

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR HERNANDO COUNTY, FLORIDA
DON BARBEE JR., CIRCUIT JUDGE

STANDING ORDER FOR NON-JURY CIVIL CASES

In an effort to maximize efficiency, provide clear direction and expectations, it is hereby **ORDERED**

1. This standing order shall apply to all non-jury civil matters assigned to Circuit Judge Don Barbee Jr.
2. **PAPERLESS:** 100% paperless is the goal. Please do not submit copies of motions, proposed orders, or anything else in paper format or through the U.S. Mail unless absolutely necessary and with prior approval. Evidence for remote hearings shall be handled as set forth in the standing order related to Zoom procedures.
3. **CASE MANAGEMENT:** Rule of Judicial Administration 2.250 establishes a presumptively reasonable time of 12 months to resolve non-jury civil cases. RJA 2.45 instructs judges and lawyers of their “professional obligation to conclude litigation as soon as it is reasonable and justly possible to do so.” Please remember this when your cases are assigned to this docket.
4. **MOTION PRACTICE:**
 - a. Courtesy copies of emergency motions or those seeking an expedited response should be provided to the court at dcbcivil@circuit5.org. Copies of standard motions should be filed with the Clerk and NOT copied to the Judge.
 - b. “Meet and Confer”: Parties/counsel shall attempt to resolve any disputes prior to filing a motion or scheduling it for hearing. All motions (other than dispositive motions) shall contain a certificate that a good faith effort has been made to resolve the dispute prior to filing the motion.
 - c. Legal Memorandum: Required for all written motions except continuance, discovery related, defaults, extension of time, or

substitution/withdrawal of counsel. The Motion shall be titled “Motion to/for _____ and Memorandum of Law”.

- d. Response/Reply: Opposing party shall have ten (10) days from receipt of a motion to file a response (along with legal memorandum) Failure to timely respond may result in the issuance of an order as if motion was unopposed. If the movant believes a Reply is necessary to the Response, he/she shall immediately notify the judicial assistant via email at dcbcivil@circuit5.org. The Court will defer ruling for 5 days awaiting receipt of the reply.
 - e. Discovery: Motions related to the content of discovery shall include the interrogatory, question or request being challenged, the grounds for the objection, and the legal authority for the position taken by the movant. Also, don't forget the meet and confer requirement from 4(b) above.
 - f. Oral Argument: Motions will ordinarily be ruled upon by the contents of the motion and legal memorandum. The exceptions to this general rule are (1) when a hearing is required by rule or statute (e.g. summary judgment) and (2) at the discretion of the Court upon written request of an interested party. The request for a hearing must accompany the motion and must estimate the time required for argument. If a hearing is required or approved by the Court, hearing time may be obtained by contacting the judicial assistant at dcbcivil@circuit5.org.
 - g. Page Limitation: Absent prior permission of the Court, no party shall file a legal memorandum which exceeds ten (10) pages in length.
5. **PROPOSED ORDERS:** Proposed orders are to be submitted electronically in Word or PDF format to dcbcivil@circuit5.org. Proposed orders should be submitted within five (5) days of the hearing.

6. **SERVICE OF ORDERS:** The Court will serve counsel of record and unrepresented primary parties. All other service will be incumbent upon counsel for the Plaintiff.
7. **CONSENT FINAL JUDGMENTS:** No hearing is required. Simply submit the proposed order as set forth above.
8. **SALE DATES FOR FORECLOSURE:** In the body of the email containing the proposed order, indicate any agreed upon or preferred time for the sale of the property. Sale dates will be filled in by the Court upon receipt of the proposed order.
9. **FACT INFORMATION SHEET:** This document is not part of the final judgment and should not be attached to it. Plaintiff (counsel) may include the statutory language and send the fact information sheet directly to the defendant(s).
10. **FAILURE TO COMPLY:** Should a party/counsel fail to abide by the terms of this standing order, the Court may deny the motion, strike the pleading, dismiss the action, or enforce the order through any appropriate sanction authorized by law.
11. **NO ACTION FROM THE COURT:** In the unlikely event that forty-five (45) has past without a ruling on your motion, please contact the judicial assistant to inquire.

If you have any questions about this standing order, please contact Jamie Shreiber, Judicial Assistant, at dcbcivil@circuit5.org or (352)540-6655.

DONE AND ORDERED this 8TH day of January, 2021.



Don Barbee Jr.
Circuit Judge