

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND
FOR COLLIER COUNTY, FLORIDA** **CIVIL ACTION**

IN RE: THE MATTER OF

,
Plaintiff(s),
vs.

CASE NO: -CA-01-

,
Defendant(s).
_____ /

ORDER OF REFERRAL TO THE MAGISTRATE

THIS CAUSE came on before the court upon the court's own motion and the Court, being duly advised in the premises, it is:

ORDERED that this case is referred to the General Magistrate for further proceedings, pursuant to Rule 1.490(a), Florida Rules of Civil Procedure or Rule 5.095(a), Florida Probate Rules, and current Administrative Orders of the Court. This referral is by and with the consent of all parties, pursuant to Rule 1.490(c) of the Florida Rules of Civil Procedure or Rule 5.095(c), Florida Probate Rules. The Magistrate shall hold such hearings as deemed necessary and shall file, as soon as practicable, a Recommended Order of the General Magistrate.

IF REQUIRED BY THE MAGISTRATE, THE ATTORNEYS SHALL PREPARE A RECOMMENDED ORDER OF THE MAGISTRATE. FAILURE TO SUBMIT SAID RECOMMENDED ORDER OF THE MAGISTRATE ON A TIMELY BASIS MAY RESULT IN SANCTIONS BEING IMPOSED BY THE CIRCUIT COURT JUDGE.

THIS CASE IS REFERRED TO THE MAGISTRATE on the following issues:

- | | |
|--|---|
| <input type="checkbox"/> All Discovery Motions | <input type="checkbox"/> Motion for Contempt |
| <input type="checkbox"/> Motion for Protective Order | <input type="checkbox"/> Motion for Sanctions |
| <input type="checkbox"/> Motion to Transfer Venue | <input type="checkbox"/> Motion to Add/Substitute Parties |
| <input type="checkbox"/> Motion to Withdraw | <input type="checkbox"/> Motion to Intervene |
| <input type="checkbox"/> Motions Directed to Pleadings | <input type="checkbox"/> Order to Show Causes |
| <input type="checkbox"/> Motion to Amend | <input type="checkbox"/> Summary Judgment |
| <input type="checkbox"/> Pretrial Conference | <input type="checkbox"/> Motion for Attorney's Fees/Costs |
| <input type="checkbox"/> Status/Case Management Conference | <input type="checkbox"/> Trial/Final Judgment |
| <input type="checkbox"/> OTHER: _____ | |

AND ANY OTHER MATTER RELATED THERETO.

IT IS FURTHER ORDERED that the above matter(s) and responses are referred to Magistrate **Maria Dente (ODD numbered cases)**
 Amy W. Ellis (EVEN numbered cases)

for further proceedings, pursuant to the applicable Florida Rules of Procedure and current administrative orders of the court. The Magistrate is authorized to administer oaths and conduct hearings which may include taking of evidence and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any.

A time and place shall be assigned for the proceedings as soon as reasonably possible after this referral is made and notice shall be given to each of the parties either by the Magistrate or one or more of the parties.

A REFERRAL TO A MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY THE MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL PRIOR TO COMMENCEMENT OF THE HEARING. FAILURE TO FILE A WRITTEN OBJECTION IS DEEMED TO BE CONSENT TO THE REFERRAL. IF AN OBJECTION IS FILED, THE PARTY OR THE PARTY'S COUNSEL IS ADVISED THAT TO AVOID THE POSSIBLE IMPOSITION OF SANCTIONS, TO FILE SAID OBJECTION BOTH IN WRITING AND IN A TIMELY MANNER, WHICH WILL PROMOTE PROFESSIONAL COURTESY AND AVOID UNNECESSARY INCONVENIENCE TO THE COURT AND THE OPPOSING PARTY.

If either party files a timely objection, this matter shall be returned to the undersigned judge with a notice stating the amount of time needed for hearing.

IF REQUIRED BY A MAGISTRATE THE ATTORNEYS SHALL PREPARE A PROPOSED REPORT. FAILURE TO SUBMIT SAID PROPOSED REPORT ON A TIMELY BASIS MAY RESULT IN SANCTIONS BEING IMPOSED BY THE CIRCUIT COURT JUDGE.

REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 1.490(h) FLORIDA RULES OF CIVIL PROCEDURE OR RULE 5.095(h), FLORIDA PROBATE RULES. A RECORD, WHICH INCLUDES A TRANSCRIPT, MAY BE REQUIRED TO SUPPORT EXCEPTIONS. YOU ARE ADVISED THAT IN THIS CIRCUIT electronic recording is not provided by the court. A party may provide a court reporter at that party's expense.

SHOULD YOU WISH TO SEEK REVIEW OF THE REPORT AND RECOMMENDATION MADE BY THE MAGISTRATE, YOU MUST FILE EXCEPTIONS IN ACCORDANCE WITH RULE 1.490(h), FLORIDA RULES OF CIVIL PROCEDURE OR RULE 5.095(h), FLORIDA PROBATE RULES. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS. THE PERSON SEEKING A REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW.

After conclusion of the proceedings, if exceptions to the Magistrate's Report are filed, **A COPY OF SAME SHALL BE CONTEMPORANEOUSLY SUBMITTED TO THE MAGISTRATE** and the Magistrate shall have reserved jurisdiction to conduct such re-hearing as the Magistrate determines appropriate. Such reservation shall not restrict the jurisdiction of the circuit court to proceed on the exceptions.

DONE AND ORDERED in Collier County, Florida this _____ day of _____, 201__.

Hugh D. Hayes
Circuit Court Judge

CC: