

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR POLK COUNTY, FLORIDA

SPECIAL ORDER

**IN RE: CREATING NEW CIVIL SECTION 15
AND REASSIGNMENT OF CASES**

WHEREAS, The Civil Division of the Circuit Court in Polk County is presently divided into four sections, and

WHEREAS, there are presently pending over 14,000 active cases in the Civil Division which results in some delay and backlog in hearings and trials as a result of the lack of judicial resources, and

WHEREAS, over the past years and months a significant disparity has developed in the number of active pending cases in each of the four sections,

It is **ORDERED AND DIRECTED** that:

1. **CREATION**: The Civil Division of the Circuit Court in Polk County shall be increased to five sections. The newly created section shall be Section 15 of this Court.

2. **NEWLY FILED CASES**: The Clerk of Circuit Court Civil Division shall begin randomly assigning newly filed cases to Section 15 on Monday, 01 December 2008, except that no newly filed Eminent Domain case shall be assigned to any section other than Section 08, and Section 08 shall not be assigned any Medical Malpractice or Nursing Home negligence cases. As Circuit Judge Neil Roddenbery is being assigned to Section 15 as of 01 January 2009, and at his specific request, all action needed on the newly filed cases assigned to Section 15 shall be referred to his office by the Clerk of Court for any judicial action needed.

3. **PENDING CASES REASSIGNED**: The Clerk shall by 10 October 2008 utilize its computerized case number system to randomly select a number of pending cases filed in calendar years 2007 or 2008 from each of the existing four sections for re-assignment to Section 15 such that each of the sections shall have approximately the same number of active pending cases, subject to the following limitations:

a. All Eminent Domain cases shall remain assigned to Section 08.

b. No civil case with a Pre-Trial Conference set for a date prior to 01 January 2009 shall be re-assigned to Section 15. *This exemption shall be determined by the Clerk generating a computer printout for each of the existing sections of the cases randomly selected for transfer from that section, and the printout detailing in order of date of filing by case number and name of parties shall be delivered to the respective judge's office. The Judge shall review the printout of proposed cases to be re-assigned and note thereon by highlighting or checkmark those cases which have a Pre-Trial Conference prior to 01 January 2009 and deliver the list back to the Clerk by 20 October 2008.*

The Clerk shall delete from the proposed re-assignment list of cases those cases which the assigned judge's have determined should be retained in the presently assigned section. The finalized list of pending cases to be re-assigned to Section 15 shall be provided to the Chief Judge by 01 November 2008 for attachment to an Administrative Order as an Exhibit.

4. EFFECTIVE DATE: The re-assignment of cases presently pending and assigned to a section shall not be effective until 01 January 2009 and shall be made by separate Administrative Order. The assigned division shall continue to hold presently scheduled hearings, schedule and hear all matters which can be heard on the section's calendar prior to 01 January 2009, and otherwise take judicial action on those cases to be re-assigned, EXCEPT THAT REQUESTS FOR HEARINGS TO BE HELD AFTER 01 JANUARY 2009 SHALL BE REFERRED TO SECTION 15 JUDGE RODDENBERY.

5. NOTICE OF RE-ASSIGNMENT: The Court recognizes that there are some pending cases that have already been scheduled for a trial or hearing after 01 January 2009. It will be necessary to give notice of re-assignment to all counsel of record and pro se parties so that they may properly caption all future pleadings for Section 15 and so they may contact the Section 15 Court to re-calendar and re-notice their hearing or trial date as the need appears. The Clerk shall cause to be generated a Notice of Re-Assignment to Section 15 for all cases on the final list of cases furnished to the Chief Judge. The Notice shall be furnished to each counsel of record and pro se litigant by 01 December 2008 and shall include instructions to contact Judge Neil Roddenbery's office at (863) 534-4688 to reschedule any motions or trials to be heard by Section 15 after 01 January 2009.

DONE AND ORDERED in chambers, at Bartow, Polk County, Florida this 6th day of October 2008.

J. David Langford, Chief Judge

Distribution:
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Clerk of Court, Civil Division Director Rick Butterfield