

Judge Gentile’s Judicial Practices and Procedures

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to Judge Gentile’s office must be submitted by e-mail to **Judge Gentile’ Judicial Assistant, Kimberly at KDenatale@ca.cjis20.org**, the dedicated division e-mail. The subject line of any e-mail must contain the case number, case name, and relevant matter (e.g., 24-1234-CA, Doe v. Doe – Hearing Request).
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3(B)(7) of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.] All letters, emails or other written communications sent to the Judge should be filed with the Clerk and provided to the attorneys or litigants in a case. The Court is only allowed to consider evidence and arguments made in the courtroom and in documents properly filed in the case as authorized by law and the Rules of Court. The Court cannot ethically read or consider any other evidence or arguments about the case.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to provide and/or update their contact information using Form 2.603, Designation of Current Mailing and E-Mail Address form. The Designation of Current Mailing and E-Mail Address form can be found on the Charlotte County Clerk of Court's website at https://flcourts-media.flcourts.gov/content/download/685859/file_pdf/915.pdf.
- **Response to Inquiries:** The judicial assistant is not authorized to provide legal advice. The judicial assistant strives to substantively respond to all e-mail inquiries within one (1) business day. If the judicial assistant is unable to substantively respond within one (1) business day is out of the office, your message will be acknowledged as received with an indication of when to expect a substantive response and alternate contact for immediate assistance.
- **Other Communication Procedures:** Any e-mail sent to or from the judicial office may be a public record subject to disclosure..

B. Scheduling and Hearing Procedures

- **Court Schedule:** Judge Gentile generally schedules motions the first week of every month and trials are scheduled the last three weeks of every month. Judge Gentile's trial dates can be viewed on his judicial profile webpage at https://www.ca.cjis20.org/About-The-Court/jud_profile.aspx?judge=gentile.
- **Scheduling Hearings:** Hearings are scheduled using the court's online scheduling platform JACS (Judicial Automated Calendaring System). Prior to scheduling a hearing, motions **must** be filed with the Clerk of Court and **viewable** in the case. Verify the motion is viewable before scheduling a hearing. To schedule a hearing, view available dates/times on JACS at <https://www.ca.cjis20.org/jacsattCharlotte/AvailableSlotFrame.asp>. Available hearing time is listed in durations of 15 minutes. Hearings up to 30 minutes can be scheduled in the 15-minute time slots. For hearings longer than 30 minutes, please contact the Judicial Assistant to obtain available hearing dates/times. Coordinate hearing time with opposing counsel. When the parties have agreed to a date/time, send an e-mail request to the Judicial Assistant at KDenatale@ca.cjis20.org. The

e-mail request must contain the case number, case name, the motion to be heard and the amount of time to be reserved. If parties are unable to identify a hearing date and time on JACS, the scheduling party should e-mail the judicial assistant, copying opposing counsel and any self-represented litigant, to obtain additional dates/times, if available. If the scheduling party has not received a response within a reasonable amount of time from opposing counsel, the scheduling party should e-mail the judicial assistant, copying opposing counsel and any self-represented litigant, to request the hearing be set unilaterally. The Judicial Assistant will respond. You will receive an e-mail from the Judicial Assistant confirming the hearing has been added to the Judge's calendar.

- **Notice of Hearing:** A Notice of Hearing must be filed and served immediately after receiving the confirmation e-mail from the Judicial Assistant. If a Notice of Hearing is not filed, the Motion will not be heard. A Notice of Hearing must comply with Administrative Order 2.35, which must include the name of the motion to be heard and the date the motion was filed. All scheduled hearings will be conducted in Judge Gentile's virtual courtroom via video or by telephone and be accessed at:

Join Zoom Meeting

<https://zoom.us/j/97665342007?pwd=V3QzMkM5RXBtb1hpaUpZSjJLVDZrQT09>

Meeting ID: 976 6534 2007

Password: 105634

Or by telephone at:

(786) 635-1003

Meeting ID: 976 6534 2007

Password: 105634

Parties must comply with the conferral and certification requirements in Fla. R. Civ. P. 1.202 and 1.460(d). All Notices of Hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- **Submission of Hearing Materials:** Hearing material of 50 pages or less may be sent to Judge Gentile via e-mail to GGentile@ca.cjis20.org. Hearing materials of more than 50 pages must be mailed or hand-delivered in hard copy to the Court. The court must receive all materials for the hearing no later than three (3) business days before the hearing. Copies of all hearing materials must be provided to all parties/counsel.
- **Order of Proceedings:** Matters will be heard in the order determined by the Judge.

