

**JUDGE CYNTHIA NEWTON**  
**SECTION 13 INSTRUCTIONS AND JUDICIAL PRACTICE PREFERENCES**  
LAST UPDATED JULY, 2017  
545 1<sup>ST</sup> Ave. N., Room 211  
St. Petersburg, FL 33701  
Phone (727)582-7917  
Fax (727) 582-7498

**IN ORDER TO PROVIDE YOU WITH THE BEST SERVICE POSSIBLE, WE HANDLE ALL COMMUNICATION BY EMAIL**

**ALL MAIL** BEING SENT TO JUDGE CYNTHIA NEWTON SHALL BE **SENT DIRECTLY TO** (Mailing Address): **DO NOT STAPLE ENVELOPES TO THE ORDERS**

Judge Cynthia Newton  
St. Petersburg Judicial Building  
545 1<sup>st</sup>. Ave. N., **Room 211**  
St. Petersburg, FL 33701

**DO NOT ADDRESS TO PRESIDING JUDGE PUT JUDGE CYNTHIA NEWTON'S NAME ON ENVELOPE OR IT WILL TAKE LONGER TO GET TO US. DO NOT ADDRESS TO CASE MANAGER, THERE IS NO LONGER A CASE MANAGER.**

**HELP FOR PARTIES WITHOUT ATTORNEYS**

**The Judicial Assistant (JA) CANNOT answer your legal questions or “explain” things to the judge. Your opportunity to speak to the Judge happens in Court only.** The Clerk of the Court has a Self Help Program for self-represented litigants in the St. Petersburg Judicial Building, Gulfcoast Legal Services can be reached in Clearwater (727)443-0657 or St. Petersburg (727)821-0726. Bay Area Legal Services is available at 1-800-625-2257.

**TO SCHEDULE HEARINGS: (INCLUDING EMERGENCY/EXPEDITED HEARINGS)**

Motions must be filed and docketed with the Clerk of Court and provided to the opposing side **BEFORE** scheduling for a hearing. When a motion is filed, it not docketed immediately. It may take up to 72 hours to be docketed.

Email your request to the **JUDICIAL ASSISTANT, BRIDGET SULLIVAN**  
[BSULLIVAN@JUD6.ORG](mailto:BSULLIVAN@JUD6.ORG) **Judge Newton does NOT utilize the JAWS system**

Please put **OUR** case number and the style of the case in the Subject Line

In the body of the email:

- Motions requesting to be heard and when it was filed
- Amount of time you are requesting
- Name of the attorneys and the parties they represent and/or pro se parties

## EMERGENCY MOTIONS

Be sure to include **URGENT-EMERGENCY MOTION** in the subject line of your email for immediate attention. Otherwise, emails are answered in order in which they are received.

Emergency motions will not be set for hearing on an emergency basis unless the court deems it to be an emergency. When attorneys e-file an emergency motion, the Clerk does not forward it to the Judge's office and accordingly, the Judge or JA is not aware of the filing. It is the attorney's responsibility to contact the Judge's office and provide the Judge with a copy of the motion. If granted, a hearing will be set at date and time the Court Dictates. If counsel is not available at the time the Court picks for hearing then it is not an emergency. Opposing counsel/party is to be provided with Motion in same manner as the Court, unless reasons for no notice stated.

***Pro se* emergency motions ONLY are forwarded to the Judge's office by the Clerk.**

**Motions for Rehearing/Reconsideration WILL NOT** be set for hearing unless the court decides one is required.

**ALL HEARINGS** SCHEDULED BEFORE JUDGE CYNTHIA NEWTON SHALL BE NOTICED FOR (**Hearing Location**):

Judge Cynthia Newton  
St. Petersburg Judicial Building  
545 1<sup>st</sup>. Ave. N., 2<sup>ND</sup> Floor, Courtroom H  
St. Petersburg, FL 33701

**DO NOT ADDRESS ENVELOPE TO PRESIDING JUDGE PUT JUDGE CYNTHIA NEWTON'S NAME OR IT WILL TAKE LONGER TO GET TO US. DO NOT ADDRESS TO CASE MANAGER, THERE IS NO LONGER A CASE MANAGER.**

**Notice of Hearing.** Must state what is being heard. **DO NOT NOTICE WITHOUT CONFIRMATION FROM JA.**

**Cross Notices.** Motion must be approved to add by opposing and Judicial Assistant. **DO NOT NOTICE WITHOUT APPROVAL.**

**Copies to/Service List:** Section should **ALWAYS** set forth either the individual names of the recipients/attorneys OR refer to an Attached Service List. It should **NEVER state "All Parties" or "Attorneys of Record."** The addresses for the attorneys do not need to be included; however, the address of any non-party must be included. Each attorney's name should be followed by their eservice address.

## **CANCELLATION OF HEARINGS**

If your case settles, email Bridget at [bsullivan@jud6.org](mailto:bsullivan@jud6.org) to cancel any hearings that may be scheduled. The mere filing of a Stipulation of Dismissal is not adequate notice to the court that a case set for trial has been resolved. **(UNDERSTAND THAT FILING A "NOTICE OF**

**CANCELLATION” IS NOT A REQUIREMENT OF LAW AND DOES NOT CANCEL THE HEARING WITH THE JUDGE’S OFFICE.)**

**JURY TRIAL CALENDAR**  
**ST. PETERSBURG JUDICIAL BUILDING**  
**(Clearwater Courthouse does not have the same schedule)**

**CONTACT BRIDGET AT [BSULLIVAN@JUD6.ORG](mailto:BSULLIVAN@JUD6.ORG) FOR JURY TRIAL DOCKET**

**A JURY TRIAL DATE WILL NOT BE SET UNTIL THE PARTIES HAVE MEDIATED**

**Calendar call is the first day of the first Jury Trial week in Courtroom B at 9:00 a.m., 4<sup>th</sup> Floor, St. Petersburg Judicial Building, 545 1<sup>st</sup> Ave. N., St. Petersburg, FL 33701**

Jury selection is on the first Monday of the jury trial docket.

**PRETRIAL AND TRIAL PRACTICE & PROCEDURES**

**Scheduling Jury Trials** Mediation is required before a trial date will be given. Notice to Set Cause for Jury Trial needs to be filed and a copy should be provided to the court. (When e-filed, they do not come to the judge) After the parties have mediated, you may contact the JA for available jury trial dockets. Once a date is agreed upon, contact Bridget and she will calendar the trial and prepare the order setting the pretrial/jury trial. If the parties cannot agree on a trial date, schedule a hearing with Bridget for that purpose.

**Order Setting Pretrial Conference and Jury Trial.** [ADMINISTRATIVE ORDER 2013-064](#)  
The discovery cutoffs and deadlines provided by this order are binding, as are the provisions for counsel to meet to resolve minor evidentiary problems and to provide the court a proposed Pretrial Conference Order prior to the PTC.

**Motions in Limine.** Will be heard the morning of trial. Counsel will confer before that so that only items actually in dispute will be put before the judge. The court has no time for “boiler plate” issues such as forbidding Golden Rule arguments.

**Motions for Summary Judgment.** Motions for Summary Judgment in cases that have been set for trial, must be heard at least 30 (thirty) days prior to trial or the parties may waive their ability to have such a hearing. **Caution:** Attorneys intending to have Motions for Summary Judgment heard prior to trial should do so early. You may schedule a hearing time prior to pretrial/trial date. We do require that the motion be filed before scheduling these hearings.

NO GUARANTEE THAT TIME WILL BE AVAILABLE TO HEAR MOTIONS FOR SUMMARY JUDGMENT PRIOR TO PRETRIAL OR TRIAL IF EITHER PARTY WAITS TOO LONG. In the event that the Motion(s) cannot be heard prior to pretrial/trial because of unavailability of time on the Court’s calendar due to procrastination, then the Court may consider the party to have waived their ability to have said Motion(s) heard. The Court is offering you an opportunity to reserve time right now, so there should not be any reason for not being able to secure a timely hearing date.

**TRIAL (SETTLEMENT):** It is the responsibility of all parties to an action to contact the Judge's office to advise of the settlement of a case. The parties should also advise the Court if there are any future hearings set on a matter that can be removed from the Court's calendar.

**DVDs, PowerPoint, Trial Graphics, Demonstrative Aids:** All such evidence shall be marked and identified, prior to the commencement of trial. *Any special audio/visual requirement should be directed to the Audio/Visual Department at (727)453-7928 at least 10 (ten) days before trial.* The Court strongly recommends that each party use their own audio/visual equipment whenever possible.

**MARKING EVIDENCE:** Evidence shall be exchanged prior to trial. All evidence is to be pre-marked in advance of its intended use by counsel. Where possible, it is preferred to mark the exhibits with the Clerk prior to utilizing.

### **MORTGAGE FORECLOSURE CASE PROCEDURES**

Administrative Order 2017-007 ([click here](#))

**Foreclosure Motions for Summary Judgment.** To schedule a Foreclosure Motion for Summary Judgment, contact Bridget at [BSULLIVAN@JUD6.ORG](mailto:BSULLIVAN@JUD6.ORG) for dates. Attendance in person is required. Summary Judgment Packets may be mailed to Judge Newton 3-5 days prior to the hearing or the attorney may bring the packet to court the day of the hearing.

**Foreclosure Non-Jury Trials.** To schedule a Non-Jury Trial (Residential or Commercial and contested or uncontested), contact Bridget at [BSULLIVAN@JUD6.ORG](mailto:BSULLIVAN@JUD6.ORG) for dates. Attendance in person is required. Non-Jury Trial Packets may be mailed to Judge Newton 3-5 days prior to the hearing or the attorney may bring the packet to court the day of the non-jury trial.

- Court file(s) will NOT be ordered for the trial. If you want the Judge to have the court file(s) for the trial, **please make sure to request them AT LEAST ONE WEEK IN ADVANCE.** Failure to make prior arrangements for these file(s) to be available at trial will not be grounds for a continuance.
- To order the court file(s), please follow the below instructions:
  1. Use [civilatty@pinellascounty.org](mailto:civilatty@pinellascounty.org) email address only
  2. Subject line: "File(s)/Original Note and/or Mortgage needed for foreclosure hearing in Section 13-Judge Newton"
  3. Mark as "High Priority"
  4. Body of email: Provide case number, style of case, date of hearing, which volume(s) needed and identify that the files are for Section 13

**Sale Cancellations.** Parties shall comply with the provisions of AO 2017-007:

The sale date set by the judgment can only be canceled and rescheduled by Court order. Any motion or request to cancel this sale must be served on all parties in conformity with Florida Rule of Civil Procedure 1.080(a). A violation of any party's due process rights will subject the movant and/or counsel to sanctions. See *Jade Winds v. Citibank*, 63 So.

3d 819 (Fla. 3d DCA 2011). The Court may grant an ex-parte cancellation without hearing, if ALL parties agree.

If a Plaintiff wishes to cancel a sale, a written motion must be filed with the Court in substantial compliance with Florida Rules of Civil Procedure Form 1.996(c). The motion also must state the number of times the Plaintiff has previously requested the cancellation of a sale and must include an affidavit with supporting grounds for the motion. Because of the advent of online sales, publication in a newspaper is not as necessary as it once was. Therefore, the mere failure to publish a notice of sale is not a ground for canceling the sale. (ATTACHMENT A)

(For text of entire AO [click here](#))

#### **WRITS OF POSSESSION.**

- Because Section 83.561, Florida Statutes, now affects residential premises, a Court Order is required before the Clerk will issue a writ of possession.
- Writs of possession may be considered **ex parte** by following the procedures applicable to writs of possession in A.O. 2017-007 PA/PI-CIR.
- You will be notified by our office if a hearing is necessary.
- When submitting paperwork, please include an email address and phone number to be contacted should a hearing be necessary.

(For text of entire AO [click here](#))

#### **ASSIGNMENT OF FINAL JUDGMENT AND CREDIT BID:**

- As provided by the Uniform Final Judgment, assignment of the **FINAL JUDGMENT AND CREDIT BID** prior to the sale does not require a court order.
- Assignments prior to sale MUST have the following language: “the Plaintiff assigns the judgment and credit bid to (name of assignee.)”

#### **ASSIGNMENT OF BIDS, SUCCESSFUL BIDS, SALE, AND CERTIFICATE OF SALE:**

- PLAINTIFF MAY NOT ASSIGN BIDS OR SUCCESSFUL BIDS THAT TAKE EFFECT AFTER THE SALE.
- All purported assignments of bids or successful bids are a nullity if they are to take effect after the sale.
- By operation of law, these are assignments of a sale or a certificate of sale.
- Assignments of a sale or certificate of sale require a court order.

#### **MOTIONS WITHOUT HEARING (AO 2015–056)**

#### **DO NOT SUBMIT MOTION PER A.O. 2015-056 AND ALSO REQUEST A HEARING**

In addition to motions that have been customarily considered *ex parte* (e.g., motions for judicial default, motions to compel pursuant to Administrative Order 2013–005, etc.), certain other motions may be decided based solely on written submissions pursuant to ADMINISTRATIVE ORDER 2015-056 (which you are encouraged to read). As provided by that AO, after being served with such motions, the nonmoving opposing party shall have 10 days to file any written response, after which the court may rule without further notice or hearing.

The following motions shall generally be considered on written submissions:

#### A. In All Civil Cases –

Motions to Dismiss, to Strike, for Leave to Add Parties, to File Amended Complaint, to File Supplemental Complaint.

B. Additionally, in Mortgage Foreclosure Cases Only – Motions for Summary Judgment

Parties may, by stipulation only, waive hearing on other non-evidentiary motions and request the court to rule on written submissions alone. Conversely, parties may by stipulation, or motion, request oral argument on any motion otherwise subject to this procedure. The court will consider such requests without hearing and advise the parties if a hearing should be scheduled.

**DO NOT SUBMIT MOTION PER A.O. 2015-056 AND ALSO REQUEST A HEARING**

**Procedure:**

File and serve motions *without contacting the court* initially. When ten days have passed *after* service on opposing parties, *then* send the court:

- (1) a courtesy copy of the motion
  - (2) any supporting material of record
  - (3) copies of *any material served in response* by another party
  - (4) a simple form of proposed order with stamped envelopes for distribution of conformed copies
  - (5) an appropriate cover letter (with cc to other parties)
- Remember the court needs hard copy. Electronic filings do not come to the judge's attention.
  - Nothing herein shall be deemed to limit the court's ability to require a hearing on any matter.

**MOTIONS THAT DO NOT NEED TO BE SET FOR HEARING  
(Motions – No Hearing Needed)**

**Motions to Compel (no response):** If the Motion is pertaining to any type of discovery that has been propounded to which no response has been received AFTER a documented good-faith effort has been made to obtain the discovery. **DO NOT ATTACH A COPY OF THE DISCOVERY WHEN SENDING TO THE COURT**, but **DO ATTACH** a copy of the good-faith effort documentation. You do have to attach a copy of the discovery to the Motion that is being e-filed and sent to opposing counsel.

**When to Set Hearing on discovery:** If at the end of the time allowed for the extension the documents/answers have not yet been provided, the requesting party may then file a Motion to Compel or for Contempt/Sanctions which may then be set for hearing, with notice to all parties. The Motion shall contain language confirming that an extension was provided, the extension

time has passed and there has still been no response at all – if a response was filed and you are requesting “better” answers or responses, then that is a separate Motion (Motion to Compel Better Responses to Discovery) and that motion must be set for hearing with notice to all parties.

**Stipulations to Dismiss and proposed Orders OR Motions to Dismiss Case, Release Lis Pendens, and/or to Return Original Documents:** You should file the original Motion/Stipulation through the eportal. ***DO NOT SEND ME ANY ORIGINAL DOCUMENTS.*** Then send a copy of the Motion/stipulation, proposed Order, copies of the Order, copies of the pages to be replaced (for foreclosures), and **envelopes (WITH YOUR FIRM’S RETURN ADDRESS)** and a Final Disposition Form, if appropriate (settlement has been reached between ALL parties and no Judgment has been entered to date).

**Motions to Reschedule Foreclosure Sale:** If a request is being made by the PLAINTIFF to ONLY re-set a foreclosure sale that was previously canceled and not re-set, due to bankruptcy or due to the borrower’s default on an agreement and inability to qualify for a modification, please submit the original Motion through the eportal and then provide a copy of the Motion to me along with a proposed Order (be sure the Order has a place for the new date) and the time should ALWAYS be 10:00 a.m.) The Order must also have the website address for the sale: [www.pinellas.realforeclose.com](http://www.pinellas.realforeclose.com). Please provide adequate number of copies of the Order, and **envelopes (WITH YOUR FIRM’S RETURN ADDRESS)** directly to me at the address located at the top of this document. There should be one for the Judge to sign that is filed with the Clerk and one copy for each of the addresses listed on your certificate of service.

