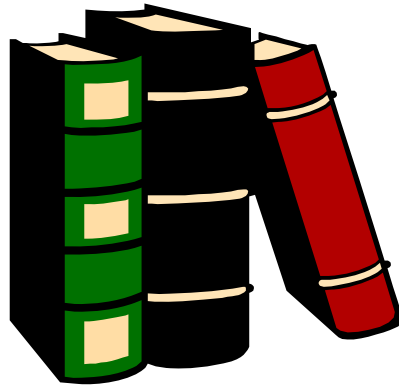


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
CIVIL/FORCLOSURE DIVISION**



**ADMINISTRATIVE
POLICIES AND PROCEDURES
GUIDELINES**

JUDGE C. VERNON MIZE, JR.

(UPDATED Septmeber 2, 2010)

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1. SCHEDULING:

Coordinating w/opposing counsel: Reasonable attempts MUST be made to coordinate a date with opposing counsel before scheduling any motion for hearing. Do not contact the JA to determine what a reasonable attempt is or how much time is reasonable, that must be determined by the attorney.

Pro se parties only: If the opposing party is pro se and a telephone number is listed on any of their pleadings, you must make two attempts 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 online at least fourteen (14) days from the current date. If no phone number is listed in the Court file then a hearing cannot be scheduled sooner than one month (30 days).

Once your hearing is set on JACS you will receive a confirmation number. It is very important that you retain, for your record, the confirmation number in case you need to reschedule or cancel your hearing in the future.

A. Telephonic Hearings:

TELEPHONIC HEARINGS WILL NOT BE PERMITTED FOR FORCLOSURE MATTERS

2. CONTINUANCES: If a continuance of a hearing is requested by a party who did not set the hearing and the party who scheduled the hearing will not reschedule, then a motion for continuance may be presented at a short matter hearing (*see below for procedures on setting Short matter hearings*) or set on JACS.

The attorney who scheduled the hearing needs to login to JACS (*see above, under Scheduling*) under the main menu select "Display a list of available hearing dates." Once you have coordinated a new date with the opposing side, login to JACS and under them main menu, select "To Re-Schedule a Hearing." Enter your confirmation number and select "Reschedule." Select the new coordinated date and the hearing will be rescheduled and you will receive a new confirmation number for your records. An Amended Notice of Hearing must be prepared and copied to all parties.

3. CANCELLING: Only the party who scheduled the hearing can cancel the hearing. The attorney who scheduled the hearing needs to 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. Attach a copy of the confirmation page to your Notice of Cancellation for your file. Please do not send a copy of the Notice of Cancellation to the Judge, just file the original in the court file.

4. CROSS NOTICING/PIGGY BACKING: 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 need additional time you can 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 timeslot with sufficient time for both hearings. Please make sure that Amended Notices and/or Cross Notice of Hearings are filed with the clerk to keep the file updated. Please do not send a copy of your Amended Notice or Cross Notice of Hearing to the Judge.

5. NOTICE OF HEARING: A notice of hearing must specifically state the matter(s) to be heard. A notice of hearing that states "All Pending Motions" is a nullity. Any party scheduling a hearing MUST provide notice to the other parties even if defaulted by the court. If an Attorney 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 Attorney Ad Litem. Please do not send a copy of your Notice of Hearing to the Judge, just file the original with the clerk.

6. SHORT MATTERS/EX PARTE: Short Matters/Ex parte hearings are ten minutes or less with no evidence or testimony and all parties must appear in person (*no telephonic appearances*). These hearings are not scheduled on a docket so you do not schedule or cancel on JACS. Moving counsel is responsible for notifying the clerk prior to the hearing date and obtaining the Court file from the clerk's office. If you are *pro se* then you must contact the clerk and advise them you need the file brought to the Judge for the hearing.

ShortMatters/Ex Parte hearings are held Monday – Wednesday at 9:00 a.m. every other week in Courtroom J on the 3rd floor of the Courthouse. Before noticing your hearing, consult the Judge's daily docket to verify that they are being held that day. Judge Mize's daily dockets can be found online at www.FLCourts18.org under the Calendaring/JACS link on the left hand side, under the Seminole County column. Select "Docket Calendar by division", and select the Judge Mize in the drop down menu. Each day is a link that you can select to view his docket. Make sure that docket indicates that Ex parte/Short matter hearings are at 9:00 a.m. Unless the opposing side agrees to your motion and will not be appearing,

it must be coordinated like any other hearing. Please do not send the Judge copies of Notice of Hearings.

