

**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY**

**CIRCUIT CIVIL DIVISION G
POLICIES AND PROCEDURES**

JUDGE DONNA M. GOERNER



Please read instructions before contacting the Judicial Assistant

*****Updated September 2024*****

A BRIEF INTRODUCTION



JUDGE DONNA M. GOERNER

SEMINOLE COUNTY COURTHOUSE

301 N. PARK AVE.

SANFORD, FLORIDA 32771

JUDICIAL ASSISTANT: DAWN STALLWORTH

DAWN.STALLWORTH@FLCOURTS18.ORG

Division G

Welcome to Division G. My name is pronounced GURNER (like Tina Turner) and I was elected and began serving as Circuit Judge on January 5, 2021. Prior to becoming a Judge, I served as a prosecutor in Seminole County and in Orange/Osceola Counties for a combined period of approximately 14 years (most of which was in Seminole County). I owned and managed my own law office for nearly ten years where I practiced primarily criminal defense, and consumer bankruptcy law (Chapters 7 and 13 – during the housing market crash of 2008). Mortgage modifications and foreclosures were a part of my bankruptcy practice. I also practiced in areas of personal injury, landlord tenant, probate, juvenile delinquency, and dependency, and was a certified Supreme Court family law mediator. I am Board Certified in criminal trial law and have been certified since August 2012. I am a proud graduate of the University of Florida where I obtained my A.A., B.S. in Business Administration (major: finance), and my Juris Doctorate. I am a member of many law-related organizations and am a past president of the Paul C. Perkins Bar Association.

My tenure on the bench thus far has been in the Juvenile/Guardianship and Probate Divisions where I served as Administrative Judge; the Criminal Division where I served and continue to serve as the judge who handles costs approvals and other matters concerning the Justice Administrative Commission and court-appointed counsel. I now serve in Civil Division G and am the Co-Administrative Judge for this division. I look forward to working with all of you as we navigate this broad and exciting field of law. Please be prepared, be professional, be courteous, and be patient and I pledge to do the same.

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GENERAL INFORMATION

FLORIDA SELF-REPRESENTED LITIGANTS (PRO-SE). Please register for the [E-filing portal](#) so you can electronically receive and file documents. Neither the Judge nor the judicial assistant are permitted to give legal advice. If you need legal advice, you may contact the [Florida Bar Lawyer Referral Service](#) for a referral to an attorney.

COMMUNICATION WITH THE COURT. Ex parte communication (any communication to the Judge without the other party's presence or knowledge) is strictly prohibited. Copy the opposing party or attorney when sending email messages or correspondence to the judicial assistant or Judge.

SETTING HEARINGS

A. MATTERS NOT REQUIRING A HEARING

The following matters do not require a hearing:

- Stipulated modifications
- Stipulated orders and motions to enter an agreed order, unless requested by the Court
- Cancellation and rescheduling a foreclosure sale when requested by the Plaintiff
- Motion to vacate foreclosure judgement because of reinstatement
- Default judgment of liquidated amounts
- Motion for substitution of counsel (must be signed by client) per Fla. R. Jud. Admin. 2.505(e)(3)
- Motion to Withdraw as Counsel of Record if a Consent is signed by the client and filed with the motion.
- Appointment of a special process server

For the above matters to be considered by the Court, please submit a cover letter and proposed Order using the procedures set forth under the Proposed Orders section of these procedures.

The motion or cover letter must indicate that the movant has conferred with opposing counsel and that all parties have agreed to the motion and proposed order.

B. SHORT MATTERS

Short Matter Hearings are 5 minutes or less and are held via Teams beginning at 9:00 a.m. Available dates for short matters are found on the JACS website under the Web Policy. Short matters pertain to only those matters that will require five minutes or less to be heard by the Court. To schedule a short matter hearing, please follow the instructions below in order:

- Review the available dates on JACS under the Web Policy.
- Coordinate with the opposing counsel/party and reserve your time slot. The case number, and style of the case must be correct. You must indicate the title of the motion to be heard, the date the motion was filed, and the document number that corresponds to the pleading in the court file.
- Do not attempt to reserve multiple slots of time for an extended hearing on the "short matters" docket. It will be cancelled by the Court and the matter will not be addressed.
- File your notice of hearing. The notice of hearing must include the date, time, physical location of the hearing if in person, and Judge Goerner's virtual courtroom information (regardless of whether the hearing is virtual or in-person).
- Email the Judicial Assistant (Dawn.Stallworth@flcourts18.org) a copy of the Notice of Hearing.

C. MATTERS REQUIRING HEARING

All other matters and motions require hearings and are scheduled using the Judicial Automated Calendaring System (JACS) for 15 minutes to one hour.

IF YOU NEED A HEARING FOR MORE THAN ONE (1) HOUR, YOU MUST CONTACT THE JUDICIAL ASSISTANT TO REQUEST APPROVAL. YOU MAY RESERVE THE APPROPRIATE BLOCK OF TIME NEEDED FOR SAID HEARING THROUGH JACS IF CONSECUTIVE TIME SLOTS ARE AVAILABLE. If you have two motions each needing one (1) hour each, you CANNOT set one motion at 9:00 a.m. and the other motion at 1:30 p.m. even if time is available. They must be set on different days.

D. MEET AND CONFER REQUIREMENT

A mandatory meet and confer process is hereby established, as set forth below, for all motions to be set for hearing and must occur before scheduling the hearing except for the following motions:

Injunctive relief without notice provided all provisions of Fla. R. Civ. P. 1.610 have been met

Judgment on the pleadings

Summary judgment

Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion and include a Certificate of Compliance (see below) that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

The term "confer" requires a substantive conversation in person or by telephone or video conference in a good faith effort to resolve the motion without the need to schedule a hearing and does not envision an exchange of ultimatums by fax, e-mail, or letter. Counsels who merely attempt to confer have not conferred. Counsels must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference.

If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts on different days, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel. Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

Counsel who notices the hearing shall ensure that the court and the court's judicial assistant are aware of any narrowing of the issues or other resolution because of the conference. Failure to comply with the "meet and confer" requirement will result in the Court cancelling the scheduled hearing.

The following are templates to be included with your Notice of Hearing for the Certificate of Compliance:

First Option (Meet and Confer Completed)

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on [DATE OF MEET AND CONFER] a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person, by telephone or by video conference with opposing counsel in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

/s/ _____
Counsel for the party who noticed the

matter for hearing.

Second Option (Meet and Confer Not Completed)

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person, by telephone or by email on:

1. [DATE] _____ at [TIME] _____;
2. [DATE] _____ at [TIME] _____;
3. [DATE] _____ at [TIME] _____.

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

/s/ _____
Counsel for the party who noticed the matter for hearing.

E. COORDINATING

Reasonable attempts need to be made to clear a date with opposing counsel before scheduling any hearings on JACS. Making several attempts on the same day is insufficient. Do not contact the judicial assistant to determine what a reasonable attempt is or how much time is reasonable as that must be determined by the attorney. If the opposing party is pro se and a telephone number or email address is listed on any of their pleadings, you must make two attempts to coordinate a hearing on two different days. A message needs to be left on both days requesting them to call your office by the end of that business day to coordinate the hearing. If at the end of the second business day you do not receive a call back, then you may set a hearing unilaterally at least 14 days from the current date. If no phone number or email address are listed in the court file, then a hearing cannot be scheduled sooner than one (1) month.

Counsel must consider and coordinate the amount of time needed for the hearing for all interested parties, NOT just time that counsel needs to present his or her case. In other words, if counsel requests 15 minutes, then each side will have 7 minutes and 30 seconds to present their case if only two interested parties are involved. Failure to coordinate the appropriate amount of time needed for the hearing will result in the continuation of the hearing or a cancellation of the hearing and a requirement that the hearing be rescheduled.

If you need more hearing time than is available in a single block, please find two or more time slots to equal the amount of time needed and follow the steps below to secure up to 1 hour of hearing time. The number of time slots available is displayed in the last

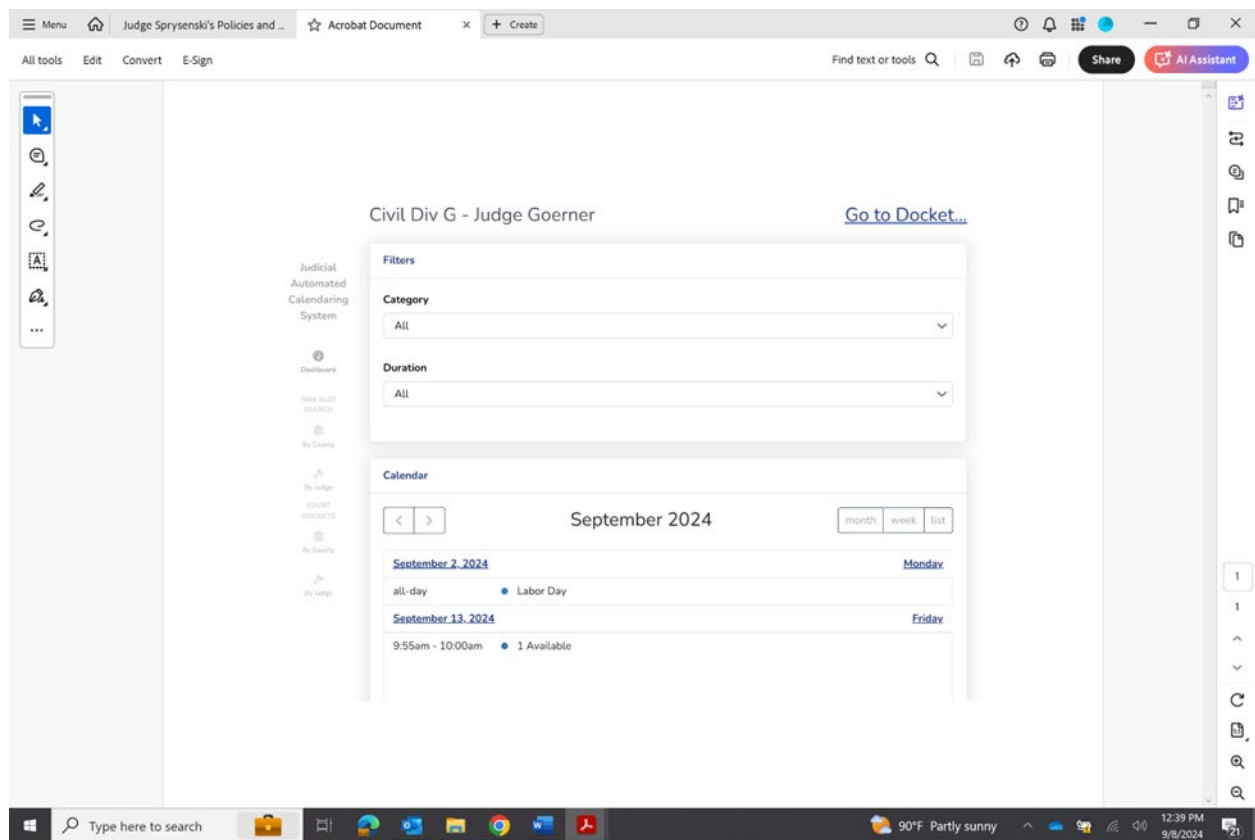
column. For example, in the screenshot below, three (3), 15-minute time slots are available on the date indicated, so a 45- minute hearing could be scheduled by reserving all three (3) blocks. For a hearing lasting more than 15 minutes, the blocks of time reserved must be consecutive blocks of time.

F. JACS INSTRUCTIONS

FOR ATTORNEYS AND STAFF. To use JACS, go to <http://flcourts18.org>, click on the Schedule a Hearing tab, then the Attorney Scheduling tab, and that will take you to the JACs Login page. Further JACS instructions are available on the JACS login page. It is recommended that you bookmark this site in your browser. Log in and select By Judge and then select Judge Goerner. Under “Calendar” use the arrows to toggle between months for available hearing time. For additional information on how to schedule a hearing, please go to:

https://flcourts18.org/docs/cir/Attorney_Scheduling_Instructions.pdf

This is an example of what the JACs page looks like, showing available hearing time:



All parties are required to give a good faith assessment of the time needed for the

hearing. If other parties are waiting for their hearing, and your case goes over the time limit, your hearing will be terminated and rescheduled for a subsequent hearing.