### **Motions for Extension of Time**

Section 13, Judge Newton, will not be setting hearings on Motions for Extension of Time to Respond to the Complaint nor Motions for Extension of Time to Respond to Discovery. The availability of hearing time on our calendar is such that it would render a hearing time on any motions for extension of time as moot. The Court expects attorneys to demonstrate professional courtesy in providing an Order to this office allowing for at least a 20 day extension of time for either discovery or a response or answer to a complaint to be filed.

**Proposed Order:** The proposed Order *shall* be accompanied by a cover letter setting forth that the submitting party and/or opposing counsel have no objection to the entry of an Order allowing an extension of time for the specified amount of days. **DO EVERYTHING POSSIBLE TO MAKE YOUR ORDER ON ONE PAGE. If more than one page, the second page MUST NOT contain only the Judge’s signature.** Additional pages must contain at least a reference to the case number and also all pages must be numbered.

## **OTHER MOTION PRACTICE**

**Courtesy Copies of Motions.** **ONLY NEED TO BE PROVIDED IF LENGTHY AND/OR THERE IS CASE LAW THE JUDGE MAY NEED TO REVIEW PRIOR TO HEARING** Courtesy copies of the Motion, Notice of Hearing, and all supporting documentation (including any prior pleading to which a motion is directed) can be provided directly to Judge Newton, 545 1st Avenue N., Room 211, St. Petersburg, FL 33701 via Hand/U.S. Mail/Fed Ex/UPS three (3) to five (5) business days prior to the hearing. Originals should be filed with the Clerk. Copies

provided to the court will be presumed to be courtesy copies. Please break up lengthy submissions into subparts (cases, exhibits, etc.) that are stapled or otherwise divided separately.

**Case Law.** Paper copies of case law and other legal authority are welcomed by the court. Pertinent portions may be highlighted. Copies provided to the court (including any highlighting) shall be provided to opposing counsel before the start of the hearing.

**Ex Parte Motions.** Counsel seeking consideration of a matter ex parte should always include courtesy copies of a motion and any supporting materials such as affidavits with their proposed orders, service copies, postage-paid envelopes, and an appropriate cover letter signed by a member of the Florida Bar, not a staff member.

**Case Management Conference:** When requesting a hearing time for a Case Management/Status Check, please let JA know what will be addressed at the conference. JA will provide available dates and once a date is agreed upon, will prepare an Order to Appear for Case Management or Status Conference which cannot be canceled by either party, without the consent of the Court.

**Motions to Compel.**

(1) *Without Hearing:* [ADMINISTRATIVE ORDER 2013-005](#) - An ex parte order may be entered requiring compliance with the original discovery demand within ten days when a motion alleges a complete failure to respond or object, and no request for extension. No sanctions will be awarded ex parte. (Use form of order provided by the above AO).

(2) *With Hearing:* per Local Rule 5 [Sixth Judicial Circuit Local Rules](#). Motions shall quote in full each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed, and the objection and grounds therefor as stated by the opposing party.

**COMPULSORY MEDICAL EXAMINATIONS:** In order to resolve most CME issues, the Court has a standard Order which can be submitted with a Motion on an ex parte basis with a cover letter setting forth that opposing counsel has reviewed it and has no objection to the form or entry. Attached is a copy of the form Order preferred by Judge Newton. (**ATTACHMENT B**)

**Withdrawal or Substitution of Counsel.** Rule of Judicial Administration 2.505 requires a “motion and hearing” for withdrawal of counsel. Judge Newton will forego a live hearing and deem this requirement adequately complied with if, and only if, there is filed a Stipulation for Withdrawal **signed by both the client and all counsel**. The same rule requires that all substitutions of counsel be “signed off” by the client. You may file the motion through the eportal and then send me a copy of the Motion, the proposed Order, copies and **envelopes (WITH YOUR FIRM’S RETURN ADDRESS)** directly. Orders granting withdrawal must include the complete address and telephone number where future correspondence and pleadings may be sent to the client.

**Motions for Summary Judgment/Final Judgment (even Defaulted)** : All Motions for Summary Judgment/Final Judgment must be set for hearing with the required statutory notice to all parties.



