

Honorable Judge Kimberly Sharpe Byrd

Judicial Practice Preferences

Section G, J2, J6 & Q3

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Overnight mail should be sent to room 201 (Court Administration) instead of room 214

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I. Scheduling Hearings

- This section does not schedule hearings via JAWS.
- To obtain special set hearing dates and times, please email CrCivW1@jud6.org.
- Prior to confirming your hearing date and drafting a notice of hearing, you must clear the hearing date with all interested parties and have previously filed the Motion with the Clerk's office.
- Until the Motion(s) appear as filed on the Clerk's Docket, you cannot set the matter for hearing.
- The notice of hearing should be filed within 24 hours of securing the date and served on all parties on the service list.
- If you are canceling a hearing, you must notify the JA via email and file a notice of cancelation.

II. Hearing Materials

- At least 48 hours before a hearing, hearing materials should be submitted to the Judicial Assistant via email. Hearing Materials should include a copy of the notice of hearing, a courtesy copy of the motion and any applicable case law. If a party has voluminous hearing materials and wishes to submit hard copies, that is permitted and a package can be mailed to our physical address. **Orders should not be submitted until after the hearing.**

III. Submitting Orders in JAWS

- It is the Court's preference that proposed orders be uploaded to JAWS (Judicial Automated Workflow System). Once your order is uploaded it will either be reviewed and signed with Judge Byrd's electronic signature or rejected with an explanation.
- You must always upload an explanatory cover letter and every proposed order must state whether opposing counsel has agreed to the form and content.
- All documents are to be uploaded as PDF Documents.
- Orders submitted following a hearing should state that fact including the date of the hearing.
- Electronically conformed copies will only be provided to the email addresses which have been properly associated to the case in JAWS. It is the responsibility of the party uploading a proposed order to confirm that all email addresses have been added to JAWS. The Clerk and JA **DO NOT** maintain the associated party database.
- If there are any parties without an email service address, it is the responsibility of the party submitting the order to serve those parties via U.S. Mail. The following language should be included on the service list:

“Plaintiff/Defendant will serve a conformed copy via U.S. Mail to the following: “

- The Judicial Assistant cannot assist you with JAWS troubleshooting. You may review the webpage: <http://www.jud6.org/legalcommunity/JAWS/howto.html> or contact the JAWS help desk at 727-453-4357 for assistance.

- Any order or judgment which requires a sale date be filled in by the clerk, you must fill in the sale date prior to submitting. Do not leave this blank or the order will be rejected. Please contact Dade City Clerk, Tabitha Torres at (352) 521-4408 x4798 for foreclosure sale dates.

IV. Telephonic Instructions

- Most hearings are being conducted telephonically. Some evidentiary hearings are conducted via zoom, the zoom information is provided by the JA.
- When the line picks up you will hear dead air, stay on the line until your case is called.
- If more than a few minutes has passed and the Judge does not come on the line, the JA can be contacted to ensure that there is not a problem with the hearing line.

V. Motions Considered Without a Hearing

- Rulings on all motions submitted *ex parte* are at the discretion of the Judge reviewing the motions and orders. The proposed order may be uploaded into JAWS along with a cover letter asking the Judge to rule *ex parte*.
- The following is a non-exhaustive list of motions that may be submitted *ex parte*:
 - Motion for Substitution of Counsel
 - Motion to Compel Initial Discovery
 - Joint Stipulations/ Agreed Orders
 - Motions for Extension of Time to Serve
 - Motion to Reset Foreclosure Sale
 - Motion to Vacate Final Judgment
 - Motion to Recuse/Disqualify
- The following list of motions must be handled *ex parte*, do not set for hearing unless the court instructs you to do so.
 - Motion to Appoint Guardian ad Litem/Attorney ad Litem
 - Motion for Writ of Possession
 - Motion for Rehearing/Reconsideration
 - Motion to Recuse/Disqualify

VI. Emergency Motions/Hearings

- If you feel that you require a hearing date earlier than what is shown as available on the hearing list, contact the JA via email with the details of your situation. We will do our best to accommodate true emergencies.
- Remember that the Court does not receive a notification from the clerk when an Emergency Motion (or any motion) is filed. You must provide our office with a courtesy copy to bring it the Court's attention. You can accomplish this by emailing a copy of the motion to the JA with EMERGENCY MOTION in the subject line and marked as high priority.
- Opposing counsel/party is to be provided with a copy of the Emergency Motion in the same manner as the Court.

- The Court will then determine if the matter is deemed an emergency. The court may set up a telephonic hearing or rule without a hearing.

VII. Civil Jury Trials, Civil Non-Jury Trials and Foreclosure Non-Jury Trials

- You may contact the Court to request a trial date once the notice (that case is at issue) has been filed. It is the court's preference that the parties attempt to stipulate to a trial docket. A CMC can be set if the parties have made an attempt but were unsuccessful.
- The JA will respond with the trial order template. You should complete the trial orders by filling out the case number, style of the case, date and time of pre-trial and trial and the service list. The trial order should be completed and uploaded into JAWS as a pdf with all parties associated.

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