



DONALD SCAGLIONE
CIRCUIT JUDGE
FIFTH JUDICIAL CIRCUIT OF FLORIDA

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**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
HERNANDO COUNTY, FLORIDA**

**AMENDED ADMINISTRATIVE ORDER RE: INFORMING CLIENTS WHEN
SEEKING CONTINUANCE OF HEARINGS OR TRIALS
FOR THE SCAGLIONE "DS" DIVISION ONLY**

Judge Scaglione requires counsel to inform their clients when seeking continuance of hearings or trials, the Court hereby establishes the following procedure, applicable to all cases before this Court, to effectuate the policy:

Effective January 1, 2019, counsel seeking a continuance of hearings or trials shall certify, by a statement included in the signed certificate of service on the motion or notice filed with this Court, that counsel has that day provided a copy of the motion or agreed notice to his/her client(s) via US Mail, e-mail, or by hand delivery. The client's name and address do not need to be included in the certificate of service unless service is otherwise required on the client. This motion requires the client's signature and/or consent, and no comment shall be filed by the client regarding the continuance being sought. This policy does not apply to the State of Florida or other governmental bodies.

Motions to Continue Trial

Motions to continue trial are disfavored and should rarely be granted. Once the case is set for trial, no continuances may be granted except for good cause shown. Lack of preparation is not grounds to continue the case. Where possible, trial dates shall be set in collaboration with counsel and self-represented parties as opposed to the issuance of unilateral dates by the Court.

A motion to continue trial shall be in writing and signed by the client.

Any motion to continue trial must be filed within 14 days after the appearance of grounds to support such motion.

The motion shall state with specificity:

1. the factual basis of the need for the continuance.
2. the proposed date by which the case will be ready for trial; and
3. the proposed action and schedule that will enable the movant to be ready for trial by the proposed date.

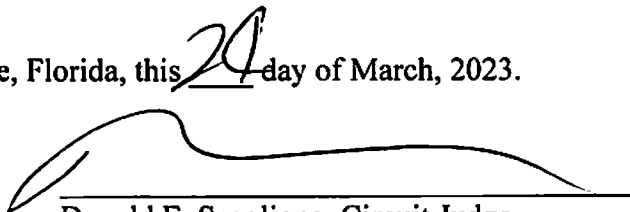
If amendment of pleadings or affirmative defenses is permitted under the relevant rules within 60 days of trial, the amendment shall not serve as grounds for continuance where no additional discovery is required. If the party who was granted amendment failed to facilitate discovery and the same party later seeks a continuance, the trial court may deny the continuance of the failure created interference with the trial date and the orderly progress of the case.

No case may be continued for a duration exceeding 12 months from its original trial date, except where the action required to cure the need for the continuance cannot be completed within 12 months.

See new DCMS Order for timelines.

Counsel's failure to comply with this order may result in the motion for continuance of hearing or trial being denied.

DONE AND ORDERED at Brooksville, Florida, this 24 day of March, 2023.


Donald E. Scaglione, Circuit Judge