



## **POLICIES AND PROCEDURES for JUDGE GARAGOZLO**

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## 1. PREFACE

### 1.1 Purpose

The policies and procedures set forth herein are meant as informative guidelines striving to provide litigants and counsel timely access to the Court and prompt determination of issues in a pending cause of action. The Court's procedural protocols - however - are not meant to replace or supersede any rule of procedure or law.

### 1.2 Administrative Order / Local Rule

The directives from Florida Supreme Court have been codified within the 18<sup>th</sup> Judicial Circuit's Administrative Order number 24-06 (*as amended*). This Administrative Order may from time to time be modified, hence kindly check 18<sup>th</sup> Judicial Circuit's webpage for any changes. Litigants and counsel should familiarize themselves with the provisions and timelines set out in the above-mentioned Administrative Order.

For additional assistance or questions, please contact Joanna Linkous, Senior Circuit Civil Case Manager at [Joanna.linkous@flcourts18.org](mailto:Joanna.linkous@flcourts18.org) or (321)-633-2128.

Further, attention should be given to 18<sup>th</sup> Judicial Circuit Administrative Order 09-06 titled "courtroom decorum and procedure".

## 2. COMMUNICATION WITH JUDICIAL ASSISTANT

### 2.1 Communications with Judicial Assistant

All communications or e-mails sent to the Judicial Assistant strictly limited to a brief request for hearing dates and times. Kindly refrain from additional comments or statements relating to the case at issue.

Clearly, no e-mails to be sent to the Judge's email address as such an act would constitute an ex-parte communication resulting in immediate redress by the Court.

### 2.2 Submission of correspondence/ pleadings

Except as otherwise set out herein or as authorized by the Court via an Order, ***only*** a cover letter along with a proposed order may be mailed or / delivered to the Judge's chambers or filed through the E-Portal.

All other correspondence, including but not limited to, any pleadings shall be submitted to the Clerk of Court with a proper certificate of service.

### 3. SCHEDULING HEARINGS / CANCELLATION

#### **3.1 Scheduling of Hearings**

Parties are required to give a good-faith assessment of the time needed for a hearing.

A hearing date can be obtained via judicial assistant calendaring system (hereafter referred to as “JACS”) or directly by contacting the Court’s Judicial Assistant at (321) 617-7266.

All hearing dates need to be coordinated with opposing party(s)/counsel before finalizing the scheduled hearing date by way of a notice of hearing.

**Note:** Hearings requiring more than one (1) hour will be provided only by the judicial assistant and cannot be set through “JACS”.

#### **(a) Notice of Hearing**

A notice of hearing shall specify the exact matter to be heard.

Once a hearing date is provided, a courtesy copy of notice of hearing shall be delivered to the judicial assistant before close of business on the same day as when the hearing is set on JACS or given by the judicial assistant.

A party scheduling the hearing shall submit a notice of hearing to all parties even if a default has been entered against a named party.

If an additional motion needs to be added to an existing hearing date, kindly contact the judicial assistant to notify the Court and thereafter file an amended notice of hearing.

#### **(b) Cancellation of a Hearing**

Only the party who has scheduled the hearing may cancel the hearing. Notice of cancellation of hearing shall be filed and furnished to the opposing party. The scheduling party cancelling hearing shall promptly notify the judicial assistant.

#### **(c) Cross noticing a motion**

Before cross noticing a motion on a previously set hearing date, kindly obtain permission from the party who has set the hearing.

### **3.2 Motions for Summary Judgement**

Scheduling of motions for summary judgement need to be set by the Judicial Assistant as opposed to selecting a pre-hearing time slot through JACS.

### **3.3 Motions requiring an evidentiary hearing**

Scheduling of evidentiary hearings can only be set by the Judicial Assistant.

#### **(a) Motion for attorney's fees and costs**

Unless agreed to, the Court will hear argument and decide the movant's entitlement to fees before scheduling a hearing to resolve any disputes as to the proper amount of any fees or costs. Therefore please coordinate a hearing date through the Judicial Assistant. To expeditiously address the issues, the Court shall via an Order provide the parties with certain directives and timelines.

## **4. PRE-TRIAL APPEARANCE VIA VIDEO OR TELEPHONE**

### **4.1 Procedure**

Except for *motions for summary judgment, motions for attorney's fees / costs, or as otherwise set out herein*, a party and/or counsel may appear via video conferencing or by telephone for a pretrial hearing. However, such a request must be made at least *fifteen (15) business days* before the scheduled hearing. If unable to coordinate an appearance through video conferencing or by telephone, said party and/or counsel shall appear in person.

