

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

ADMINISTRATIVE ORDER NO. 2020-012 PA/PI-CIR

RE: MOTIONS DECIDED ON WRITTEN SUBMISSIONS – CIVIL DIVISION

A party in a civil action may choose to seek a ruling from the court on a pretrial non-evidentiary motion based on written submissions that do not necessitate a hearing before the court. **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*, 52 So. 3d 692 n.3 (Fla. 4th DCA 2010).

Motions that may be ruled on based on written submissions include, but are not limited to Motions to Strike, Motions to Compel, Motions to Dismiss, Motions to Take Judicial Notice, Motions to Stay, Motions to Reschedule Mortgage Foreclosure Sale, Motions for Continuance, and Motions for Disqualification. Motions for Summary Judgment may not be decided via the written submissions procedure.

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:

1. If a party in a civil action seeks a ruling on a motion based on only written submissions, the movant must file the original motion with the Clerk of the Circuit Court and contemporaneously serve opposing party/counsel with the motion and any additional legal argument the movant wants the Court to consider. Prior to seeking a ruling from the Court, the movant shall also file a Notice of Request for Court to Consider Motion Based on Written Submissions without Hearing, Attachment A to this Administrative Order.

2. The opposing party/counsel shall have 15 days after being served both the motion and the notice to file their argument and legal memorandum with citations of authority in opposition to the relief requested. The opposing party may also request to have the matter heard before the Court if the opposing party seeks a hearing on the matter within the 15 day period after the notice is filed.

3. **Following expiration of the period allowed for these submissions**, the movant shall send 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, any responsive filings filed by the opposing party, a proposed order, and copies of the proposed order for conforming, along with stamped, addressed envelopes for all parties. Movant's cover letter should appear substantially similar to Attachment B. Movant should also include a proposed Order on Motion Based on Written

Submissions. Attachment C is a sample form order which may be used. The Court may, at any time following the date the motion is ripe for a decision, rule without further notice or hearing.

4. **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.** 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.

5. 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: www.jud6.org/LegalCommunity/PracticeRequirementsofJudges.html.

6. Administrative Order 2015-056 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 Based on Written Submissions without Hearing
Attachment B: Letter to Court
Attachment C: Form Order on Motion Based on Written Submissions

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
CIVIL DIVISION**

Plaintiff(s),
v. Case No. _____
UCN: _____

Defendant(s).
_____ /

**NOTICE OF REQUEST FOR COURT TO CONSIDER MOTION BASED ON
WRITTEN SUBMISSIONS WITHOUT HEARING**

The undersigned submits this Notice requesting that the Court consider _____ [Plaintiff's/Defendant's] non-evidentiary Motion, entitled _____, and filed on _____ [date] _____, in the above-styled case, based only on the written submissions and without hearing pursuant to Administrative Order No. 2020-012 PA/PI-CIR.

The opposing party shall have fifteen (15) days after being served to file their argument and legal memorandum with citations of authority in opposition to the relief requested. 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.:

Honorable Judge
[ADDRESS]
[CITY], FL [ZIP]

[DATE]

RE: [CASE] and [Case Number]

Your Honor:

On [date], the undersigned filed with the Clerk of the Circuit Court and sent to opposing [party/counsel] a copy of [Plaintiff's/ Defendant's] non-evidentiary motion, entitled [name of motion] in the above-referenced matter, along with [additional materials sent to opposing party/counsel].

Opposing [party/counsel] filed the attached response to the non-evidentiary motion.

[OR]

The Motion was filed in good faith and served on opposing [party/counsel]. The [Plaintiff/Defendant] alleges that they have made an effort to resolve the issues.

Pursuant to Administrative Order No. 2020-012 PA/PI-CIR, the Court may rule on a non-evidentiary Motion at any time without further notice or hearing as of [date the motion is ripe for decision].

Today's date is [date at least 16 days after date of filing and service on opposing party/counsel]. The Plaintiff/Defendant requests that this Court rule on the above-referenced non-evidentiary motion based on the written submissions.

Sincerely,

DATED: _____

Copies Furnished to:
(all parties)

(Party/Attorney Signature)
Party/Attorney Name
Address
Direct Telephone Number
E-mail address
Florida Bar No., if applicable

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

Plaintiff(s),
v. Case No. _____
UCN: _____

Defendant(s).
_____ /

ORDER ON MOTION

THIS CAUSE came before the Court upon [Plaintiff's/Defendant's] non-evidentiary Motion, entitled _____, and filed on ___ [date] ___, in the above-styled case. Having reviewed the record, the applicable law, and being fully advised in the premises, the Court considered the written submissions relating to this document without hearing pursuant to Administrative Order No. 2020-012 PA/PI-CIR, including [check all applicable]:

- _____ Moving Party's [Plaintiff's/Defendant's] non-evidentiary Motion
- _____ Opposing Party/Counsel's Response
- _____ Opposing Party/Counsel Request for Hearing
- _____ Other: _____

After review, it is **ORDERED AND ADJUDGED** that the Motion is:

- _____ Granted
- _____ Denied
- _____ To Be Set for Hearing

Comments: _____

DONE AND ORDERED in Chambers, at _____, [Pasco/Pinellas] County, Florida, this ___ day of _____, 20____. A true and correct copy of the foregoing has been furnished to the parties listed below.

Circuit Judge

cc: (all parties)