

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR MARION COUNTY, FLORIDA**

ADMINISTRATIVE ORDER: M-2022-35

**RE: STANDING ORDERS IN CIRCUIT CIVIL CASES IN
MARION COUNTY**

WHEREAS, Florida Rules of General Practice and Judicial Administration 2.215(a) fixes administrative responsibility for ensuring the efficient and proper administration of all courts within the circuit in the Chief Judge of the Fifth Judicial Circuit, and other judges he may designate; and

WHEREAS, pursuant to Florida Rules of General Practice and Judicial Administration 2.215(b)(5) and by Administrative Order, the Chief Judge designated the undersigned judge as Administrative Judge for Marion County, and has ordered that all administrative oversight of the Circuit Courts in Marion County will be provided by the Administrative Judge of Marion County; and

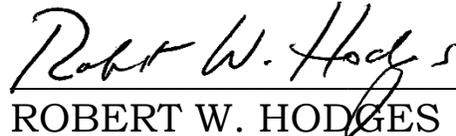
WHEREAS, it is deemed necessary and appropriate for the prompt, effective, and efficient progression of circuit civil (CA) cases to adopt uniform policies and procedures in Marion County;

It is, therefore, **ORDERED** as follows:

1. The attached Standing Order Establishing Motion Practice Procedures in Circuit Civil Cases in Marion County, shall be used hereafter in all circuit civil (CA) cases in Marion County filed after the date of this order.
2. The attached Standing Order for Case Management and Submission of Agreed Case Management Plan in Circuit Civil Cases in Marion County, shall be used hereafter in all circuit civil

(CA) cases in Marion County filed after the date of this order.

DONE and **ORDERED** in Chambers at Ocala, Marion County, Florida this 29th day of June 2022.

Handwritten signature of Robert W. Hodges in cursive script, positioned above a horizontal line.

ROBERT W. HODGES
Administrative Judge
Marion County

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

IN RE: STANDING ORDER FOR CASE
MANAGEMENT FOR SUBMISSION OF
AGREED CASE MANAGEMENT PLAN

**STANDING ORDER FOR CASE MANAGEMENT AND SUBMISSION OF
AGREED CASE MANAGEMENT PLAN IN CIRCUIT CIVIL CASES IN
MARION COUNTY**

Pursuant to Florida Rule of Civil Procedure 1.200(a), Florida Rule of Judicial Administration 2.545, and Administrative Order A-2021-13 entered by the Chief Judge of this Circuit, the parties are informed of the following information and procedures applicable to civil cases filed in the Marion County Circuit Court (“Circuit Civil Cases”):

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this standing order, together with a copy of Administrative Order A-2021-13 attached hereto as Exhibit “A” (collectively the “Order”), with each summons issued in Circuit Civil Cases. Copies of the Order are available for download at either <https://www.circuit5.org/administrative-orders> or <https://www.marioncountyclerk.org/standingorders>. One copy of the Order is to be filed with the Clerk of the Court with proof of service.
2. **CIVIL CASE MANAGEMENT SYSTEM.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases. This Court has adopted a case management system to help meet those guidelines. In contested cases, the parties are required to participate in the case management system. The case management system requires early consultation and cooperation among the parties for the preparation and submission of an Agreed Case Management Plan and early involvement by the Court. The Agreed Case Management Plan requires the parties to identify a case track, confer in good faith and attempt to narrow the matters in controversy, identify the issues that require direct involvement by the Court, and establish a schedule for addressing those issues.¹

Unless all Defendants have been served and have been defaulted or dropped, an Agreed Case Management Plan must be filed on or before 130 days from the date of filing the initial complaint. A proposed Order Accepting Agreed Case Management Plan must then be submitted to the assigned judge. If the

¹ Case Track options include Expedited, Streamlined, General, or Complex. Case Tracks have been established in or to comply with the case disposition standards set forth in Florida Rule of Judicial Administration 2.250(a)(1)(B).

parties are unable to agree on an Agreed Case Management Plan by the applicable deadline, counsel for the Plaintiff shall schedule a case management conference with the Court.

If all Defendants are served and defaulted or dropped, the Plaintiff shall file the appropriate documentation to pursue a Default Final Judgment within 130 days from filing the complaint. A Final Judgment shall then be entered, or the case set for final hearing, within 20 days.

DONE AND ORDERED in Ocala, Marion County, Florida, on this 22nd day of June, 2022.



ROBERT W. HODGES
Administrative Judge of Marion County

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA

IN RE: STANDING ORDER ESTABLISHING
MOTION PRACTICE PROCEDURES IN
CIRCUIT CIVIL CASES IN MARION COUNTY

**STANDING ORDER ESTABLISHING MOTION PRACTICE PROCEDURES
IN CIRCUIT CIVIL CASES IN MARION COUNTY**

It is **ORDERED** that to facilitate an orderly progression of civil actions and better-informed decisions by the Court, all motions shall be filed with the Clerk of the Court pursuant to Rule 1.080(e), Fla. R. Civ. P., and handled in the following manner:

1. ***Service of Standing Order.*** The Plaintiff is directed to serve a copy of this Standing Order with each summons issued in circuit civil cases. Copies of the Standing Order are available for download at <https://www.marioncountyclerk.org/standingorders>. One copy of the Standing Order is to be filed with the Clerk of the Court with proof of service.

