



DAVID V. WARD

JUDGE OF THE CIRCUIT COURT STATE OF FLORIDA, COUNTY OF HIGHLANDS

WWW.JUD10.FLCOURTS.ORG

Highlands County Courthouse
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Sebring, FL 33870

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CIRCUIT CIVIL - DIVISION 10 **PROCEDURES AND GENERAL INFORMATION**

- Mailing Address:** 430 S. Commerce Avenue, Sebring, FL 33870
- Hearing Room:** 3A, Third Floor, Highlands County Courthouse
Motion Hearings and Non-Jury Trials
- Courtroom:** 2A, Second Floor, Highlands County Courthouse
Jury Trials
- Administrative Orders:** Copies of all Administrative Orders for the Circuit are available on our website at WWW.JUD10.FLCOURTS.ORG.

HEARINGS

Scheduling ==

All scheduling is done by phone. When calling, please have the following information: **case number, case style, the estimated time required, and the type of motion to be heard.** Please note, we cannot hold time open while you clear it with the other offices.

All hearing times shall be cleared with opposing counsel, however, if counsel's good faith attempt to clear a hearing has been unsuccessful, Judge requires an attempt be made by phone with the Judicial Assistant on the line in a conference call. If this attempt fails, the hearing will be scheduled unilaterally and the hearing notice will include language indicating that it was set unilaterally following (factual statement) attempts.

Once scheduled, **please send a copy of your Notice of Hearing, along with a copy of the Motion to be heard, to our office by mail.** As a majority of the motions are scheduled several weeks out, copies should be sent via regular U.S. Mail. **Do not** fax the information to our office without approval.

Please be sure to include the location of the hearing on your Notice of Hearing. **All motion hearings are held in hearing room 3A, Third Floor, Highlands County Courthouse, Sebring.**

Emergency Hearings ==

You should first fax a copy of the Motion to the Judge, who will then decide if it is a true emergency and whether the hearing should be advanced on the docket.

Uniform Motion Calendar Hearings ==

Judge Ward **does not** have a UMC Calendar. If a matter is uncontested you may submit the motion and proposed order to the Judge for review. The motion should reflect that the matter is, in fact, uncontested.

Telephonic Hearings ==

Judge Ward permits phone hearings for any matters that are **scheduled for 15 minutes or less**. Please advise the J.A. of this request when scheduling your hearing. If more than one attorney will be appearing by phone, it is the responsibility of the attorneys to arrange a conference call. **All counsel must be on the line before calling our conference line at (863) 402-6998**. Counsel must appear in person for any matters scheduled for more than 15 minutes. Judge Ward does not require a motion and order to appear telephonically.

Non-Hearing Motions ==

Normally, Judge Ward does not require hearings on such motions as Joint Motion to Continue Trial (with signed client consent), Motion to Withdraw (with signed client consent), and Motion to Substitute Party Plaintiff. Please submit your Motion and proposed order as usual. Should Judge deem a hearing is required, you will be contacted.

Hearing Cancellation ==

Please call as soon as you learn that a hearing is to be canceled so that this time slot can be used for someone else. Only the party who set the hearing may cancel it, and it is that party's responsibility to notify all parties of the cancellation. If the hearing has been cross noticed, canceling the hearing on your motion **DOES NOT** cancel the hearing in its entirety. **IF YOUR CASE SETTLES**, and you have hearings scheduled or the case is scheduled for trial, **PLEASE MAKE SURE TO CONTACT THE JUDGE'S OFFICE AND CANCEL THE SCHEDULED ITEMS.**

All cancellations should be followed up with a Notice of Cancellation via fax to our office at 863-402-6918 or e-mailed to the Judicial Assistant.

Should you have any changes, whether in time reserved, how the parties are appearing, etc., please contact the Judge's office with that information for efficient use of the Court's time.

Motion for Rehearing ==

Florida Rule of Civil Procedure 1.530(b) provides that a Motion for New Trial or Motion for Rehearing should be served within 10 days of the jury verdict or 10 days from the filing of a judgment in a non-jury action. You should file the original with the Clerk and send a courtesy copy to the judge. Usually the Judge will rule without a hearing on whether a new trial or rehearing should be granted. If a rehearing is to be held, the judicial assistant will call you to set the hearing.

FORECLOSURES

Motions for SUMMARY JUDGMENT on residential/commercial foreclosures ==

Judgment packets shall be forwarded to our office a minimum of 10 days prior to the hearing date.

The packet should include the **Notice of Hearing, Motion for Summary Judgment, Final Judgment, adding machine tape, Affidavit of Compliance, Final Disposition Form, Notice of Sale and Certificate of Title. *The Final Judgment and Certificate of Title require copies for all pro se parties and 2 sets of self-addressed, stamped envelopes for all pro se parties***. Counsel of record will receive their copies electronically through the e-portal.

The Affidavit of Compliance is required by our Circuit under Administrative Order No. 3-29-2, and MUST be included in the packet. Failure to include this document will prevent the Final Judgment from being signed and processed.

All original loan documents must be filed with the Clerk of Courts with a Notice of Filing attached. Do not send original documents with the packet.

Foreclosure Non-Jury Trials ==

The Court will schedule and notice foreclosure non-jury trials. Document requirements are the same as Motions for Summary Judgment including the Affidavit of Compliance and adding machine tape.

Motion for Default Final Judgment on Residential/Commercial Foreclosure Cases ==

The Judge WILL NOT grant any Motions for Default Final Judgment on residential or commercial foreclosure cases without a properly noticed hearing. The only exception to this would be if the Default Final Judgment was stipulated to by the counsel/parties. A copy of the signed stipulation would need to be submitted along with the packet, and filings would still need to be in compliance with local Administrative Order 3-29.2 (which includes filing and providing hard copy of a notarized **Affidavit of Compliance**).

MISCELLANEOUS MOTIONS

Motions for Appointment of Attorney Ad Litem ==

If a case calls for the appointment of an Attorney Ad Litem, it is your responsibility to choose an attorney that accepts regular appointments in civil matters. At such time as you are ready to submit the motion and proposed order to our office, **please be sure to include the attorney information (i.e. name, address, phone number) in the order.**

Motions for Order to Show Cause ==

When sending the corresponding order to the Judge on your Motion for Order to Show Cause, please obtain a date and time for the hearing in advance, fill in the appropriate date and time, along with our hearing room information, on the proposed Order to Show Cause and forward to the Judge the original, copies for all parties, as well as a copy of your Motion and self-addressed stamped envelopes for all parties. If you plan to have the order served, then the conformed copies will be returned to you in the self-addressed, stamped envelope you provided.

CASE MANAGEMENT CONFERENCES

When you receive an Order Scheduling Case Management Conference, read the order carefully, as it contains important information. **A few tips to remember:** The reason your case has been scheduled for a CMC is because there has been inactivity for at least six months or you have failed to provide a corresponding order for a motion that has been filed. All motions must have a corresponding order or the motion must be withdrawn, in order for the case to be closed. If you can resolve the issue in a timely manner (i.e., submit a proposed order to the Judge, etc.), your attendance **may not** be required, but always check to be sure. **IF YOU ARE SET FOR CASE MANAGEMENT AND YOU DO NOT ATTEND, YOUR CASE WILL BE DISMISSED. NO CASES WILL BE REMOVED FROM THE CMC DOCKET FIVE (5) DAYS BEFORE THE CONFERENCE.**

FAXES / E-MAILS

The **only** documents to be faxed to our office are emergency motions and cancellation notices. All other documents should be mailed. Please clearly mark the intended recipient's name on the fax transmittal sheet. If this is an urgent matter, it is a good idea to verify receipt by phone. **Please note that faxes or e-mailed documents of more than 3 pages require permission.** Failure to mail larger documents in time for your hearing is not an emergency and will not be printed at the court's expense.

VOICE MAIL

Our office only has one line for incoming calls. If you call our office during normal business hours and get our voice mail, **please leave your name, number, the case number, and the reason for your call,** and a return call will be made to you as soon as possible.

AVAILABILITY OF JUDGES, BACK-UP AND DAILY "DUTY" JUDGE

Certain questions of procedure arise when you have an emergency or priority need. The following is an outline of the correct procedure to follow when you need an emergency hearing or ex parte order signed. You must, of course, first contact the office of the judge assigned to a particular case -- even if you know that judge is on vacation or otherwise unavailable. The Judicial Assistant will then either find another judge for you, or refer you to another judge's office. Each judge has designated "back-up" judges. The judicial assistant will know who her judge's back-up judges are. On rare occasions when there is no one else available and something needs to be heard immediately, you will be referred to the Duty Judge for that day. The Duty Judge will, however, have his/her own regular docket set for that day, and does not have any special time set aside for this duty. For emergency hearings, you should first fax a copy of the Motion to the Judge. The Judge will then decide if it is a true emergency and whether the hearing should be advanced on the docket.

PREPARATION AND SUBMISSION OF COURT ORDERS

The order should have a full title containing the subject matter of the motion or pleading ruled upon (e.g., Order Granting Motion for Summary Judgment, **not just "Order"**). All orders submitted for the Judge's signature should be on **plain white paper** (i.e., not on the firm's printed paper.) Do not put "Honorable" or "The Honorable" under the signature line. The correct form is simply to type the judge's name in capitals, followed by a comma, and then his title. **Do not type only "DONE AND ORDERED" or only the signature line on a page by itself.** In other words, you should include some text from the order before you start with DONE AND ORDERED, etc. Please complete all blanks on Motions, Orders (including hearing date and time on Orders to Show Cause), prior to submitting to the Judge's office. That gives opposing counsel an opportunity to react to the figures or dates, and saves problems arising after entry of the order. It also prevents incorrect information being included, and then the order having to be

amended. Always show at the bottom of the order (and the transmittal letter) the people receiving copies. If someone is being ordered to do something (submit a report to the court, etc.), they will need a copy, even if they do not normally get copies of all pleadings.