- **Continuance Procedure:** A request for continuance must be submitted at least five (5) days prior to the scheduled court date. Continuances are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting continuance. Motions for continuance must state with specificity: (1) the basis of the need for the continuance, including when the basis became known to the movant; (2) whether the motion is opposed; (3) the action and specific dates for the action that will enable the movant to be ready, including, but not limited to, confirming the specific date any required participants are available; and (4) the proposed date by which the case will be ready to proceed and whether that date is agreed by all parties. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).
- **Motions for Rehearing:** Motions for Rehearing must be reviewed by the Court prior to being scheduled for a hearing. Once the Motion has been filed and is viewable on the Clerk's docket, a courtesy copy of the motion should be submitted via email to the Judicial Assistant at KDenatale@ca.cjsi20.org for the Court for review and consideration. The motion may only be scheduled for hearing if the Court directs and approves.
- **Cancelling Hearings:** You must cancel hearings by notifying the judicial assistant immediately via e-mail at KDenatale@ca.cjis20.org. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.
- **Motions to be heard by Magistrate Koch:** Before obtaining court time before a Magistrate, please obtain agreement from the other attorneys or parties to same. While parties or their attorneys in civil cases may object to proceedings occurring before a Magistrate at any time up to the beginning of said proceedings, failure to obtain prior agreement to using the Magistrate or last-minute withdrawal of such agreement, may be grounds for the assessment of fees and costs. Discovery motions, Motions for Leave to File Amended Pleading, Motions for Protective Order, and Claims of Exemption may be set before the Magistrate. **No motions can be scheduled before the Magistrate after the mandatory Pretrial Conference. All such motions must be heard by the Judge. All motion for continuance must be heard by the Judge.** To schedule a hearing before Magistrate Koch, refer to Magistrate Koch's procedure for scheduling a hearing at: <https://www.ca.cjis20.org/pdf/Charlotte/MagistrateKochJACSProcedure.pdf>.

C. Remote Appearance

- **Remote Appearance Procedure:** All scheduled hearings will be conducted in Judge Gentile's virtual courtroom. The Court does not maintain a hybrid virtual courtroom, allowing parties to appear either in person or remotely. All parties must appear via virtual courtroom. If all parties **agree** to appear in-person, include this information in an e-mail to schedule a hearing to the Judicial Assistant at KDenatale@ca.cjis20.org.
- **Platform Used:**

JUDGE GENTILES VIRTUAL COURT INFORMATION

Join Zoom Meeting

<https://zoom.us/j/97665342007?pwd=V3QzMkM5RXBtb1hpaUpZSjJLVdZrQT09>

Meeting ID: 976 6534 2007

Password: 105634

Or by telephone at:

(786) 635-1003

Meeting ID: 976 6534 2007

Password: 105634

- **Requirements:** Any person appearing remotely must be in a private location that is quiet and free from distractions. Under no circumstances will a participant be permitted to appear remotely from a moving vehicle. Any person appearing remotely must dress and behave professionally in the same manner as if physically present in the courtroom. Any person appearing remotely must enable the person's camera when joining the proceeding and keep the camera turned on until instructed otherwise by the court. Any person appearing remotely must mute the person's microphone when joining the proceeding and keep the microphone turned off until instructed otherwise by the court. If a witness appears remotely, the party calling the witness must ensure the witness has a functioning camera and microphone and has tested the internet connection before the hearing. The oath will be administered in accordance with Florida Rule of General Practice and Judicial Administration 2.530.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in **Word format only**. Do not include headnotes, footnotes, inserts such as text boxes or pictures, any reference to date, signature line, Judge's name and Certificate of Service after "Done and Ordered". All proposed orders

must be provided to opposing counsel and any self-represented litigant. All proposed orders must be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.