HEARINGS

Non-evidentiary hearings and short matters may be held via Microsoft Teams. *Seminole County does not conduct hearings using ZOOM. In person hearings are held in Courtroom B of the Seminole County Courthouse, 301 N. Park Ave., Sanford, Florida 32771.*

Evidentiary hearings shall be in person. Evidentiary hearings may be held remotely via Microsoft Teams if there is no objection from either party and if the Court approves. A motion to appear virtually for an evidentiary hearing is required.

Judge Goerner's virtual courtroom information is as follows and must be included on all notices of hearing:



<https://fl18.org/goerner>

Or join by entering a meeting ID

Meeting ID: 275 448 602 594

Passcode: DgVcEm

Or call in (audio only)

+ 1 386-310-1754,373382742# United States, Daytona Beach

Phone Conference ID: 373 382 742# ~

Find a local number Reset PIN

Microsoft TEAMS works best with Google Chrome and Microsoft Edge.

Parties/Litigants appearing virtually should have their cameras turned on so that the Court can see who is presenting. Parties/Litigants may not be in a moving vehicle during a virtual hearing and must be in a location where background noises will not interfere with the hearing. Microphones should be muted when you are not speaking to minimize feedback.

FOR PARTIES UNREPRESENTED BY AN ATTORNEY. Only if you are not represented by an attorney, please email the judicial assistant to schedule a hearing once you have

coordinated a date. You will be able to view available dates by following the steps listed below:

- <https://flcourts18.org/>
- Select “By County” or “By Judge”.
- Select “Division G” or “Judge Goerner”.
- Leave the motion, category, and duration fields blank.
- Use the arrows under “Calendar” to toggle between months.

CONFIRMATION. Once your hearing is set on JACS you will receive a confirmation email for each block.

A. NOTICES OF HEARING

A notice of hearing must specifically state the matter(s) to be heard and include the docket number and date of filing of the Motion to be heard. Any party scheduling a hearing **MUST** provide notice to the other parties even if defaulted by the court. If a Guardian Ad Litem appointed in the case is not given notice of the hearing, the hearing may be subject to cancellation by the court pending proper notice to the Guardian Ad Litem.

You must send a copy of your Notice of Hearing to the Judicial Assistant.

You must also include the instructions for virtual appearances on ALL hearing notices, even if the hearing is an IN PERSON hearing.

You must include the physical location of the hearing for all IN PERSON hearings and all hearings where an interested person is PRO SE.

All of Judge Goerner’s IN PERSON hearings are held at the:

**Seminole County Courthouse
Courtroom B
301 N Park Avenue
Sanford, Florida 32771**

Please check these policies and procedures weekly to ensure that the courtroom location has not changed.

B. CROSS-NOTICING / “PIGGYBACKING” / CHANGING MOTIONS

If you wish to add a motion to a previously set hearing date and DO NOT need more time, you must contact the party who set the hearing and obtain permission to share their time. If you do need additional time, you may either set a new hearing on JACS for

that same date and time, if available, or have the party who set the original hearing cancel theirs and reschedule it for a date with sufficient time for both hearings. Please make sure that Amended Notices and / or a Cross Notice of Hearing are e-filed and that a copy is emailed to the Judicial Assistant.

Should the opposing party not agree to schedule any additional motion for the same time, you must find separate time on JACS.

If a matter settles prior to the hearing time scheduled and there are other pending motions, you may not unilaterally change the motion/matter being heard without first confirming same with opposing counsel. If opposing counsel objects and can verify a conflict or has less than five (5) business days' notice, then the hearing must be rescheduled.

C. CONTINUANCES

If a continuance of a hearing is requested, the attorney who scheduled the hearing needs to go to JACS as when they scheduled the hearing and clear a new date with the opposing side. When ready to reschedule on JACS, click "To Re-Schedule a Hearing," enter your confirmation # and hit "Reschedule." Click the new coordinated date and the hearing will be rescheduled and you will receive a new confirmation # for your records. An Amended Notice of Hearing needs to be prepared and filed through the e-filing portal. A copy of the Amended Notice of hearing must be emailed to the JA.

D. REMOTE/VIRTUAL HEARINGS

Short matters and non-evidentiary motion hearings are held remotely via video conference using Microsoft TEAMS. Some hearings are "cattle call" style, so your hearing may not start at the exact time it is scheduled. Please make sure to click the camera icon and microphone icon when asked to ensure you are seen and heard by the judge. It is each party's responsibility to make sure the equipment used is operating appropriately. The Judicial Assistant is available upon request to test your connection and equipment in advance. Please send a test request via email at least 5 days prior to your hearing.

E. EVIDENTIARY HEARINGS/TRIALS

Evidentiary hearings are held in person at the Downtown Civil Courthouse 301 N. Park Avenue, Sanford, FL 32771. Please specify on your Notice of Hearing whether the location is remote or in-person. Judge Goerner's hearings occur in courtroom B unless otherwise specified by the Judicial Assistant.

REMOTE HEARING / COURTROOM DECORUM AND BEHAVIOR.

Although you may be attending a hearing virtually, the Court expects the same level of professionalism and courtesy as if a party were attending a proceeding in person, including the following:

- Address all remarks to the Court, not opposing counsel or the opposing party
- Maintain composure and proper tone of voice throughout the proceedings. Attorneys should not raise their voice toward Court, counsel, witnesses, or jurors.
- Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses
- Refer to all persons, including witnesses, other counsel, and the parties by their surnames and not by their first or given names unless the permission of the Court is sought in advance
- Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
- In making objections counsel should state only the legal grounds for the objection and shall withhold all further comment or argument unless elaboration is requested by the Court. If elaboration is requested, each party will have opportunity to provide argument. The party making the objection shall provide argument first, then the opposing party will have the opportunity to respond, and the Court will rule
- When referencing case law to Court and counsel, attorneys are required to provide the full cite of the case for court and counsel.

F. EMERGENCY HEARINGS

If you feel that your motion is an emergency (*an example of an emergency issue is one that the law requires be held within 5 days*) and need the Judge to stop what she is doing to hold a hearing within 24 hours, contact Judge Goemer's Judicial Assistant (Dawn.Stallworth@flcourts18.org) with "Emergency Motion" in the subject line and attach your emergency motion for the Court's review. Checking the box on the e-filing portal to designate the motion as an emergency filing does *not* alert the judge to the existence of the emergency motion. Please keep in mind that the Court will determine whether the matter is truly an emergency and, if so, the Court will schedule the hearing and issue a Notice to all interested parties.