The party and party's counsel - if any- shall contact the judicial assistant at (321) 617-7266 or [kimberly.pozgar@flcourts18.org](mailto:kimberly.pozgar@flcourts18.org) at least fifteen (15) business days prior to the hearing date for instructions as to the procedure to appear by video conference or telephone.

**Note:** By following the above instructions, a motion seeking permission for telephonic appearance or video conferencing appearance would not be required.

If you are approved to appear by Microsoft Teams Video or telephone below is the information needed.

Virtual Courtroom (Teams) link:

<https://fl18.org/judgearagozlo>

Back up telephone:

1-386-310-1754

Phone conference ID: 753 674 360#



#### **4.2 Use of exhibits during video conference appearance**

Any exhibit sought to be introduced during the video conference hearing by movant shall be disclosed to opposing side *at least fifteen (15) business days* prior to the scheduled hearing. The movant shall submit to the Court an exhibit log describing each exhibit sought to be admitted in evidence *no less than fifteen (15) business days prior to the hearing*. Non-moving party / opposing party shall notify the court and moving party in writing as to any objection to the admission of the exhibit *at least five (5) business days* before the hearing.

Clearly, the presentation of exhibits if movant is appearing by telephone would not be practicable and as such disallowed.

#### **4.3 Use of a Court reporter**

When a pretrial hearing is conducted by video conferencing or via telephonic appearance, the court reporter shall be present in person in the Judge's chambers or assigned courtroom.

No recording of the proceeding allowed except through the use of a certified official court reporter.

### **5. PRE-TRIAL MOTIONS / LEGAL MEMORANDUMS**

#### **5.1 Filing of a separate memorandum of law with each motion**

Except motions relating to “short matters” or issues not requiring a hearing as itemized *infra under this section*, all other pretrial motions shall include a memorandum of law.

A separate memorandum of law in support of a party’s position with respect to a particular pretrial motion shall be filed unless the grounds raised or legal issues in the motions set for determination are so inextricably connected whereby requiring addressing the issues within a single legal memorandum.

## **5.2 Submission of memorandums**

All legal memorandums in support of a party’s position should be delivered to the Judge’s chamber *no less than fifteen (15) business days* prior to the actual hearing date. Receipt of memorandums (including binders containing exhibits and/ or caselaw) outside the time period set forth above may result in the cancelation of the pretrial hearing and re-setting said hearing to a future date.

## **5.3 Ore tenus motions**

Ore tenus motion may not be raised at a scheduled pretrial hearing.

## **5.4 Motions relating to Discovery**

Consistent with the traditions of the practice of law and while cognizant of instances wherein a joint stipulation would simply not be possible, the parties are still encouraged to communicate about a particular discovery issue. There should be a good faith endeavor to reach a joint agreement regarding a pretrial discovery matter before the filing of the actual motion.

The certificate of service in the motion should therefore include a statement by the parties did put forth the effort to discuss the issues contained in the motion.

## **5.5 Emergency motions**

The verified motion filed with the Clerk of Court shall set out the basis for the emergency relief with a copy of the motion submitted to the judicial assistant. **Note:** A verified emergency motion will be set for an immediate hearing by the judicial assistant – possibly even on the same date as receipt of the emergency filing notification.

## **5.6 Matters not requiring a Hearing**

The following matters need not be set for a hearing and may be submitted via hand / Mail / courier / or via E-Portal (the submission shall specify that opposing party has reviewed the proposed submission and has no objection to the form or content of the proposed order):

i) Stipulated Orders; ii) Agreed-to Order for Substitution of counsel or Party; iii) Re-setting Foreclosure Sale Date; iv) Appointment of Attorney Ad Litem; or v) Consented Motion to withdraw as counsel.

### **5.7 Short Matter / Ex-Parte Calendar**

Currently, the Court has elected not to utilize a “*Short Matter / Ex-parte Calendar*”. If you need to set such a hearing, please contact the Judicial Assistant.

## **6. SUBMISSION OF ORDERS**

### **6.1 Submission of Orders via Mail or Courier Service**

A proposed order may be mailed or delivered via courier to the Judge’s chambers. The submission must include a cover letter.

### **6.2 E-Portal submissions**

Only agreed-to submissions are accepted through E-portal. The submission shall specify that opposing party has reviewed the proposed submission and has no objection to the form or content of the proposed submission. **Note:** Proposed Orders submitted after business hours will be considered and reviewed for signing the next business day.

