

COUNTY CIVIL DIVISION M9 PROCEDURES AND GENERAL INFORMATION

Mailing Address: P.O. Box 9000, Drawer J-131
Bartow, FL 33831-9000

Physical Address: Polk County Courthouse
255 North Broadway
Bartow, FL 33830

Hearing Room: 7B-2 (7th Floor, Red Elevators)
Motion Hearings, Non-Jury Trials, CMC's and Pretrials

Virtual Link: *Through Microsoft Teams

[Click here to enter Polk Bartow Civil \(General\) M9
Virtual Courtroom](#)

+1 863-225-
4022

853 676
929#

Administrative Orders: Copies of all Administrative Orders for the Circuit are available on our website at WWW.JUD10.FLCOURTS.ORG.

Docket Schedule: Seven weeks of motions and one week of jury trials. Non-Jury Trials are scheduled during motion weeks.

Email: JFaustino@jud10.flcourts.org

SCHEDULING HEARINGS ON REGULAR (MOTIONS) DOCKET:

You may e-mail our office (JFaustino@jud10.flcourts.org) to obtain hearing times for a hearing.

Please include the following information in your email:

Case #

Style:

Motion:

Duration Time Requesting:

Attorney for Plaintiff:

Attorney for Defendant:

Attorney requesting hearing:

All hearing date/time slots shall be cleared with opposing counsel and confirmed with the JA prior to notices being filed. In the alternative, if counsel's good faith attempts to clear a hearing has been unsuccessful, the following language shall be used: **"The above hearing date has not been cleared with opposing counsel's calendar because (factual statement)."** Once a slot has been cleared (or a good faith attempt has been made) you must send back an email to reserve a particular date/time slot. If you don't, the hearing will not be reserved or added to the calendar. All available hearing date/time slots are given to anyone attempting to set a hearing. Slots are not "held" unless directed by the Judge.

Notice of Hearings/Motions:

Once the hearing is confirmed by the JA, **you may email an E-filed copy of the Motion that is being heard with the E-filed Notice of Hearing if pages are less than 20 pages. If over 20 pages, copies must be mailed to our office no later than 10 days prior to the scheduled hearing.** Should the Court want electronic copies of the pleadings and/or case law, the JA will email what is requested and in what format. Be sure to include the location of the hearing on your Notice of Hearing.

Any hearings submitting evidence shall be **IN PERSON** in Hearing Room 7B-2. (please let me know ahead of time, if you plan to appear in person)

Cross-Notice:

Be sure that any additional motions that have been considered for potential cross notices are not included in the above scheduling procedure without prior approval of the Court.

Uniform Motion Calendar:

Judge Corbett 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 itself should reflect that the matter is, in fact, uncontested.

SUBMITTING EMERGENCY MOTIONS FOR CONSIDERATION:

Please email the Judge’s office with a copy of the Emergency Motion. Any emergency motion submitted for ex-parte consideration should clearly be stated. Unless the Emergency Motion is submitted ex-parte, the email shall include a cover letter that indicates that this submission has been copied to the opposing party/ counsel, who may send in a timely response per the procedure of this Judge’s office. After reviewing the Emergency Motion and any response received from the other side, Judge Corbett will decide if the matter raised is a true emergency and whether the hearing should be advanced on the docket.

Virtual Hearings:

ALL non-evidentiary hearings may be held virtually through Microsoft Teams. Counsel may appear by video link, unless authorized by the Court to appear by telephone. Virtual hearings should be scheduled as a virtual hearing when you are clearing your hearing with the Judge’s office and opposing counsel. The notice of hearing should also reflect that the hearing will be held virtually and include the virtual information for the hearings.

[Click here to enter Polk Bartow Civil \(General\) M9 Virtual Courtroom](#)

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Additional Virtual Information:

PLEASE TAKE FURTHER NOTICE that the above-noticed hearing shall take place remotely via Microsoft Teams Videoconferencing, at the Polk County Courthouse, County Civil General Virtual Courtroom. To participate in the hearing navigate through the browser to <http://www.jud10.flcourts.org/>. On the right side of the page, click **“Click here for Polk County Virtual Courtroom Links”**, then click **“Polk County Bartow Civil (General)”**, then click **“Click here to enter Polk BartowCivil (General) M9 Virtual Courtroom”**.

VIDEO APPEARANCE IS REQUIRED UNLESS PERMISSION TO APPEAR BY PHONE HAS BEEN

PREVIOUSLY GRANTED BY THE COURT.

Please make arrangements to appear by video. If you have difficulties on the day of the hearing and are unable to appear by video you should still APPEAR BY PHONE by dialing: 1-863-225-4022 once prompted, enter the conference ID: 853 676 929#

- You will enter a virtual courtroom lobby. When you are in the virtual courtroom lobby, you will not hear court proceedings. You will need to wait until the Judge allows you to enter the virtual courtroom.
- When you enter the virtual courtroom, **IMMEDIATELY MUTE YOUR SPEAKER. (press *6 to Mute & *6 to Unmute the call)**
- **ONLY** unmute your speaker when you are responding to the Judge.
- Once you finish your response, **MUTE** your speaker unless or until you are asked to respond again.
- **DO NOT** speak unless you are directed to do so by the Judge.
- **DO NOT** place the call on hold.

CANCELLATION OF HEARINGS:

1. Please call or email as soon as you learn that the hearing is to be canceled. If your case settles, you must still cancel any hearings that you have set on the Judge's calendar.
2. Only the party who set the hearing may cancel it, and it is **that party's responsibility to notify everyone of the cancellation.**
3. Do not assume that if a case has been settled or cancelled (and even if the judge has signed an order dismissing the case), that the judicial assistant knows it has been cancelled. Please **always** provide a Notice of Cancellation to the judge's office to make sure that the hearing or trial has been taken off the book.

SUBMITTING PROPOSED ORDERS FOR CONSIDERATION:

1. All proposed Orders being submitted without a hearing must include a copy of the motion through the E-filing Portal. Please verify the correct Judge with the Clerk's Office prior to submitting the motion/proposed Order for consideration. If the Judge feels that a hearing is needed, the submission will be rejected to the sending attorney with a memo stating that the Judge requires a hearing.
2. When sending in proposed orders, please be sure to send a transmittal letter showing that a copy of the letter and proposed order has been sent to opposing party. Orders will generally be held for a minimum of five (5) working days in order to give opposing party/counsel time to object. If the cover letter indicates that there are no objections to the

proposed order, the Judge may waive the hold process and sign the order upon submission to the Court.

3. It will be your responsibility to provide copies of the signed order to all parties who are not included on the e-service list through the portal.

4. If you object to an order, please contact the Judge's office immediately via email or phone. Note that objections must be followed up by a written explanation within five (5) working days, with copy to opposing counsel.

5. Do not include a Certificate of Service to be completed by the judicial assistant.

6. Please include all necessary information in your proposed order, as the Court will not fill in the blanks (Hearing dates/Attorney/etc.)

TRIALS:

To have your case set for trial, you will need to file a Notice for Trial with the Clerk of Court and email a copy to this office. Do not rely on the clerk to provide our office with the information. If you do not receive a trial order within a reasonable time, you should inquire with the judicial assistant. Jury trials are scheduled during our one-week trial block. Non-Jury trials are scheduled on regular motion dockets. Virtual appearance at the pre-trial conference is permitted.

MARKING TRIAL/EVIDENTIARY EXHIBITS:

Prior to any hearing all documents intended for admission into evidence shall have exhibit identification information pre-marked in a form suitable for receipt into evidence. The exhibit labels shall be in substantially the following format:

Case No. _____

Party _____ **Exhibit No.** _____

Admitted _____ **Excluded** _____

Date: _____

The party submitting the exhibit shall fill in all blanks on the label except "admitted" and "excluded."

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 Friday before the trial. Said instructions should be in Word format.

JOINT MOTION(S) TO CONTINUE TRIAL:

Please forward Joint Motion(s) to Continue Trial to the Judge's office via email for the Court to review.

MOTION(S) 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 must file the original with the Clerk and email a courtesy copy to the Judge. If a rehearing is to be held, the judicial assistant will email you with available dates and times for you to clear and notice the hearing. Any Motion for Reconsideration shall follow the same procedures as a Motion for Rehearing.