G. CANCELLATION OF HEARINGS

Only the party who scheduled the hearing may cancel the hearing. The attorney who scheduled the hearing must go on JACS and click "To cancel a Hearing" under the main menu. Enter your confirmation # and click "Cancel Hearing." You must follow up with the filing of a Notice of Cancellation in the court file. Please send a copy of the Notice of Cancellation to the Judicial Assistant. If a hearing is continued or cancelled, it is the responsibility of the scheduling attorney to advise the judicial assistant that the scheduled hearing is continued or cancelled so that it is removed from the Court's calendar.

The Court encourages litigants to resolve matters, but a hearing MAY NOT BE CANCELLED on the same day that it is scheduled as the Court will have no way to know that the hearing has been cancelled.

The Court requires that litigants use common sense and practice decency and professionalism in considering that the time reserved for hearings is valuable. If a hearing needs to be cancelled, it should be cancelled early enough and removed from JACS, so that another litigant can reserve the slot that is no longer needed for your matter.

GENERAL MOTION PRACTICE

I. PROPOSED ORDERS

SUBMISSIONS:

All proposed Orders must be submitted to the Court using the eportal. Do not email proposed orders to the JA unless specifically requested.

DO NOT submit copies of Motions to the Judge via the proposed order eportal. Judge Goerner will read the motion in the court file. Please keep in mind that it may take 48 hours or more for your motion to appear in the court file and the Judge will not act unless the motion is actually visible in the court file.

ALL proposed Orders must be submitted through the e-filing portal (in Word format) along with a separately filed cover letter (in PDF format). The Judge must be able to edit the proposed Order, even if it is an agreed proposed order, so please do not insert tables and charts in the header or title. If the Judge or JA is unable to edit the proposed order, it will be rejected with instructions to resubmit using the proper format.

OBJECTIONS TO PROPOSED ORDERS:

If opposing counsel has an objection to a proposed order, he/she may also submit a proposed order for the Judge's review with an accompanying cover letter indicating

such, or a hearing should be scheduled. Please highlight the differences in the competing orders so the judge may ascertain them without difficulty. Do NOT ask opposing counsel to contact the Judge's office with objections to a proposed order.

II. CONTENT AND COVER LETTERS:

Unopposed or Agreed Orders must indicate that they are Unopposed or Agreed. If the parties agree upon the form of the proposed order without a hearing, the cover letter should confirm that opposing counsel has reviewed the order and has no objection to the form of the order. If the matter was heard and the Court ruled, the cover letter should confirm that opposing counsel has reviewed the order and has no objection to the form of the order.

A cover letter must be filed with the proposed Order and must include the title of the Motion to which the proposed Order pertains, the date the Motion was filed, and the document number that corresponds to the Motion in the court file.

DO NOT attach a copy of the Motion to the cover letter.

If opposing counsel has been forwarded a copy of the proposed order, but has not responded within a reasonable time frame, you may forward the proposed order to the Court with a cover letter stating same ONLY IF the motion was already heard before the Court. If the motion has not been heard before the Court and you have not received a response from opposing counsel as to his/her position, then it MUST be set for a hearing.

If the other party is pro se, a copy of the proposed order is to be sent simultaneously to the pro se party and to the court with a cover letter stating that the pro se party must voice any objections in writing to the court within five (5) days.

After a hearing is completed and the court has ruled, you MUST file the order within ten (10) days of the date the hearing took place. Due to the number of proposed orders for the Court's review, the expected turnaround time for an Order to be entered or rejected is fourteen (14) business days.

The Title of the proposed Order must match the title of the Motion to which it pertains and must contain the date the Motion was filed and the document number that corresponds to the Motion in the court file. It is inappropriate to title a proposed order: "Order on Hearing held July 17, 2024." These types of proposed orders will be automatically rejected by the Court.

If there was no hearing on the motion, the proposed order should indicate that the Motion comes before the Court for consideration without a hearing.

If a hearing was held, the proposed order should indicate that "the matter was heard on," and include the date of the hearing.

For the Order to be electronically signed the format of the order MUST NOT have the actual date, MUST NOT have “Circuit Judge” or “Judicial Assistant” signature lines within the order and MUST contain the four-letter codes, each on their own separate line. Copying and pasting the below language is highly recommended:

DONE and ORDERED in Chambers at Sanford, Seminole County,
Florida, this DDDD.

JJJJ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was provided by U.S. mail or by e-service on this MMMM to:

CCCC

AAAA

Copies provided via e-service only through the Florida Courts E-Filing Portal. Moving party is responsible for service of all non-registered parties.

III. MOTION TO WITHDRAW AS COUNSEL

Motions to Withdraw must comply with Fla. R. Jud. Admin. 2.505(f)(1). This means that a copy of the motion and any notice of hearing on the motion must be provided to the client that is the subject of counsel’s Motion to Withdraw. This rule requires a hearing on the Motion to Withdraw.

However, if the attorney obtains a signed consent from their client, then the proposed Order Granting Motion to Withdraw may be submitted via the e-filing portal.

Any proposed Order on the Motion to Withdraw shall contain:

- The client’s name, address and telephone number, and e-mail address
- Statement that all pleadings are to be furnished to the client
- Statement that the client is responsible for notifying the Clerk, in writing, within five (5) days of any changes of address.
- Any additional information required by the court following a hearing or, if no hearing due to the client’s consent to withdrawal, an indication of whether, or

how long, the case will be stayed to allow the client to obtain new counsel. Generally, the court will stay the proceedings for thirty (30) days to allow the client to obtain new counsel.

IV. MOTION FOR SUMMARY JUDGMENT (RESIDENTIAL FORECLOSURE)

Any case where the owner filed a responsive pleading MUST BE mediated before a hearing for a Motion for Summary Judgment. Mediations can be conducted at the Seminole County Courthouse or through a private mediator.

If the Plaintiff feels that mediation is not necessary, or the case has been pre-mediated then a motion to waive mediation needs to be filed explaining the reason(s). Motions to waive mediation can be signed ex parte. Please submit the proposed order with a cover letter via the e-filing portal for entry.