2. ***Legal memorandum required.*** In making any written motion or other application to the Court for the entry of an order of any kind, the moving party shall file and serve with such motion or application a legal memorandum with citations to authority in support of the relief requested. A supporting memorandum may be incorporated into the body of the motion but should be clearly titled, "Motion to/for-----
-----and Memorandum of Law." The following motions need not be accompanied by a memorandum of law:

- a. motion for continuance;
- b. motion for default addressed to the Court;

- c. motion for confirmation of sale;
- d. motion to withdraw or substitute exhibits;
- e. motion to proceed *informa pauperis*;
- f. motion for extension of time in which to complete discovery, provided good cause is set forth in the motion; and
- g. motion to withdraw or substitute counsel.

3. ***Timely opposing memoranda.*** Each party opposing any written motion or other application shall file and serve, within twenty (20) days after being served with such motion or application, a legal memorandum with citations to authority in opposition to the relief requested. FAILURE TO RESPOND WITHIN THE TIME ALLOWED MAY BE DEEMED SUFFICIENT CAUSE FOR GRANTING THE MOTION BY DEFAULT OR FOR THE COURT TO CONSTRUE THERE IS NO OBJECTION TO THE MOTION. If a party has no objection to a motion and does not intend to file a responsive memorandum, counsel should file a written notice with the Clerk of the Court so indicating.

4. ***Replies.*** If upon receipt of an opposing memorandum, counsel determines further argument of his client's position is required, counsel shall file a reply within five (5) days of the receipt of opposing memorandum.

5. ***Discovery motions accompanied by good faith certification.*** Before filing a motion to compel pursuant to Rule 1.380, Fla. R. Civ. P., or a motion for protective order pursuant to Rule 1.280(c), counsel shall confer and correspond with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised, and shall certify to the Court at the time of filing the motion that s/he has

conferred with opposing counsel and has been unable to resolve the dispute and **shall** attach to the motion a copy of the correspondence with opposing counsel of the good faith effort to resolve the discovery dispute. The failure to comply with this paragraph may result in the Court entering an order striking, without prejudice, the discovery motion.

6. ***Content of discovery motions.*** Except for motions grounded upon a complete failure to respond to discovery, discovery motions shall: (1) quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed; (2) quote in full the objection and grounds given therefore; and (3) state (with citations to authority) the reasons such objection should be overruled or sustained. If there is an allegation in the motion to compel of a complete failure to respond or object to discovery and there has been no request for an extension of time, then the Court may enter an *ex parte* order compelling discovery. See, ***Waters v. American General Corporation***, 770 So. 2d 1275 (Fla. 4th DCA 2000).

7. ***Oral argument.*** Motions and other applications will ordinarily be determined by the Court on the basis of motion papers and legal memoranda unless a hearing is required by rule or law. (For example, under Rule 1.510, *Fla. R. Civ. P.*, **summary judgment motions must be set for hearing**. This would not, however, extinguish the requirement that the motion be accompanied by and responded to with memoranda taking into consideration the time frame under Rule 1.510, *Fla. R. Civ. P.*, for filing supporting and opposing affidavits, etc.)

The Court may permit oral argument upon the written request of any interested party or upon the Court's own motion. Requests for oral argument must

accompany the motion or opposing legal memorandum and must estimate the time required for argument. When a request for hearing is granted, counsel for the requesting party will be asked to coordinate the calendars of the Court and counsel. The Court, on its own, may schedule the hearing.

8. ***Page limitation.*** Absent prior permission of the Court, no party shall file a legal memorandum in excess of fifteen (15) pages in length.

9. ***Motions to be filed with the Clerk.*** All original pleadings, motions, responses, and papers shall be filed with the Clerk of the Court.

10. ***Form of motions.*** All applications to the Court requesting relief in any form, or citing authorities or presenting argument with respect to any matter awaiting decision, shall be made in writing in accordance with this order and in appropriate form pursuant to the Florida Rules of Civil Procedure, and unless invited or directed by the Court, should not be addressed or presented to the Court in the form of a letter or the like.

11. ***Time calculations.*** All time calculations herein shall be subject to Rule 1.090, *Fla. R. Civ. P.*

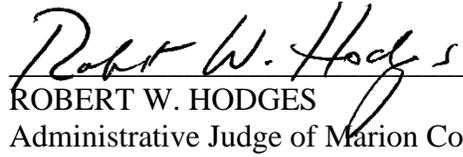
12. ***In limine motions.*** Unless oral argument is requested and granted, or otherwise ordered by the Court, in limine motions will be resolved without a hearing. All motions in limine must be filed no later than 15 days before the start of the trial term or the Court may deny the motion as being untimely.

13. ***Emergency motions.*** Motions of an emergency nature may be considered and determined by the Court at any time in its discretion.

14. ***Proposed Orders.*** Unless otherwise directed by the Court, each party shall submit a proposed order for the Court's review and consideration.

FAILURE OF EITHER PARTY TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN THE STRIKING OF PLEADINGS AND/OR THE MOTION(S) OR PARTS OF THEM OR STAYING FURTHER PROCEEDINGS UNTIL THIS ORDER IS COMPLIED WITH OR DISMISSING THE ACTION OR RENDERING JUDGMENT BY DEFAULT AGAINST THE NONCOMPLIANT PARTY.

DONE AND ORDERED in Ocala, Marion County, Florida, on this 24th,
day of June 2022.



ROBERT W. HODGES
Administrative Judge of Marion County