**MOTIONS FOR JUDICIAL DEFAULT:** Motions for Judicial Default can be submitted and considered:

- 1) On an ex parte basis as long as a Motion for Clerk's Default was submitted to the Clerk but not entered. A cover letter must be submitted stating why a Clerk's Default was not entered.  
or
- 2) If an extension of time was granted and at the end of the extension time for a responsive pleading or answer to a complaint, that has been nothing filed, AND the order allowing the extension of time contains language that a default may be entered without further notice, then a copy of the Plaintiff's ex parte Motion for Judicial Default (confirming an Order allowing an extension was provided) may be sent to the Court by regular U.S. Mail along with a copy of the Affidavit of Non-Military Service and attached DOD confirmation, the proposed Order, copies and **envelopes (WITH YOUR FIRM'S RETURN ADDRESS)**.

If the Order entered for the extension of time for a responsive pleading or answer to a complaint did not contain language that the default may be entered without further notice, then a Motion for Judicial Default based upon the other party's non-compliance MUST be filed and set for hearing with notice to all parties.

**SUBMITTING PROPOSED ORDERS TO SECTION 13, JUDGE CYNTHIA NEWTON**

**DO EVERYTHING POSSIBLE TO MAKE YOUR ORDER ON ONE PAGE.** If more than one page, the **second page MUST NOT contain only the Judge's signature.** Additional pages must contain at least a reference to the case number and also all pages must be numbered.

(a) **All proposed Orders MUST be pre-approved by opposing counsel BEFORE forwarding to the Court, AND so stated in the cover letter. We do not HOLD orders to wait for the other side to object.** If you cannot agree on the language of an Order, include the reason for the disagreement in your cover letter.

(b) **ENVELOPES: ALL CONFORMING ENVELOPES MUST CONTAIN THE RETURN ADDRESS OF THE FIRM SUBMITTING THE DOCUMENT.**

**Uploading Proposed Orders.** We do not accept orders that are uploaded through JAWS. All proposed Orders from hearings or ex parte Motions/Proposed Orders, must be sent to us by regular mail. Please do not send any original documents to the Court, including checks. Please send only copies of Motions and supporting documents.

**Agreed Order:** If you are submitting an "Agreed" order, you must still state in your cover letter that opposing counsel has reviewed it and agrees to the form and entry.

**Proposed Orders After Hearing.** As provided by the Standards of Professional Courtesy for the Sixth Judicial Circuit [ADMINISTRATIVE ORDER 2008-077](#) proposed orders shall be submitted to the judge with a cover letter stating whether opposing counsel agrees, or objects, to the proposed Order – or, that opposing counsel was given the opportunity to object to the

proposed Order, but did not. Transmittals of proposed orders should always reference the date of hearing. Draft orders should have page breaks such that part of the body of the order is included on the signature page. The Court *will not hold* orders pending objections. ***Sufficient copies and stamped, addressed envelopes (WITH YOUR FIRM'S RETURN ADDRESS) must be provided. (DO NOT STAPLE ENVELOPES TO THE ORDERS)*** If only the original is submitted, copies will not be provided. If the parties cannot agree on a proposed order, they should submit all the proposed orders simultaneously in one combined mailing.

**Copies to/Service List:** Section should **ALWAYS** set forth either the individual names of the recipients/attorneys OR refer to an Attached Service List. It should **NEVER state "All Parties" or "Attorneys of Record."** The addresses for the attorneys do not need to be included; however, the address of any non-party must be included. Each attorney's name should be followed by their eservice address.

**DO EVERYTHING POSSIBLE TO MAKE YOUR ORDER ON ONE PAGE. If more than one page, the second page MUST NOT contain only the Judge's signature.** Additional pages must contain at least a reference to the case number and also all pages must be numbered.

**Proposed Orders with Stipulations.** As provided by the Standards of Professional Courtesy for the Sixth Judicial Circuit [ADMINISTRATIVE ORDER 2008-077](#) proposed orders shall be submitted to the judge with a copy of the stipulation. Draft orders should have page breaks such that part of the body of the order is included on the signature page. ***Sufficient copies and stamped, addressed envelopes (WITH YOUR FIRM'S RETURN ADDRESS) must be provided. (DO NOT STAPLE ENVELOPES TO THE ORDERS)*** If only the original is submitted, copies will not be provided.