V. MOTIONS FOR REHEARING (FLA. R. CIV. P. 1.530) OR MOTIONS FOR RECONSIDERATION

Once a Motion to Dismiss, Motion for Rehearing, or Motion for Reconsideration is filed, a copy can be emailed to the Judicial Assistant for the Judge to review. The Judge will either make a ruling on the motion, without a hearing, and copies will be sent out or the Judicial Assistant will contact your office to let you know to set a hearing on JACS. Do not set a hearing unless you receive approval first. For Motions for Rehearing and Motions for Reconsideration, any hearing required by the Court is NOT the rehearing of the issue but an opportunity for the party to argue their motion before the court.

VI. MOTIONS TO COMPEL DISCOVERY (FLA. R. CIV. P. 1.380)

For a short matter hearing on a Motion to Compel, a completed checklist is required. Please see the Appendix and complete the checklist attached on page 24. Once completed, send it to the Judicial Assistant via email no later than 3 days prior to the short matter hearing. If the completed checklist is not provided to the Judicial Assistant, the Motion to Compel will need to set on JACS for at least 15 minutes. This does not apply if the Motion to Compel relates to setting depositions, mediation, or if a party has never submitted a response or objection to a discovery request.

VII. HEARING MATERIALS FOR NON-EVIDENTIARY MATTERS

Unless specifically requested, do not send copies of materials viewable in the case file. Any relevant memoranda, case law, or other legal authority may be submitted via email or in a binder to the Judicial Assistant at least 10 days prior to the hearing. Do not send both.

VIII. EVIDENCE FOR HEARINGS AND TRIAL

If your hearing is evidentiary, you must pre-mark all exhibits for identification with letters (i.e., "Plaintiff's Ex. A" or "Respondent's Ex. B") on the bottom right corner of the exhibit.

Two physical (2) copies of all exhibits must be delivered no later than five (5) business days prior to your hearing to the Court's chambers. For example, if you have a hearing scheduled on a Tuesday at noon, the Court must receive exhibits by noon the prior Tuesday. Include an index with a list and brief description of each exhibit. Bates Numbering of exhibits is preferred, but not required. Video and audio recordings should be sent on a USB drive.

TRIAL EXHIBITS MUST BE PROVIDED TO THE TRIAL COURT CLERK AT 8:00 A.M. ON THE DAY OF JURY SELECTION. The exhibits must be marked for identification with letters. Once introduced into evidence, the Clerk will mark the exhibits with numbers.

Additionally, please email the judicial assistant all pre-marked exhibits in PDF format for documents or JPEG for photos. Photos should be submitted in color. In the email identify each exhibit by name and marking in the email (i.e., "Plaintiff's Ex A - Insurance Policy" or "Respondent's Ex B - Contract"). In the subject line of the email, please include the case name, case number, date of hearing, time of hearing, motion to be heard, and whose exhibits are attached (i.e., plaintiff/petitioner or defendant/respondent's exhibits).

Please include full citations for case law on which you intend to rely. The email will be forwarded to the Court for use during the hearing.

A Notice of Compliance should be filed simultaneously with the completion of the above requirements. Failure to file a Notice of Compliance may result in your exhibits not being considered by the Court.

Please see the Appendix to these procedures for the Court's preferred forms for both the evidence index and Notice of Compliance.

IX. MOTIONS FOR JUDICIAL DEFAULT

Motions for judicial default WILL NOT be signed without a hearing. If you are unable to obtain a clerk's default, then a hearing must be set.

TRIALS

Lawyers and unrepresented parties should contact the Case Manager regarding pre-trial conferences, pre-trial requirements, and trials. The Case Manager for Division G

can be reached by phone at: (407) 665-4263 and by email at DivisionGCM@flcourts18.org.

NOTICES FOR TRIAL. If either party determines that the case is ready to be tried before the projected trial date, a Notice or Motion for Trial may be filed, and the Court may offer dates sooner than the projected date. When this occurs, the Notice or Motion shall also be emailed to the case manager. The notice or motion must contain complete and current email addresses for all counsel of record or pro se parties. The notice or motion shall include an estimate of the time required, whether the trial is a jury trial or non-jury trial, and whether the case is to be tried on the original action or a subsequent proceeding. The case will then be forwarded to the Case Manager for review. Please keep in mind that as of January 1, 2025, the amendment to the Florida Rules of Civil Procedure will no longer require cases to be “at issue” before a trial date is set. The Court may issue an Order Setting Pre-Trial Conference and Trial sua sponte. For newly filed cases, the trial date will be scheduled on the trial calendar eighteen (18) months from the date of filing or as determined by the Court. If the case was filed prior to the change in the Rules, the court may issue an Order Setting Pre-Trial Conference and Trial based on the age of the case, if the case management order does not already provide for a trial date.

PRETRIAL CONFERENCES. Pretrial Conferences are automatically set for all cases based upon the projected trial date contained in the most recent case management order. The court will expect full compliance with the Order Setting Pretrial Conference and Trial Date. Unless specifically excused by the judge, all attorneys/parties are required to attend the pretrial conference, even if a time certain for trial has been set. The court may designate counsel to send written notice to opposing counsel or a pro se party who did not appear at the pretrial conference.

Pretrial Conferences will be conducted remotely via Microsoft TEAMS. Parties are to be available for at least one (1) hour from the stated time for a videoconference from the Court.

Pretrial Conferences are held virtually via Microsoft Teams using the virtual courtroom link provided herein.

If an attorney has made an appearance and will not be in the office during the necessary time frame, the attorney MUST have counsel who is available for coverage and is knowledgeable of the case and matters to be addressed. If the party is unrepresented, they MUST contact the case manager before the pre-trial conference with an email or phone number.

A time certain trial date and time will be given during the pretrial conference. If it becomes necessary to place a case on the trial docket as a backup, the parties will be notified of the actual time of trial no less than 24 hours prior to trial time. The court will generally not address any pending motions at this time, except a Motion to Continue. If an outstanding motion is addressed by the Court, the Court will initiate the matter and

will notify the parties in advance. This will usually occur if the parties submitted a Motion to Continue Pre-Trial and Trial and the Court has issued an Order denying the Motion.

JURY SELECTION. All juries are selected on Monday morning of the trial week. All attorneys and parties are expected to be present for trial at 8:45 a.m. The presiding judge will normally review the docket for last minute adjustments at that time. Attorneys are expected to conduct voir dire in a professional manner without wasting time.

