**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR**

**CHARLOTTE COUNTY, FLORIDA CIVIL ACTION**

,

*Plaintiff*,

vs. Case No. CA

.

*Defendant*.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/

**ORDER OF REFERRAL TO MAGISTRATE**

**AND NOTICE OF HEARING**

This cause is referred to **Magistrate Robert F. Koch** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Civil Division, Twentieth Judicial Circuit, for further proceedings, pursuant to Rule 1.490, Florida Rules of Civil Procedure.

This case is referred to the General Magistrate for the following: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A hearing has been scheduled with General Magistrate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ am/pm at the Charlotte County Justice Center, 350 East Marion Avenue, Punta Gorda, Florida 33950 for further proceedings under Rule 1.490 of the Florida Rules of Civil Procedure and current administrative orders of the Court. \_\_\_\_\_\_\_\_\_ ( ) minutes have been reserved for this hearing. Any party wishing to object to the referral to the Magistrate must file a timely objection no later than the date of the scheduled hearing. Counsel and/or Pro Se parties may contact the Administrative Office of the Courts, reception desk phone number 941-637-2281 no earlier than the Friday prior to hearing in order to find out the location of the **courtroom** where the hearing will be conducted.

The General Magistrate is authorized to administer oaths and conduct hearings, as may be deemed necessary, which may include the taking of evidence. As soon as practicable, the General Magistrate shall file a Report and Recommendation, that contains findings of fact, conclusions of law, and the recommendation as to a ruling by the Court, and shall submit, as may be appropriate, a Recommended Order of General Magistrate.

If required by the General Magistrate, the attorneys shall prepare a Recommended Order of General Magistrate. Failure to submit said Recommended Order of General Magistrate in a timely manner may result in sanctions being imposed by the Circuit Court Judge.

Review of the Report and Recommendation made by the General Magistrate shall be by exceptions filed within 10 days after it is served, as provided in Rule 1.490(i), Florida Rules of Civil Procedure. Any party may file cross-exceptions within 5 days from the service of the exceptions. If no exceptions are timely filed, the Court shall take appropriate action on the report. If exceptions are timely filed, the Court shall resolve the exceptions at a hearing on reasonable notice.

Any party filing exceptions will be required to provide the Court with a record sufficient to support the exceptions, or the exceptions may be denied. A record sufficient to support exceptions may require a written transcript of the relevant proceedings. The record shall include the court file, designated portions of the transcript of proceedings before the General Magistrate, and all depositions and evidence presented to the General Magistrate. The designated transcript portions must be delivered to the Court and all other parties at least 48 hours before the hearing. If the party filing exceptions has less than a full transcript of the proceeding before the General Magistrate prepared, that party must promptly file a notice designating the portions of the transcript that will be transcribed, and the other parties must be given reasonable time after service of the notice to arrange for the preparation and designation of other portions of the transcript for the Court to consider at the hearing.

Though civil proceedings before a Judge are not electronically recorded by the Court, parties are advised that civil proceedings before a Magistrate ONLY will be electronically recorded by the Court, or alternatively, any party may elect to provide a live Court Reporter at that party’s own expense. If a live Court Reporter is provided by a party, requests for transcripts must be submitted to that Court Reporter. If no live Court Reporter is provided by a party, a party may request an electronic certified copy of the proceeding on CD, at that party’s expense, and may then have the recording transcribed, at that party’s expense. Providing the Court with a copy of the CD, instead of a certified written transcript, is insufficient for review by the Court of exceptions. Media request forms, procedures, and fees, and a list of approved Transcriptionists are available on the Court’s website, [www.ca.cjis20.org](http://www.ca.cjis20.org), or by calling the Court’s Electronic Court Reporting Department at 239-533-8207.

DONE AND ORDERED in Charlotte County, Florida this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2015.

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

HONORABLE LISA S. PORTER

CIRCUIT COURT JUDGE

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was mailed to all parties or counsel, if represented, as listed below, at their designated mailing addresses, on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2015.

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Magistrate Assistant

**AMERICANS WITH DISABILITIES ACT**

**If you are a person with a disability who needs any accommodation in**

**order to participate in this proceeding you are entitled, at no cost to you, to the provisions of certain assistance. Please contact Jon Embury, Administrative Services Manager, whose office is located at 350 East Marion Avenue, Punta Gorda, FL 33950, and whose telephone number is (941) 637-2110, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711**.