

**IN THE CIRCUIT COURT, SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO AND PINELLAS COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 2020-011 PA/PI-CIR

RE: MOTIONS TO COMPEL DISCOVERY

In order to facilitate discovery in cases in the circuit civil division, and in accordance with *Nudel v. Flagstar Bank, FSB*, 52 So. 3d 692 n.3 (Fla. 4th DCA 2010), and in accordance with Article V, § 2, Florida Constitution, Rule of Judicial Administration 2.215, and § 43.26, Florida Statutes,

IT IS ORDERED:

1. When a motion to compel discovery is filed in accordance with Rule of Civil Procedure 1.380(a)(2) and the motion alleges

- a. a complete failure to respond to or object to discovery, and
- b. a request for extension has not been filed, and
- c. that counsel has conferred with opposing counsel and has been unable to resolve the dispute, as provided for in Administrative Order 2015-052 and any other subsequent Administrative Orders regarding the Professionalism Committee or Standards of Professional Courtesy,

the Court, without hearing, may enter an ex parte order requiring compliance with the original discovery demand.

2. If a party in a civil action seeks a ruling on a motion to compel discovery without a hearing, the movant must file the original motion with the Clerk of the Circuit Court and contemporaneously serve opposing party/counsel with the motion to compel. Prior to seeking a ruling from the Court, the movant shall also file a Notice of Request for Court to Consider Motion to Compel Discovery without Hearing, Attachment A to this Administrative Order.

3. The opposing party/counsel shall have 15 days after being served with both the motion and the notice to file a response.

4. Following the expiration of the period allowed for response, the movant shall submit to the presiding judge a cover letter detailing that the motion is ripe for a decision (at least 15 days after the original notice has been sent), stating the movant's compliance with this Administrative Order, and including a copy of the motion to compel, a copy of the notice, any response if filed, a proposed order, and copies of the proposed order for conforming, along with stamped, addressed envelopes for all parties.

5. The Court may impose sanctions in accordance with Rule of Civil Procedure 1.380(b) if discovery is not completed within 15 days from the date of entry of the order, and the proposed order should so provide. Attachment B, Order Compelling Discovery, is a sample form order on a motion to compel.

6. Administrative Order 2017-072 PA/PI-CIR is hereby rescinded. The Court may update the attachments to this Administrative Order without an amendment to this Administrative Order.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida this _____ day of April 2020.

ORIGINAL SIGNED ON APRIL 24, 2020
BY ANTHONY RONDOLINO, CHIEF JUDGE

Attachment A: Notice of Request for Court to Consider Motion to Compel Discovery without Hearing
Attachment B: Order Compelling Discovery

cc: All Judges
The Honorable Bernie McCabe, State Attorney
The Honorable Bob Dillinger, Public Defender
The Honorable Nikki Alvarez-Sowles, Clerk of the Court, Pasco County
The Honorable Ken Burke, Clerk of the Court, Pinellas County
Gay Inskeep, Trial Courts Administrator
Ita M. Neymotin, Regional Counsel, Second District
Ngozi C. Acholonu, Assistant Regional Counsel
Lillian Simon, Director of Administrative Services, Pasco County
Bar Associations, Pasco and Pinellas Counties
Law Libraries, Pasco and Pinellas Counties

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
_____ DIVISION**

Plaintiff(s),

v.

Defendant(s).
_____ /

Case No. _____

UCN: _____

**NOTICE OF REQUEST FOR COURT TO CONSIDER
MOTION TO COMPEL DISCOVERY WITHOUT HEARING**

The undersigned submits this Notice requesting that the Court consider _____ [Plaintiff's/Defendant's] Motion to Compel Discovery, filed on _____ [date], in the above-styled case, without hearing pursuant to Administrative Order No. 2020-011 PA/PI-CIR, due to _____ [Plaintiff's/Defendant's] complete failure to respond to or object to the discovery request. No request for extension has been filed. The undersigned has conferred with opposing _____ [party/counsel] and has been unable to resolve this dispute.

The opposing party shall have fifteen (15) days after being served to file their response. On _____ [date 16 days after serving this notice], the Court may rule on the Motion at any time thereafter without further notice or hearing.

CERTIFICATE OF SERVICE

I certify that a copy hereof has been furnished to _____
[insert name(s) and address(es) used for service] by [e-mail] [delivery] [mail] [fax] on
_____ [date].

DATED: _____

(Requestor or Attorney Signature)

Name:

Address:

Direct telephone number:

Fax number:

E-mail address:

Florida Bar No.:

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO/PINELLAS COUNTY, FLORIDA
_____ DIVISION**

Plaintiff(s),

v.

Defendant(s).

Case No. _____

UCN: _____

ORDER COMPELLING DISCOVERY

THIS CAUSE is before the Court on [Plaintiff's/Defendant's] Motion to Compel Discovery. Upon consideration, the Court finds that the Motion was filed in accordance with Rule of Civil Procedure 1.380(a)(2) and alleges that:

- a. the opposing party has completely failed to respond to or object to discovery, and
- b. a request for extension has not been filed, and
- c. counsel has conferred with opposing counsel and has been unable to resolve the dispute, as provided for in Administrative Order 2015-052 and any other subsequent Administrative Orders regarding the Professionalism Committee or Standards of Professional Courtesy.

Accordingly, it is hereby

ORDERED AND ADJUDGED that _____ shall comply with the original discovery demand in the above-styled cause no later than fifteen (15) days from the date of this Order. Failure to comply with this Order may result in Court imposed sanctions in accordance with Rule of Civil Procedure 1.380(b).

DONE AND ORDERED in Chambers, at _____, [Pasco/Pinellas]
County, Florida, this ____ day of _____, 20____.

Circuit Judge