7. ORDERS TO SHOW CAUSE: A verified Petition for Rule to Show Cause or a Petition for Order to Show Cause, with accompanying Affidavit, can either be presented at Short Matters/Ex Parte or can be forwarded by letter to the Court. If the Petition is granted at Short Matters/Ex Parte, the attorney may obtain a date for the Order to Show Cause on JACS or by contacting the JA. If the Petition is granted and has been mailed to the Court, the judicial assistant will contact your office to schedule the hearing.

8. MOTION TO DISMISS/STRIKE (Fla.R.Civ.P. 1.140): These motions are to be set no sooner than four weeks out. The Judge has the right to pull the file within two (2) weeks of the hearing and make a ruling on the motion if possible. Your notice of hearing must contain the following language:

THE HEARING IS SUBJECT TO CANCELLATION UPON REVIEW OF THE MOTION BY THE COURT AND SUBSEQUENT RULING. ALL MEMORANDA OF LAW AND RESPONSES TO THE MOTION ARE TO BE IN THE COURT FILE TWO WEEKS PRIOR TO THIS HEARING DATE.

****You are required to send self-addressed stamped envelopes for all parties with your notice of hearing to the Clerk's office in order to obtain a copy of the Judge's ruling in the mail.**

9. MOTION TO WITHDRAW AS COUNSEL: If the attorney is able to obtain a signed consent from their client, then the proposed Order may be mailed in for signature along with a copy of the motion and signed consent. If a signed consent is unable to be obtained then the motion is to be set at short matters with at least 5 days notice to the parties. The proposed Order allowing withdrawal of counsel must reflect the following:

- a) The client's name, address and telephone number
- b) Statement that all pleadings are to be furnished to the client
- c) Statement that the client is responsible for notifying the Clerk, in writing, within (5) days of any changes of address.

10. MOTION FOR SUMMARY JUDGMENT (RESIDENTIAL FORECLOSURES): All residential mortgage foreclosure Motions for Summary Judgment are held on Monday and Wednesday every other week. No telephonic hearings are allowed.

Mediation Required: Any case where the residence is owner-occupied and the owner filed a responsive pleading requires mediation before a hearing on a MSJ can be heard. Mediations can be conducted at the Seminole County Courthouse or through a private mediator. Please review the Practices and Procedures under the foreclosure link on our website for the required forms and information.

Waiving Mediation: 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) and needs to be set for a hearing on JACS. Motions to waive mediation cannot be signed ex parte so do not mail them to the Judge. If Plaintiff's local counsel can appear in person, the hearing can be set at short matters (*see the short matter section above*).

Mediation Not Required: If the residence is not owner-occupied or no responsive pleading has been filed by the owner, no motions to waive mediation are required. You can set your case for MSJ hearing on a Monday or Wednesday. Do not send any proposed Orders to the Judge; they will not be signed but filed to the left of the file.

- 11. MOTION FOR REHEARING/RECONSIDERATION:** Once a Motion for Rehearing/Reconsideration is filed with the Clerk's office, the file is brought up to the Judge for review. The Judge will either make a ruling on the motion, without a hearing, and copies will be sent out or the JA will contact your office to let you know to set a hearing on JACS. DO NOT set a hearing unless you receive approval first. The hearing is not the rehearing of the issue but an opportunity for the parties to argue their motion before the Court.

- 12. PROPOSED ORDERS:** All proposed orders must be accompanied by a cover letter stating either that opposing counsel has no objection to the form of the order or that the parties do not agree to the proposed order and opposing counsel will be sending their proposed order, copies for all parties, and self-address stamped envelopes for all parties to the Court.

Objections: Do not ask opposing counsel to contact the Judge's office with objections to a proposed order. 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 the attempts that have been made to obtain opposing counsel's position 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 their position then a hearing must be set. If the attorneys cannot agree on a proposed order from a hearing, then the attorneys are to each submit

their proposed order to the court for the Judge to determine which one reflects his ruling. Hearings are not to be set on this issue.

Opposing side Pro se: 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 5 days.

13. 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 either at short matters or on JACS.