Responsibility for preparation of jury instructions is upon the party requesting the instruction unless the Court orders otherwise. Jury instructions shall be in 14-point type with Arial font and follow the format of the Standard Jury Instructions in Civil Cases. All draft jury instructions must be emailed to the JA or case manager, in WORD format, by noon the Thursday before trial. The instructions should be in the Order in which they should be read to the jury. If the parties disagree on any portion of the jury instructions, competing instructions should be included in red or blue font and indicate the objection and the basis for the objection. The Court will address competing instructions prior to jury selection or at an appropriate time during a trial recess.

TRIAL EXHIBITS MUST BE PROVIDED TO THE TRIAL COURT CLERK AT 8:00 A.M. ON THE DAY OF JURY SELECTION. The exhibits must be marked for identification with letters. Once introduced into evidence, the Clerk will mark the exhibits with numbers.

COURTROOM TECHNOLOGY

Seminole Civil Courthouse, Sanford

All courtrooms have equipment. No reservations required.

- All Courtrooms have Large Screen TVs for video/audio presentation, visual presenters (Elmo), and projectors.
- Playback devices (i.e. Laptops) can connect to TV or Projector via an HDMI cable that attorneys are responsible to provide themselves.
- These TVs DO NOT accommodate any Smartware such as iPads, iPhones, or other Apple devices and we do not support Apple/Mac devices. ***Attorneys are responsible for bringing the necessary cables to accommodate whatever hardware devices they will use.***
- For standard laptops and other devices, we suggest you bring a minimum of a 10' HDMI cable so that parties can remain seated and control their laptop to TV interaction.
- All courtrooms have screens that drop down from the ceiling or use portable screens.

No reservations are required. When in court, simply tell the deputy you need to use the equipment during your hearing/trial, and they will assist you.

NOTE: If attorneys plan on having remote witnesses appear, they must be sure to contact the Judicial Assistant so that a MS TEAMS link can be setup.

MOTIONS TO CONTINUE PRETRIAL/TRIAL

Opposed motions for Continuance of Case Management, Pre-Trial, and/or Trial must be heard at Short Matters unless address at Pre-Trial. Any motion for continuance must be made in writing, signed by counsel for the parties, and shall state when the cause will be ready for trial. In ruling upon such motions, the court will weigh the following factors:

- What are the legal grounds?
- When was the case filed?
- When was the case noticed for trial?
- When was the motion filed?
- Will the parties be prejudiced?
- Has the case been previously continued and if so, how many times?
- Has there been compliance with the temporary support order?
- What is the condition of court's calendar?

CIVIL CASE MANAGEMENT PLANS AND ORDERS

Pursuant to Administrative Order No. 24-06 3rd Amended, Civil Case Management Plans and Orders are required. The Administrative Order can be found at: <https://flcourts18.org/document/24-06-3rd-amd/>. The Administrative Order contains the form for case management plans and orders used by Brevard County and Seminole County. Please be sure to use the forms for Seminole County.

Pretrial Conferences are held virtually via Microsoft Teams using the virtual courtroom link provided herein.

Questions as to Case Management Plans/Orders should be directed to Judge Goerner's dedicated case manager at: DivisionGCM@flcourts18.org.

COMPULSORY MEDICAL EXAMINATIONS

The Eighteenth Judicial Circuit does not have uniform CME guidelines at this time. These are the guidelines for Division G. In the event, Uniform Guidelines are established in the Eighteenth Judicial Circuit, they will be placed here and will also be available on the Eighteenth Judicial Circuit Court's website.

COMPULSORY MEDICAL EXAMINATIONS

CONDUCTED PURSUANT TO *FLA. R. CIV. P.*
1.360(a)(1)(A) & IF ORDERED (B), AS WELL AS
1.360(b) AND 1.390(b) & (c)¹

In order to assist counsel for all parties seeking to invoke the privileges and protections afforded under *Fla. R. Civ. P.* 1.360, the Court herein addresses the most frequently disputed matters that are brought before the Court.

The examination under the Rule is a Compulsory Examination and not an Independent Examination. The physician or healthcare provider was not chosen by the Court. The examination must not be referred to in front of the jury as an "independent medical exam."

Request for, Objections to, and Hearings on

Requests for an examination must set forth the time, place, manner, conditions and scope of the examination as well as the name of and the qualifications of the person conducting the examination with specificity. **If examinations under these rules are requested such written request should be made no later than 70 days before the pretrial date to allow time for objections, hearings on same and an opportunity to reset the examination.** Objections to "Examination of Persons" under *Fla. R. Civ. P.* 1.360(a)(1)(A) must be filed no later than 30 days from the written request assuming service of process has occurred at least 15 days prior to the request being served. The objections must state the specific reasons for the objections. A hearing must be immediately requested on any objection filed. Failure to set the objection for immediate hearing within 5 days of filing said Objection will be deemed an "Abandonment of the Request" under the rules.

Examinations sought under *Fla. R. Civ. P.* 1.360(a)(1)(B) [non-physical condition] must be obtained with an order from this Court, or with a written agreement of all parties. Please make certain the time, place, manner, conditions, and scope of the examination, including if there is any testing, as well as

¹ These "Guidelines" are published to assist trial counsel with issues that routinely come before the Civil Courts involving expert examinations of injured parties and discovery of those expert opinions. Counsels are not precluded from filing the appropriate motions and obtaining a hearing before the Court on a particular case should the facts of that case, in good faith, suggest that these standard provisions should not control.

the name of and the qualifications of the person conducting the examination are set forth with specificity. See, Maddox v. Bullard, 141 So.3d 1264 (Fla. 5th DCA July 11, 2014) [Order on psychological examination reversed because specifics were not set forth in the order including the “manner, conditions or scope of the examination thereby, in effect, giving the psychologist ‘care blanche’”]

The date and time of the examination must be coordinated with opposing counsel. If the attorneys cannot agree on a mutually convenient date for the examination to occur within 45 days of the request, the Court, upon written motion, will pick the date without consultation with counsels’ calendars.

Location of Examination

The examination should occur in Seminole, or Orange County, absent agreement of counsel to the contrary, since counties are geographically close to one another. See *Blagrove v. Smith*, 701 So.2d 584 (Fla. 5th DCA 1997) Any other out-of-county examination must be approved by the Court after an evidentiary hearing and the proper record having been made. While requiring an in-county exam is not a hard and fast, inflexible rule, it is generally well within the Court’s discretion. See *McKenney v. Airport Rent-A-Car*, 686 So. 2d 771 (Fla. 4th DCA 1997). Generally, if an out-of-county examination is to be conducted, the transportation and loss of work expense will have to be borne by the party requesting the examination.

