

Judge Keith Kyle

## **GENERAL RULES AND REQUIREMENTS**

**NOTE: Local Rules and Standards of Professionalism regarding motions are strictly enforced. Any motions not in full compliance with these rules may not be heard.**

### **SCHEDULING HEARINGS:**

All hearings 15 minutes or less in length **must be scheduled** through the Judicial Automated Calendaring System ("JACS"). Available timeslots for motion calendar are 5, 10 & 15 minutes. JACS can be accessed online at <https://www.ca.cjis20.org/Services/jacs.aspx> Hearings for a **commercial foreclosure case** or a **post-judgment residential foreclosure case** can also be scheduled online.

For all hearings 15 minutes or longer that need to be special set, please email the Judicial Assistant ("JA") at [smas@ca.cjis20.org](mailto:smas@ca.cjis20.org), cc all counsel of record on the email, and provide the type of motion(s) to be scheduled and how much time is needed. The JA will then provide proposed dates.

**PLEASE NOTE: AS OF JUNE 21, 2021, the Courts will be returning to in-person appearances for all hearings and trials. You may still attend motion calendar hearings via ZOOM as long as your notice of hearing reflects the ZOOM information. Special set hearings are in person. If you wish the hearing to be conducted via ZOOM, the request must be made via email to the JA (when coordinating the hearing), and then approved by the Court. If the appearance via ZOOM is confirmed, then all parties for that hearing must appear via ZOOM.**

### **APPEARANCES THROUGH ZOOM FOR MOTION CALENDAR ONLY:**

For hearings 15 minutes or less set on Motion Calendar, use the following information for ZOOM: Find your local number on line at: <https://zoom.us/j/95818196610> and use the Zoom Link: <https://zoom.us/j/95818196610?pwd=dVpidVg5Z3p0WTdNWHNNM1pEeWpsUT09>, Meeting ID: 958 1819 6610 and Passcode: 965021. Any party or attorney that wishes to attend a hearing via ZOOM will be responsible for the payment of their own ZOOM fees (if any) and ensuring the hearing notice reflects the ZOOM attendance is planned with the confirmation information. If attending a hearing, you should log into ZOOM at least five to ten minutes prior to the scheduled hearing time to ensure your timely appearance and to provide ample time to address connection problems, if any. Also, please and remain quiet until your case is called.

**NOTICE:** In compliance with the Twentieth Circuit Standards of Professionalism, all Notice of Hearings shall reflect the following:

- Whether the date and time have been coordinated with opposing counsel. If the attorney has been unable to coordinate the hearing with opposing counsel, the notice should state the specific good faith efforts the attorney undertook to coordinate or why coordination was not obtained.
- Please do not send courtesy copies of hearing notices, motions or proposed orders in advance.
- In addition to the requisite good faith efforts to resolve a disputed issue prior to the filing of a motion, at least one day prior to any subsequently scheduled hearing, the party/attorney that noticed the hearing shall have an actual conversation with opposing party/attorney (in person or by telephone) to see if the matter can be resolved amicably. Should the matter resolve, a proper notice of cancellation should be immediately filed and the hearing cancelled, along with the submission to the Court of an agreed order resolving the motion – subject to Court approval.

### **NOTE THE FOLLOWING:**

- **Attorneys may not** schedule back-to-back hearings to acquire a longer block of

hearing time (e.g. scheduling two 5-minute hearings to acquire 10 minutes or select two different time slots on the same day). Any hearings scheduled in this manner may be canceled and sanctions may be assessed.

- Once a motion is scheduled, subsequent motions may not be "piggybacked" or "cross-noticed" onto the time reserved for the first motion absent prior approval of the Court and the original scheduling attorney. **Your "piggybacked" or "cross-noticed" motion will be cancelled by the JA without notice if said instructions are not followed.**
- If the parties would like to schedule more than one hearing within a time slot, please contact the Judicial Assistant for assistance.
- Each party will be entitled to one-half of allocated hearing time.
- **Motions for Rehearing and/or Motions for New Trial** must be submitted to the Court in writing. The Court will then decide whether a hearing will be granted. Courtesy copies the motion may be emailed to [kkylepleadings@ca.cjis20.org](mailto:kkylepleadings@ca.cjis20.org).

### **CIVIL MAGISTRATE**

Effective October 27, 2014, the Civil Magistrate will no longer be restricted to a limited variety of motions that can be heard. All discovery motions will still be heard by the magistrate. All other motions requiring more than a 10 minute hearing (excluding pre-judgment, non-commercial foreclosure motions) may be referred to the civil magistrate by the assigned judge on a case-by-case basis. Upon referral from the assigned judge, please contact Adela at (239) 533-2583 to schedule your hearing.

### **DOCUMENTS SUBMITTED TO COURT:**

When submitting documents or proposed Orders for the Court's consideration, a cover letter must be submitted, along with the documents or proposed Orders outlining the materials being directed to the Court and state the reasons for such submissions.

- All counsel and/or other parties (if not represented by counsel) shall be copied on the cover letter and provided a set of the documents being submitted to the Court. The cover letter must list the names of all counsel or other parties to whom copies were sent.
- If submitting a proposed Order (via the e-portal or through email) or other such document, the cover letter must indicate that all counsel have reviewed the proposed submission, and indicate whether or not they have an objection to the same. If there is an objection, both parties must submit their proposed Orders or documents in the same email to the Court, outlining the objections and copying all parties with enclosures.
- If all counsel/parties can be served via email, counsel may submit proposed orders, as indicated above, via the e-portal or email to [kkylepleadings@ca.cjis20.org](mailto:kkylepleadings@ca.cjis20.org). Proposed orders must be sent to the Court in word format only.
- **The Court will not hold Orders pending objection by the parties. All Orders not in conformity with the above will be returned.**
- **Do not email the proposed orders to the Court and then send a hard copy through the mail or through the e-portal. Only use one method of service.**

### **EMERGENCY HEARINGS:**

**Emergency hearings shall not be scheduled through JACS.** All requests for emergency hearings must be submitted to the Judge in writing with a copy of the verified Motion signed not only by counsel, but also their client(s). The motion must be filed with the clerk prior to submission. All parties of interest shall be copied on the correspondence to the Court. After review, the Judge will determine if hearing time is required.

### **EXHIBITS:**

Exhibits for Evidentiary Proceedings including non-jury trials, see 20<sup>th</sup> Circuit Administrative Order 2.40. File exhibits in the clerk's file three (3) business days before your court proceedings. You

may file exhibits together in one filing but must file an index with said filing that indicates the page numbers at which each exhibit occurs in the filing. **ALL EXHIBITS MUST BE IDENTIFIED BY PARTY AND NUMBERED OR LETTERED.** REMEMBER that hearings must be designated as evidentiary in order to use exhibits. Exhibits do not include copies of pleadings and motions filed in the Court file or case law.

#### **CANCELLATIONS:**

If you cancel a hearing you are required to file a Notice of Cancellation. You are also required to cancel the hearing on JACS. Any hearing cancelled in less than five (5) days before the hearing can only be cancelled by the JA.

Said notice should first be filed with the Clerk of the Court, with copies being provided to all parties and counsel of record, as well as the Judge's office (via email at [smas@ca.cjis20.org](mailto:smas@ca.cjis20.org)), as soon as counsel becomes aware that the hearing is to be cancelled. The notice should indicate that the opposing side either agreed to the cancellation, or is otherwise given reasonable notice of the cancellation.

#### **CONTINUANCES:**

This Court strictly adheres to Fla.R.Jud.Admin. 2.085(e) and Fla.R.Civ. P. 1.460. **Continuances will rarely be granted, and then only upon a showing of an unanticipated event and good cause.**

#### **STIPULATIONS:**

Trials and hearings are not automatically continued by the submission of a stipulation. **A stipulation must be signed by all counsel and all parties** and shall be submitted to the Court detailing the reasons a continuance is necessary. The Judge will determine if a hearing is required. **All parties shall continue to prepare to attend as scheduled unless an Order is entered granting a continuance.**

#### **SANCTIONS:**

Failure to comply with these standard procedures and requirements and the administrative orders upon which they are based may result in the cancellation of hearing, termination of the privilege to appear telephonically, or any other sanctions. Chronic offenders may be denied access to JACS and required to request hearing time by phone, which may result in substantial delays in the processing of cases.