GENERAL PROCEDURES FOR JUDGE CAROL A. FALVEY
(All are subject to change at the Court's discretion)
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Procedures for Scheduling Circuit Civil Hearings

When e-mailing or calling to obtain hearing dates and times, please have available the case number, case style, type of motion to be scheduled, the amount of hearing time requested, and names of all counsel of record. The Motion **must** be filed prior to obtaining a hearing date and time. Once a hearing date and time has been coordinated with all counsel, confirm the date with this office prior to preparing your Notice of Hearing to assure that date and time is still available as hearing dates cannot be "held."

A courtesy copy of the Motion and Notice of Hearing **does not** need to be provided to our office. The Court requires that all hearings be coordinated. Typically, unilaterally set hearings are not scheduled. If you are unable to coordinate a hearing, counsel may wish to **file** a motion for the Court's consideration.

Motions to Compel and for Protective Order

A Motion to Compel Discovery pursuant to Rule 1.380, Fla.R.Civ.P., shall include quotation in full of each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed; each of which shall be followed immediately by quotation in full of the objection and grounds therefor as stated by the opposing party; or the answer or response which is asserted to be insufficient, immediately followed by a statement of the reason the motion should be granted. The opposing party shall then respond in a similar fashion. **FAILURE TO OBSERVE THESE REQUIREMENTS MAY RESULT IN CANCELLATION OF ANY SCHEDULED HEARINGS WITHOUT PRIOR NOTICE.**

For the guidance of counsel in preparing or opposing contemplated Motions for a Protective Order pursuant to Rule 1.280(c) Fla.R.Civ.P., related to the place of taking a party-litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a non-resident plaintiff may reasonably be deposed at least once in Citrus County during the discovery stages of the case; and that a non-resident defendant who intends to be present in person at trial may reasonably be deposed at least once in this County either during the discovery stages of the case or, with the consent of opposing counsel or upon court order, within a week prior to trial as the circumstances seem to suggest. Otherwise, depositions of the parties should usually be taken as in the case of other witnesses pursuant to Rules 1.310 and 1.410, Fla.R.Civ.P.. A non-resident, within the meaning of this rule, is a person residing outside the State of Florida.

Assertion of Privilege and Privilege Logs

Where a claim of privilege is asserted in objecting to any discovery request and a complete answer is not provided on the basis of such assertion:

(i) The party asserting the privilege shall in the objection to the discovery request, identify the nature of the privilege (including work product) which is being claimed and if the privilege is being asserted in connection with a claim or defense governed by Florida law, indicate the privilege rule being invoked; and

(ii) The following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

(a) For documents or electronically stored information, to the extent the information is readily obtainable from the witness being deposed or otherwise: (1) the type of document (e.g., letter or memorandum) and, if electronically stored information, the software application used to create it (e.g., MS Word, MS Excel); (2) general subject matter of the document or electronically stored information; (3) the date of the document or electronically stored information; and (4) such other information as is sufficient to identify the document or electronically stored information for a subpoena duces tecum, including, where appropriate, the author, addressee, and any other recipient of the document or electronically stored information, and, where not apparent, the relationship of the author, addressee, and any other recipient to each other.

(b) For oral communications: (1) the name of the person making the communication and the names of persons present while the communication was made and, where not apparent, the relationship of the persons present to the person making the communication; (2) the date and the place of communication; and (3) the general subject matter of the communication.

The assertion of privilege requires preparation of a privilege log with respect to all documents, electronically stored information, things and oral communications withheld on the basis of a claim of privilege or work product protection except the following: written and oral communications between a party and its counsel after commencement of the action and work product material created after commencement of the action.

Telephonic Appearances for Hearings

Counsel and parties may appear telephonically for a hearing by contacting Mori Campea at 352-341-6717. Judge Falvey **does not** require a motion and order for telephonic appearances. Personal appearances are required for Pre-Trial Conferences and Trials.

Notices for Trial

Notices for Trial should include the amount of trial time anticipated and whether the trial is a jury or non-jury trial. Once the Notice is filed with the Court, the Clerk will forward a copy to our office. The case will be set for a case management conference to schedule the matter for trial.

Procedures for Cancelling Hearings/Trials and Continuances

In addition to filing your notice of cancellation, immediately notify our office by telephone or email when a hearing is to be cancelled. If a case has settled and should be removed from the trial docket, please file documentation in the court file to indicate the matter has settled and file closing documents. Only the party that scheduled the hearing, or the Court, has the authority to cancel the hearing/trial. Requests for continuances should comply with Rule 1.460, Fla.R.Civ.P., and Rule 2.545(e) Fla.R.Jud.Admin.