A plaintiff who was a resident of Florida and who has now moved out of State, or who was a guest in State may be requested to undergo a CME. Knowing that such a request is permitted under the rules and is a normal process of litigation, attorneys for the Plaintiff should notify opposing counsel when they learn that their client is going to move out of State to allow for an examination before the party moves. A request that an out-of-state examination be done if not agreed to, will require a hearing.

Multiple factors will be considered by the Court, not the least of which is whether or not opposing counsel was notified that plaintiff was permanently moving before he/she moved. While it may be an inconvenience and an expense to plaintiff to return to Florida for an examination, it is also an inconvenience and an expense to defendant to have the defendant’s examining doctor have to travel to Florida for the trial to testify. Factors such as the cooperation of Plaintiff, timeliness of the requested examination, type and availability of the physician or expert needed for the condition, whether it is an initial or subsequent or updated examination, whether it is in conjunction with a deposition or mediation that is also scheduled, and the cost as well as who will be paying the cost will be considered and evaluated. See, *Goeddel v. Davis*, 993 So.2d 99 (Fla. 5th DCA 2008) [clarifying *Tsutras* to say that the examination must be at a “reasonable place,” not that it required Plaintiff to return to forum especially after he had already come to Florida for a deposition]; See also, *Tsutras v. Duhe*, 85 So2d 979 (Fla. 5th DCA 1997) If Plaintiff is out-of-state, the CME should be coordinated with a trip to Florida either for his/her deposition or mediation. The Court can award the reasonable expense of the travel if deemed appropriate.

Persons Who May Be Present at the Examination

One of Plaintiff's counsel or a representative thereof, a videographer, a court reporter, an interpreter, if necessary, and/or if a minor, a parent or guardian, may attend the compulsory medical examination.

See *Broyles v. Reilley*, 695 So. 2d 832 (Fla. 2d DCA 1997). Audio tape recordings are also permitted by Plaintiff. See *Palank v. CSX Transp. Inc.*, 657 So. 2d 48 (Fla. 4th DCA 1995). No other persons may attend without specific order of the Court. **Plaintiff's counsel will notify, in writing within days of the examination, the names, relationship to the plaintiff, and number of persons who will be present so that an examining room of sufficient size can be reserved.** The presence of these third parties is premised upon a requirement that they will not interfere with the doctor's examination. See *Bacallao v. Dauphin*, 963 So. 2d 962 (Fla. 3d DCA 2007). **To that end, no person present may interrupt, enter or leave the examining room during the examination, or vocalize in any matter.** No communication vocally, in writing, or in any other manner may occur between or amongst the party being examined and anybody else in the examining room except the examiner or individuals that she/he deems necessary for the examination.

If the person to be examined is not fluent in English and if the examiner is not fluent in the language of the person being examined a certified interpreter must be utilized to interpret the examination. The expense of the interpreter will be borne by the party requesting the examination.

Number of Examinations

Generally, a party will be limited to one examination in a specialty. A second examination will only be allowed upon good cause being shown. *Royal Caribbean Cruises, Ltd. V. Cox*, 974 So2d 462 (Fla. 3rd DCA 2008). However, when there are multiple defendants, from separate accidents, and the allegation alleges that the injuries from the three accidents are "indivisible and superimposed upon one another and the plaintiff is unable to apportion her damages between them" each defendant may be entitled to a separate CME. *Goicochea v. Lopez*, 39 Fla. L. Weekly D1245b (Fla. 3rd DCA June 11, 2014) [noting that plaintiff had "pitted codefendant against codefendant."]

Videotape and Stenographic Record of Examination

As noted above, a person being examined may be accompanied by a videographer, certified court reporter, and/or interpreter. The recordings are the property of the legal representative of the person being examined and are considered work product, not discoverable without further order of this Court, unless listed as an exhibit for use at trial. See *McGarrah v Bayfront Medical Center*, 889 So.3d 923, (Fla. 2nd DCA 2004) The party requesting the examination is not permitted to record or video tape the examination. See *Prince v. Mallari*, 36 So.3d 128(Fla. 5th DCA 2010)

Items and Information to Be Brought

The person being examined is not required to bring any medical records, diagnostic films or studies or aids or reports with him/her.² See *Franklin v. Nationwide Mut. Fire Ins. Co.*, 566 So. 2d 529 (Fla. 1st DCA 1990) (requesting party must obtain records through normal discovery process). See also *Rojas v. Ryder Truck Rental, Inc.*, 641 So. 2d 855 (Fla. 1994) (proper for injured party to sign appropriately limited release for out-of-state medical records where subpoenas have been ignored). The person being examined should have a form of identification to verify their identity if requested. If a patient information sheet was forwarded to counsel for the party to be examined at least 7 business days before the examination, the party to be examined should bring the completed information sheet with them.

The examining physician may question the party about entries made on the form regarding medical issues. See *Bozman v. Rogers*, 640 So. 2d 180 (Fla. 1st DCA 1994) (court could require party being examined to provide all “appropriate” information by filling out forms and answering questions at CME).

The party being examined will not be required to provide information as to when or why they retained counsel. Further, while they will not be required to respond to questions regarding who was a fault in the accident, they will need to respond to inquiry from the healthcare provider regarding the mechanics of the accident or incident and their body movements within the vehicle or at the time of the incident. They will be required to provide their medical history without limitation as to time frame and a work history with regard to the physical attributes and activities of their present and past occupations and hobbies.

Limitations on Examination

The examiner will be limited to non-invasive procedures unless a prior order from the court has been obtained, and will further be limited to the extent of the examination that was set forth in the “Request for Examination” and/or Order allowing the examination. Neither an examination nor subsequent opinions resulting from the examination outside of the examiner’s specialty will be permitted.

Times for the Examination

While an expert’s time is valuable, so is the time of the party who is being examined. The party being examined should arrive no later than 15 minutes before the start time of the examination. Examinations which have been scheduled for a specific time should commence within 30 minutes of that time. The party who was to be examined will be free to leave the examiner’s office if she/he has

² 2If the original records, films or other diagnostic aids are in the actual possession of the party, or his/her guardian, being examined, those records would have to be produced at the time of the examination upon proper written request.

not been called in for the examination after having waited for 30 minutes from the published start time of the examination.