**Copies to/Service List:** Section should **ALWAYS** set forth either the individual names of the recipients/attorneys OR refer to an Attached Service List. It should **NEVER state "All Parties" or "Attorneys of Record."** The addresses for the attorneys do not need to be included; however, the address of any non-party must be included. Each attorney's name should be followed by their eservice address.

**DO EVERYTHING POSSIBLE TO MAKE YOUR ORDER ON ONE PAGE. If more than one page, the second page MUST NOT contain only the Judge's signature.** Additional pages must contain at least a reference to the case number and also all pages must be numbered.

## **OTHER PRACTICE AND PROCEDURE POINTERS**

**Correspondence to the Court** Communications to the court should come from members of the Bar, not staff.

**Deposition Disputes.** The court will hear deposition disputes telephonically – immediately if the judge is available, otherwise as can be scheduled.

**Attorney's Fees.** The issue of entitlement may be tried in the main action or at a subsequent hearing. Issues regarding the amount of attorney fees shall be left for a subsequent hearing. Fee affidavits are sufficient in lieu of expert testimony if all parties agree to their use.

**FINAL DISPOSITION FORM.** Whenever a case is dismissed, with or without prejudice, a final disposition form must be filed pursuant to Florida Rule of Civil Procedure 1.100(c)(3). A final disposition form **MUST** be provided with all proposed final judgments.

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**ATTACHMENT A**

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF  
THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY  
CIVIL DIVISION  
XX-XXXXXX-CI-13**

Plaintiff,

v.

Defendant.

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**ORDER ON PLAINTIFF'S MOTION CANCELLING (date of sale) FORECLOSURE  
SALE AND RESCHEDULE FORECLOSURE SALE**

THIS CAUSE came before the Court on Plaintiff's Motion to Cancel the Foreclosure Sale Scheduled for \_\_\_\_\_. There have been \_\_\_\_\_ prior cancellations of sales in this case and the Court being fully advised rules as follows:

It is hereby **ORDERED**

\_\_\_\_\_ Plaintiff's motion is denied.

\_\_\_\_\_ Plaintiff's motion is granted. The foreclosure sale is hereby cancelled.

\_\_\_\_\_ Plaintiff's motion is granted. The foreclosure sale is hereby cancelled. The new sale date shall be \_\_\_\_\_ at 10:00 a.m. The sale will be conducted at

[www.pinellas.realforeclose.com](http://www.pinellas.realforeclose.com). Plaintiff is responsible for completing and submitting the Notice of Sale directly to the appropriate newspaper and providing the Clerk of the Court a copy of the publication no later than 24 hours prior to the sale date.

DONE AND ORDERED in St. Petersburg, Pinellas County, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CYNTHIA NEWTON  
Circuit Judge

Copies :

**ATTACHMENT B**

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIRCUIT CIVIL DIVISION  
CASE NUMBER: XX-XXXXXX-CI-13

,

Plaintiffs,

v.

,

Defendants.

\_\_\_\_\_ /

**ORDER COMPELLING RULE 1.360 EXAMINATION**

Pursuant to Florida Rule of Civil Procedure 1,360, (“Examinations of Persons”), Defendant’s counsel has notified Plaintiff’s counsel that the Plaintiff, \_\_\_\_\_, is requested to be present for a non-invasive medical examination as follows:

Examiner:  
Address:  
Date:  
Time:  
Scope:

THE FOLLOWING CONDITIONS ARE TO BE OBSERVED BY ALL  
PARTIES INVOLVED:

1. This examination is not a deposition so the examiner shall be limited to that information reasonably necessary to conduct the specialty-appropriate examination and evaluation of an individual, including a brief medical history as well as present complaints. The examination is to be limited to the specific medical or psychological conditions in controversy and unless modified by another court order, such examination will be the only exam for the specific condition(s) or issues in controversy (without limiting the possibility of multiple specialties). No invasive testing shall be performed without informed consent by the Plaintiff/examinee, or further Order of Court.

2. The examinee will not be required to complete any lengthy information forms upon arrival at the examiner's office. The examinee will furnish the doctor with name, address, and date of birth. Questions pertaining to how the Plaintiff was injured, and where and how the Plaintiff sustained the injuries complained of, are permitted. Questions pertaining to "fault," when the Plaintiff hired his/her attorney, who referred the Plaintiff to any doctor, and what the Plaintiff told his attorney or any investigators are NOT permitted.