#### **(a) Format**

Order must be in Word format (.docx extension); No additional formatting – text boxes, macros, etc.; There cannot be any attachments to the proposed Order. Judge cannot enter data into the proposed Order (i.e. granted/denied; attorney’s fees; costs).

***Body of Order*** (*suggested language*): “it is therefore Adjudged ...” in the body of the proposed Order in lieu of “it is therefore Ordered and adjudged ...”;

***Judge’s signature block:*** use the phrase “**Done and Ordered**” only as part of the Judge’s signature block, and “Acting Circuit Court Judge” language below Judge’s signature.



## 7. CASE MANAGEMENT CONFERENCE

### 7.1 Case Management Plan / Order

*Please see:* Current Administrative Orders in this regard.

For additional assistance or questions, please contact Joanna Linkous, Senior Circuit Civil Case Manager at [Joanna.linkous@flcourts18.org](mailto:Joanna.linkous@flcourts18.org) or (321)-633-2128.

## 8. PRE-TRIAL CONFERENCE

### 8.1 Mandatory Appearance in person

**At pre-trial conference** the lead trial counsel along with the pro se litigant shall appear in person before the Court to finalize the issues such as the trial date; duration of the trial; and discuss any remaining issues.

### 8.2 Submission of a Joint Pretrial Statement

Prior to this mandatory pretrial conference meeting, the Court by way of an order will direct the parties to submit a detailed joint pretrial statement setting forth the parties respective positions as to the issues, including but not limited to, list of witnesses and exhibits; any evidentiary objection(s) to a witness and / or exhibit; and if case is to be tried before a jury a proposed set of jury instructions in word format.

### 8.3 A courtesy copy of joint pretrial provided to the Court

A courtesy copy of joint pretrial statement shall also be provided to the Court as directed by the pretrial Order.

### 8.4. Failure to Cooperate

Parties are expected to meet and submit a joint pretrial statement. In the event a party does not cooperate with the filing of a Joint Pretrial Statement, each party would be required to file party's own pretrial statement *at least ten (10) business days prior* to the final pretrial conference date and bring a copy of the pretrial statement to the pretrial conference together with any communications between the parties and/or their attorneys regarding the submission of a joint pretrial statement.

### 8.5 Pretrial Conference Checklist

To effectively have an informed discussion of the trial issues, the parties are encouraged to complete the Court's approved *pretrial*

*checklist* and bring same to the pretrial conference. The Court's approved form is available on the 18<sup>th</sup> Judicial Circuit's webpage.

## 9. TRIAL ISSUES

### 9.1 Exhibits

Prior to the commencement of the trial all exhibits shall be pre-marked for identification using the designation such as Plaintiff's or Defendant's exhibit 'A' through 'Z', and if additional exhibits need to be marked said exhibits shall be labeled as 'AA' through 'ZZ' and then as 'AAA' through 'ZZZ' or *as otherwise directed by way of the Court's Order*. A copy of the exhibit list shall describe each marked exhibit shall be provided to the Court and the opposing party prior to the commencement of the actual trial.

#### (a) Demonstrative Aids

A demonstrative aid, including but not limited to, charts, maps, power point presentation must also be pre-marked for identification as explained above and must be made available to opposing counsel for inspection. If an objection is raised, the parties must be available for a hearing at least **one (1)** day before jury selection.

**Note:** Unless agreed to or authorized by way of an Order, a party is not permitted to use a demonstrative aid as part of opening statement.

### 9.2 Motions in limine

Absent an unforeseen circumstance, all motions in limine must be filed and heard *at least five (5) business days* prior to the actual trial date.

### 9.3 Jury Instructions

As referenced to in *section 8 supra*, a proposed set of jury instructions including verdict form(s) along with any requested special instruction and verdict form(s) must be provided in *word format as directed before the pretrial conference*.

If parties are unable to agree, then each side shall file a separate proposed complete set of jury instructions and verdict form(s) citing to the specific standard jury instruction rule number.

To preserve the record, each proposed jury instruction should be itemized and set out separately per page with the following notation on the bottom of the page “**granted; denied; modified; withdrawn**”.

#### **9.4 Request to Continue a Trial**

If a party seeks to continue a trial, said party shall *thirty (30) days* prior to the actual trial date contact the opposing party regarding this request. If no objection is raised, a proposed order shall be submitted to the Court for approval by the moving party.

In the event an objection is raised, the motion to continue shall be set before the Court forthwith. Parties should be prepared to have the motion tabled by the Court *within three (3) hours of the filing*.

#### **9.5 Settlement**

In the event a settlement reached, the Court should be made notified as soon as practicable.