Expert Reports and Anticipated Discovery and Testimony

Subpoenas

Retained experts must be produced for discovery deposition without the necessity of a subpoena. If specific items are to be brought to the deposition by the retained expert witness, opposing counsel must be notified in writing sufficiently in advance of the deposition pursuant to time limits set forth in Rule 1.310, *Fla.R.Civ.Pro.* in order to produce said items or documents. Otherwise, unretained experts are required to be produced.

All experts should be under subpoena for trial. The Court cannot force a witness to appear who is not under subpoena.

Written Reports

Pursuant to *Fla. R. Civ. P.* 1.360(b) a “**detailed written report**” will be issued by the examining physician or healthcare provider **and provided to all counsel no later than 14 business days after the day of the examination**. As noted in the rule, “...if an examiner fails or refuses to make a report, the court may exclude the examiner’s testimony if offered at the trial.”

The party requesting the examination shall also provide to opposing counsel, at the time the examination is scheduled, no less than three dates when the examiner will be available for oral deposition. Should any of the dates be within 14 days of the examination the above referred to report shall be provided to deposing counsel no later than 5 days before the deposition date.

No report under *Fla. R. Civ. P.* 1.360 will be admissible at trial absent a stipulation by the parties.

Opinions Not Contained in Written Reports

Experts rendering opinions under this rule will be prohibited from expressing opinions, diagnostic impressions, causation opinions and other conclusions that are not contained within the written report. Any changes of opinions or conclusions based on new information must be made known to opposing counsel immediately, a revised or supplemental report provided and dates for updated depositions must also be provided. At trial, failure to have taken all immediate, timely and reasonable steps to advise opposing counsel of changes in experts’ opinions or conclusions will mitigate against allowing such testimony. See *Office Depot v. Miller*, 584 So. 2d 587 (Fla. 4th DCA 1991).

Expert Fees and Charges

The Court will not require counsel to tender fees for discovery or trial testimony in advance of or as a condition of the examiner appearing. However, the Court does require full payment to be remitted to the examiner no later than 10 business days from receipt of the invoice from the examiner's office.

The retaining party is free to compensate an expert witness any amount they deem appropriate or any amount which they have agreed by contract to pay. The Court will only require opposing counsel to pay a reasonable fee for the time reserved or the time used whichever is less. If counsel and the examiner can agree on such a fee, that fee will apply. If no agreement can be reached, the Court will, upon proper motion and hearing and notice to all parties of interest, including the examiner, establish a reasonable fee for the services. In some cases, this may involve an evidentiary hearing as to the reasonable amount of the fee and the time expended. Be sure to advise the Judicial Assistant as to how much time will be needed. See *Fla. R. Civ. P.* 1.390(c)

These policies and procedures may be updated from time to time as may be necessary. All litigants should check these policies regularly to ensure you are using the most current procedures observed by this division.

APPENDIX DIVISION G FORMS

FORM

Judge Goerner's Virtual Hearing Instructions

Judge Goerner's remote video hearings and pre-trial conferences are held via Microsoft Teams. Her virtual courtroom is accessible via the link or QR code below, or by typing <https://fl18.org/goerner> into Microsoft Edge or Google Chrome web browser¹. Please copy and paste this link and QR code on your Notice of Hearing.

JUDGE GOERNER'S VIRTUAL COURTROOM:

<https://fl18.org/goerner>



At the designated time that your case is noticed for hearing, you will enter the virtual lobby by clicking the link or scanning the code. Please understand that often, multiple hearings are set for the same time. You will be called to enter the virtual courtroom once the Judge is ready for your hearing.

¹ Safari will not work with Microsoft Teams; if you are connecting through Apple products you will need to download the free app. **For emergency purposes only**, if you cannot connect, the backup telephone line is +1 386-310-1754; conference ID: 373 382 742#

FORM

Evidence Index for Virtual Hearings

**CASE NO. (YYYY-DR/CA-#####)
CASE STYLE (i.e., JONES v. SMITH)**

**HEARING DATE (MM-DD-YYYY at XX:XX a.m. / p.m.)
DOCKET NUMBER AND MATTER HEARD (i.e., Docket No. 48
Petitioner's Motion for Temporary Relief)**

Petitioner's / Respondent's / Plaintiff's / Defendant's Exhibits

EXHIBIT IDENTIFIER	EXHIBIT DESCRIPTION	BATES NUMBERS (if using bates numbering)	ENTERED INTO EVIDENCE AS (leave blank for Court)

FORM

Notice of Compliance re: Evidence for Virtual Hearings

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

PARTY A,
Petitioner / Plaintiff,

and

CASE NO.: 2021-DR-123456

PARTY B,
Respondent / Defendant.

_____ /

**NOTICE OF COMPLIANCE WITH DIVISION K EVIDENTIARY
HEARING PROCEDURES**

COMES NOW Party A, and files this Notice of Compliance with Division G Evidentiary Hearing Procedures, and states that on COMPLIANCE DATE (MM-DD-YYYY), which is at least three (3) Court days prior to the hearing in this matter scheduled for HEARING DATE (MM-DD-YYYY) at TIME (XX:XX a.m. / p.m.) two (2) physical copies of the evidence to be relied upon by Party A was delivered to the Court's chambers, and digital copies of the evidence was emailed to the Court's judicial assistant as well as the opposing party.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via U.S. Mail or via the e-filing portal to the parties listed below on DATE OF SERVICE (MM-DD-YYYY):

PARTIES SERVED

Signature of Counsel for Party or
Party if unrepresented

FORM

Checklist for Motions to Compel OR for Short Matter Hearings

(Examples in italics)

NAME OF REQUEST	<i>Production of Documents</i>
DATE OF REQUEST	<i>September 1, 2021</i>
DATE RESPONSE DUE	<i>October 1, 2021</i>
DATE OF GOOD FAITH ATTEMPT TO RESOLVE	<i>October 5, 2021</i>

REQUEST IDENTIFIER	REQUEST DESCRIPTION	RESPONSE <small>(Leave blank if none)</small>	COURT'S RULING <small>(Completed at hearing)</small>
<i>No.1</i>	<i>Last 3 yrs. Tax Returns</i>	<i>Last 1 year</i>	
<i>No. 5</i>	<i>Last 3 yrs. Checking Acct. Statements</i>	<i>Last 3 months BOA Last 1 year Suntrust</i>	