CORRECT SIGNATURE BLOCK FORM:

DAVID V. WARD, Circuit Judge

When submitting proposed orders, please include copies and self-addressed, stamped envelopes for pro se parties. Counsel of record will receive their copies electronically through the e-portal. **Envelopes should contain the name and address of the Judge as the return address.** Please be sure to include a transmittal letter showing that a copy of the letter and proposed order have been sent to opposing party. All orders will be held for a minimum of 5 days in order to give opposing counsel time to object. If there are no objections to the proposed order, the Judge may sign the order upon submission to the Court.

Please contact the Judge's office as soon as possible if there is an objection to a proposed order. If you rely on the mail getting there within 5 days you may be too late with the objection. Note that objections made by phone must be followed up by a written explanation within 5 days, with copy to opposing counsel.

EVIDENCE

Prior to hearings and trial, all documents intended for admission into evidence shall have exhibit identification information pre-marked in a format suitable for receipt into evidence. The exhibit label shall be completed by the party submitting the exhibit and all blanks except "admitted" and "excluded" are to be completed. Place sticker on first page, bottom right corner so that it does not obstruct any information, or you can use a separate cover sheet for the label.

Case No. _____

Party _____ Exhibit No. _____

Admitted _____ Excluded _____

Dated: _____

TRIALS

Setting case for trial ==

When filing a Notice for Trial, be sure to indicate whether it is a jury or non-jury trial, and how many days are being requested. **Please provide a courtesy copy to the Judge.** Your case will be set for trial on the next available trial block unless (1) you request a Case Management Conference and schedule it in a timely fashion, or (2) if both sides can agree on a trial block from our Pretrial/Trial Block list, you may file a joint stipulation indicating the trial block you prefer, with a copy to the Judge, along with a proposed order. If you stipulate to a specific trial block, please understand, it is still in the Court's discretion on granting the stipulated trial block as that particular trial block may already be full. Jury Trials are scheduled during a trial block; Non-Jury trials are scheduled during motion weeks. Continuing a trial, jury or non-jury, requires a Motion to Continue and a hearing. Any trials (including non-jury) set for (4) four hours or more require a Pretrial Conference. An order setting the trial (including non-jury) will be

forwarded to all parties. **Any evidence to be presented needs exhibit labeling pre-marked for both jury and non-jury trials.** See sample exhibit label above.

Motions in Limine ==

All Motions in Limine must be case specific. No motions, including Motions in Limine, will be heard at the Pretrial Conference. All Motions in Limine should be heard prior to Pretrial Conference.

Pretrial Conference ==

Counsel must appear in person for the Pretrial Conference. No motions will be heard. Following the Pretrial Conference, if your case is scheduled to be tried on a certain date but settles, **YOU MUST CONTACT THE JUDGE'S OFFICE AS SOON AS POSSIBLE**, so that the cases that are on standby may be notified in a timely fashion. All cases on standby should be ready to proceed should this occur.

Motions to Continue Trial ==

Judge Ward *normally* does not require hearings on a Joint Motion to Continue Trial, **provided that all parties have signed the joint motion, along with their respective attorneys,** if applicable. Counsel for the moving party should contact the Judicial Assistant to advise that a Joint Motion is forthcoming, so the pretrial and/or trial date can be flagged for removal from the docket upon execution of the Order of Continuance/new Pretrial Conference/Trial Order. In order to avoid a delay in prosecution of the case, Judge Ward requires that a new pretrial and trial date be chosen at the time the joint motion is filed, with the new agreed date for both the Pretrial Conference and Trial Block being included in the Order of Continuance submitted by counsel.

Jury Instructions ==

In accordance with the uniform Order Setting Pretrial Conference and Jury Trial and Directing Mediation, Plaintiff shall provide a complete set of proposed jury instructions. Defendant shall provide only special instructions not included in Plaintiff's submission. The proposed instructions should be submitted via email to the Judicial Assistant no later than the **Thursday** before the trial. Said instructions should be in *Word* format.

HIGHLANDS COUNTY
Section 10
Pre-Trial and Trial Dates for 2019

PRETRIAL CONFERENCE	TRIAL BLOCK	HOLIDAY OBSERVANCE
December 6	January 14	1/21 MLK
January 24	February 11	
February 28	March 18	
March 14	April 8	4/19 Good Friday
April 25	May 13	
May 23	June 10	
June 27	July 15	
July 25	August 12	
August 22	September 9	
September 26	October 14	
October 10	November 4	
November 21	December 9	