

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

ADMINISTRATIVE ORDER NO. 2015-056 PA/PI-CIR

RE: MOTIONS DECIDED ON WRITTEN SUBMISSIONS – CIVIL DIVISION

There is no rule or law in Florida state or federal court that requires a trial judge to hear oral argument on a pretrial non-evidentiary motion. *See Gaspar, Inc., v. Naples Fed. Sav. & Loan Ass'n*, 546 So.2d 764 (Fla. 5th DCA 1989). A party is afforded due process on such matters when given an opportunity to present a legal memorandum and then Court may enter an order based upon submissions without a noticed hearing and oral argument of counsel. *See also Nudel v. Flagstar Bank*, 42 So.3d 692 (Fla. 4th DCA 2010).

In an effort to maximize judicial efficiency through standardized procedures for handling pretrial non-evidentiary motions, and in accordance with Article V, section 2, Florida Constitution, Rule of Judicial Administration 2.215, and § 43.26, Florida Statutes, it is

ORDERED:

All parties are hereby noticed that pretrial non-evidentiary motions may be subject to review and ruling by a judge based only upon the motion along with written argument and any authority timely filed in the action. Each party/counsel filing such a motion shall contemporaneously file with the Clerks of the Circuit Court and serve opposing party/counsel any additional legal argument the movant wants the Court to consider. The opposing party/counsel shall have ten days after being served to file their argument and legal memorandum with citations of authority in opposition to the relief requested. Following expiration the period allowed for these submissions, the Court may at any time rule without further notice or hearing. Interested parties may notify the Court the matter is ripe for decision and request a ruling by letter which should include a simple form order for the judge to indicate whether the specific motion is either granted or denied, along with copies for conforming and stamped addressed envelopes for all parties.

In circumstances where a motion was filed before this Administrative Order and neither the movant nor the opposing side has yet scheduled the motion for a hearing, the opportunity to orally argue the motion is deemed waived. If the parties want the Court to consider argument they must now file written submissions in the form of legal memorandum on such pending motions in these cases within thirty days of this order. Thereafter, the Court may rule without further notice or hearing.

Nothing in this Administrative Order requires a judge to rule without oral argument. Individual judges may prefer hearings on certain pretrial non-evidentiary motions and counsel may consult the judges practice preferences on the website regarding such preferences.

The judicial practice preferences, scheduling information, and location of hearings for Senior Judges who hear civil cases may be found on the Court's website: <http://www.jud6.org/LegalCommunity/PracticeRequirementsOfJudges.html>.

DONE AND ORDERED in Chambers at St. Petersburg, Pinellas County, Florida this _____ day of October, 2015.

ORIGINAL SIGNED ON OCTOBER 23, 2015
BY ANTHONY RONDOLINO, CHIEF JUDGE

cc: All Judges
The Honorable Ken Burke, Clerk of the Circuit Court, Pinellas County
The Honorable Paula S. O'Neil, Clerk of the Circuit Court, Pasco County
Gay L. Inskip, Trial Courts Administrator
Ngozi Acholonu, Assistant Regional Counsel
Lillian Simon, Director of Administrative Service, Pinellas County
Nichole Alvarez-Sowles, Chief Operations Officer, Pasco County Clerk's Office
Kimberly Collins, Director of Criminal Courts, Pasco County Clerk's Office
Bar Associations, Pasco and Pinellas County
Law Libraries, Pasco and Pinellas County