Cross-Noticing Hearings

Cross-noticing a hearing without the Court's approval is not permitted. If a case has been set for a hearing and opposing counsel is requesting the setting of additional motions at the previously scheduled hearing (a/k/a piggy-backing or cross-noticing motions) **prior** to noticing these additional motions for hearing, counsel **must** contact the Judge's office who will determine if sufficient time is available to have the additional motions(s) heard. Counsel will then be directed to follow the procedures to schedule the additional motion(s) for hearing.

Proposed Orders

A proposed order should be submitted upon filing the following motions:

Motion for Extension of Time
Motion for Leave to Amend Complaint
Motion to Appoint Process Server
Motion to Appoint Guardian or Attorney Ad Litem
Motion to Cancel and/or Reschedule Foreclosure Sale

If all parties are represented by counsel, proposed orders maybe submitted by email to mcampea@circuit5.org. If there are any pro se parties, conforming copies and self-addressed stamped envelopes must be submitted with the proposed order by U.S. Mail or hand-delivery. **All proposed orders shall include a certificate of service with the names of all counsel/parties to be served.**

Case Law

If you have case law for the Judge to consider and the submission is less than five (5) pages, you may email it to mcampea@circuit5.org or send it by U.S. Mail (all submissions over 5 pages) giving the Court sufficient time to review it prior to the hearing date.

Foreclosure Cases

Scheduling hearings in foreclosure cases is the same as circuit civil cases noted above. They are usually held telephonically unless the attorney and parties would like to appear in person. All Final Judgments must be filed through the **Florida Courts E-portal 10 business days prior to the hearing**. **The original note and mortgage should be sent directly to the Clerk of Court at least 10 business days prior to the hearing.** Judge Falvey requires a hearing on a motion for summary judgment prior to trial in foreclosure cases. If a Notice for Trial has been filed, the attorney's office shall contact Mori Campea to coordinate a date and time for a case management conference for Judge Falvey to discuss the case with the attorneys.

Family Law Procedures

Hearing dates and times are given telephonically not by email and must be coordinated with opposing counsel. All motions must be filed prior to setting a hearing. Proof of service or waiver of service on emergency motions and all adoption proceedings must be filed with the Clerk of Court prior to the hearing. Final Judgments and/or Orders with pro se litigants must be provided to Mori Campea via US Mail which should include self-addressed stamped envelopes and appropriate copies.

STANDING PROCEDURES FOR MOTIONS IN LIMINE IN CIVIL CASES

The Court finds that certain procedures will expedite and simplify rulings on Motions in Limine and assist in the administration of justice. Accordingly, the following Standard Procedures for Motions in Limine are hereby adopted and shall apply to all Motions in Limine:

1. Any and all Motions in Limine from any party must be filed no later than forty-five (45) days before trial unless extended by this Court.

2. Before setting the Motions in Limine for hearing before the Court, counsel, not support nor paralegal personnel, must meet either by telephone and/or in person and confer on each and every requested Motion in Limine.

3. Subsequent to the meeting(s) counsel filing the Motion in Limine must prepare and file a stipulation confirming in writing the agreed upon Motions in Limine and the agreements as to each.

4. After the meet and confer requirement has been satisfied, counsel filing the Motion(s) in Limine shall submit to the Court a written memorandum of law, with supporting case law:

    a. Identifying each item in the Motion(s) in Limine that has not been agreed to by opposing counsel at the meet and confer; and

b. Setting forth any arguments and case law in support of the disputed Motion(s) in Limine.

Opposing counsel will have five (5) business days to file a written response if they wish. A hard copy of the motion, memorandum, and response must be provided to the Court (chambers) by U.S. Mail or hand delivery. The Court will review the memorandums and responses thereto, if any, and either;

a. Rule on the specifically disputed Motions(s) in Limine without a hearing; or

b. Direct that a hearing be set on the disputed Motion in Limine. The moving party must send out the notice of hearing and specifically set forth in the "Notice" the specific matters that remain in dispute and that will be submitted to the Court for resolution. No additional case law will be considered that has not been set forth in the previously submitted memorandums or responses unless that case law was issued subsequent to the submittal of the memorandums or responses.

5. Any Motions in Limine not timely filed and/or not discussed at the meet and confer and (if unresolved) not set for hearing will be considered abandoned.

6. The party filing the Motion in Limine will prepare the proposed order on any contested hearing reflecting the Court's rulings.

7. All counsel are reminded that rulings on Motions in Limine are non-final orders subject to modification during trial as evidence is presented.