3. It shall be the defense attorney's responsibility to provide the examiner with all medical records, imaging studies, test results, and the like, which the defense wants the examiner to review and rely upon as part of the examination. Unless he or she has exclusive control of any original records or imaging studies, Plaintiff shall not be required to bring anything to the exam other than valid identification (e.g., Driver's License, Official Florida Identification Card or government-issued Passport).

4. Plaintiff is permitted to have his/her attorney (and spouse or parent, or other representative) present for the examination, provided that only one of these listed non-attorney persons may attend. Such person(s) may unobtrusively observe the examination, unless the examiner or defense counsel establishes a case-specific reason why such person's presence would be disruptive, and that no other qualified individual in the area would be willing to conduct the examination with such person present. In the case of a neuropsychological exam, all observers shall watch and listen from an adjacent room if available, or by video feed. If the examination is to be recorded or observed by others, the request or response of the examinee's attorney shall include the number of people attending, their role, and the method(s) of recording.

5. Plaintiff's counsel may also send a court reporter or a videographer to the examination, provided that claimant's counsel notifies defense counsel at least 10 days in advance of the identity, either by proper name or by title (e.g., videographer from XYZ Reporting Service). It is the duty of the defense counsel to relay this information to the examiner's office personnel.

6. Neither Defendant's attorney nor any of Defendant's representatives may attend or observe, record or video the exam. Only if the video is identified as impeachment material for use at trial may the defense counsel obtain a copy. The medical examiner shall not be entitled to any payment of an additional or accommodation fee from the Plaintiff or his/her counsel, simply because of the presence of legally permitted third parties. The

Court shall reserve ruling as to whether such costs, if imposed by an examiner, may be properly recoverable by the Defendant as a taxable cost, or otherwise awarded by the Court.

7. If a videotape or digital recording is made of the examination by counsel for Plaintiff, it is considered work-product, and neither the defense nor the examiner is entitled to a copy, unless and until same is designated as (or reasonably expected to become) trial evidence, subject to discovery only upon a showing of need and undue hardship. Use of the video or DVD is limited specifically to the instant litigation. At the close of litigation, including any appeal, all copies shall be destroyed – unless counsel convinces the Court (and an order is entered) that there is some compelling reason for either party, or the examiner, to retain a copy.

8. Neither Plaintiff's counsel, nor anyone else is permitted to be present, shall interject themselves into the examination unless the examiner seeks information not permitted by this Order. If Plaintiff's counsel speaks openly or confers privately with the examinee, and this disrupts the exam or causes the examiner to terminate the examination, counsel may be subject to sanctions.

9. The report of the examiner shall be sent to Plaintiff's counsel, as required by Rule 1.360(b), within 30 days of the examination – but in no event less than 21 days before the beginning of trial, unless otherwise agreed between counsel for the parties or ordered by the court due to special problems. Unless a Plaintiff's treating or retained expert has revised or

supplemented an opinion after his/her report or deposition, the examiner shall not change, amend, or supplement the opinions set forth in said report during any testimony (deposition or trial) he may give in reference to his examination of the Plaintiff, without providing a supplemental report, which must be provided to Plaintiff's counsel at least 15 days before trial. Violation of this provision may result in the limitation or striking of the examiner's testimony.

*9(a) If the examination involves neuropsychological testing: In addition to the report, the examiner shall provide all raw data, including copies of all notes, tests, tests results, scoring, and test protocols, to Plaintiff's treating or retained psychologist or neuropsychologist, who must return them to the defense examiner at the conclusion of the case.*

10. All protected health information generated or obtained by the examiner shall be kept in accordance with HIPPA requirements and shall not be disseminated by the examiner or defense counsel to any other person or entity not a party to this case without a specific order from this Court.

11. Defense counsel must provide the examiner with a copy of this Order and explain the need for the examiner's compliance. As a condition of performing the examination, the examiner shall agree to provide responses to FRCP 1.280(b)(4)(A) inquiries, once such interrogatories or Requests to Produce are propounded by Plaintiff.

**ORDERED** at St. Petersburg, Pinellas County, Florida, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



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CYNTHIA J. NEWTON  
Circuit Judge

Copies furnished to: