

HON. SHERRA WINESETT
TWENTIETH JUDICIAL CIRCUIT
Lee County Justice Center
1700 Monroe Street
Ft. Myers, FL 33901
Phone No. 239-335-2600

DATE: July 1, 2006
TO: Civil Attorneys
FROM: Hon. Sherra Winesett
RE: **Emergency Hearing Procedure**

In order for the Court to consider a request for an emergency hearing, the following procedures must be followed:

1. Motion must be filed with the Clerk of Court, and unless for ex parte relief, must be served on opposing party/counsel with a copy. A copy or faxed copy of the motion will not be considered by the Court.
2. All factual allegations must be sworn to by the movant. Motion must be verified. The motion *must* state under oath, the facts which the party believes constitutes the “emergency”, meaning the reasons the matter should be considered on an expedited basis rather than being scheduled in due course. The relief requested should be limited to that required to address the emergency, indicating how much time is needed for the Court to hear the emergency matters, recognizing that the hearing time will be divided equally among the parties.
3. If you are asking for ex parte relief, you must comply with Rule 1.610.
4. It is your responsibility to get the file along with the motion to the Judge’s office.
5. After the Judge has had an opportunity to review the motion, you will be faxed an “Order On Request for Emergency Hearing.”

If the Court grants emergency hearing time, the Court will enter an Order setting the hearing, establishing the time for the hearing and the issues to be addressed or alternatively, will require the moving party to serve opposing party(ies) with written notice of the hearing date/time.

If the Court, based on the allegations in the sworn pleading, finds no emergency exists, an Order will be entered denying the request for an emergency hearing, in which event, the matter must proceed on a non-emergency basis.

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 provision of certain assistance. Please contact the Court Administrator, whose office is located at Lee County Justice Center, 1700 Monroe Street, Ft. Myers, FL 33901 and whose telephone number is 239-335-2231, within 2 working days of receipt of this notice. If you are hearing or voice impaired, call 1-800-955-8771

