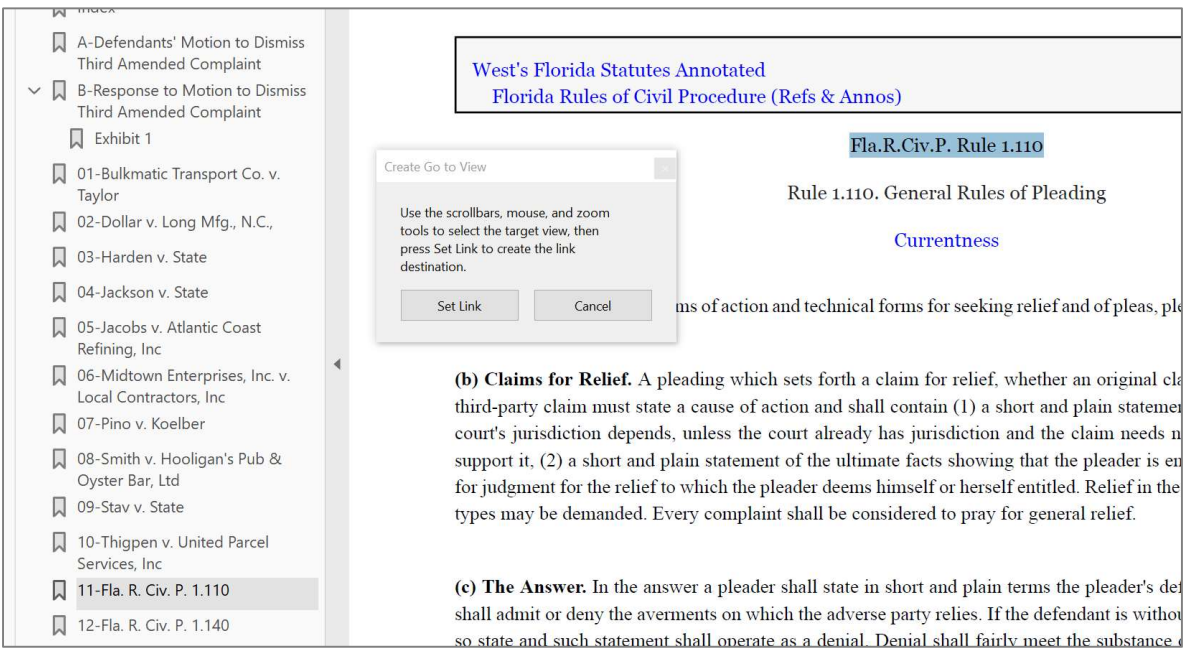


- **After “Create Link” Parameters are Set, Select the Bookmark you want to associate with the Link**



(This will take you directly to the Bookmarked page)

- **Select Set Link**



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

Dismiss Plaintiffs' Third Amended Complaint pursuant to [Florida Rules of Civil Procedure 1.110\(b\) and 1.140](#), Florida's Asbestos and Silica Compensation Fairness Act, and the Amended

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