- **Submission Method:** All proposed orders not agreed to by all parties must be submitted to the court by e-mail to cha-circuitcivil@ca.cjis20.org. Proposed orders that have been agreed to by all parties (Agreed Orders) should be submitted through the Court's E-Filing Portal.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** [For example: "Courtesy copies of case law or other specified document must be submitted to the court for any evidentiary proceeding."] Click or tap here to enter text.
- **Format:** [e.g., PDF/a format or Word document] Click or tap here to enter text.
- **Submission Method:** Courtesy copies less than 50 pages can be submitted to the court by e-mail to Ggentilecivil@ca.cjis20.org. Courtesy copies in excess of 50 pages must be submitted in hard copy to the Court by US Mail.
- **Deadline for Submissions:** Courtesy copies must be submitted at least three (3) days prior to the scheduled hearing
- Statutes, case law and any other legal authority should be highlighted. Parties must provide opposing counsel with all documents provided to the Court.

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation. All requests for an Emergency hearings must be submitted to the Judicial Assistant via email to KDenatale@ca.cjsi20.org with a copy of the Motion.
- **Scheduling:** If the Court determines that an emergency exists, a hearing will be scheduled unilaterally by the court. All parties shall

make themselves available for the emergency hearing, barring exigent circumstances.

G. Pretrial Procedures and Conferences

- **Case Management Conference:** Any party may request a case management conference (CMC) when a case requires. The court strongly encourages the early use of CMC in more complex cases, multiple-party litigation, or any case that might benefit from court intervention. Unless excused by the court in advance, all CMCs are mandatory for attorneys and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.
- **Requirements:** Any request for a CMC must articulate the reasons for the necessity of the conference.
- **Scheduling:** The moving party may schedule the CMC pursuant to the Court's Scheduling Procedure.

H. Setting Case for Trial

- **Court Ordered Case Management Plans:** The Court will issue a Case Management Plan (CMP) no later than 120 days after the commencement of an action. The CMP will have dates for a mandatory Status Hearing, Pre-Trial Conference, Docket Sounding and a trial period.
- **Amended Court Ordered Case Management Plans:** If it becomes necessary to amend the Court issued CMP, the parties may submit an Agreed Court Ordered Case Management Plan (ACMP) subject to the Court's approval. The (ACMP) may be accessed in fillable format on the Court's website at: <https://www.ca.cjis20.org/Programs/Civil-Case-Management/generalcivil.aspx>. The ACMP are to be submitted through the E-Filing Portal at <https://www.myflcourtaccess.com/default.aspx> and must include a cover letter to Civil Case Management. If the parties cannot agree on an Amended CMP, the parties may request a case management conference.
- **Orders Setting Trial:** The Court will issue an Order Setting Jury Trial/Non-Jury Trial and Pretrial Conference (Trial Order) approximately fourteen (14) days prior to the mandatory Status Hearing. The Trial Order will have dates for a mandatory Status Hearing, Pre-Trial Conference, Docket Sounding and a trial period. The Trial Order imposes deadlines for hearings on certain motions and other trial preparation activities, including hearings on Motions for Summary Judgment, Motions in Limine, Daubert Motions and hearings on Objections to Deposition Designations. The Court strictly enforces the

terms of its Case Management Plan and its Trial Order, including hearing deadlines and witness and exhibit disclosure.

- **Trial Period:** At the Docket Sounding, the Court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the specific days of the set trial period.

I. Trial Procedures

- **Jury Instructions:** The parties shall file **ONE** set of Agreed Jury Instructions (100-800) with any requested changes/additions not agreed to by all parties redlined.
- **Verdict Forms:** If not agreed, each party shall file a requested verdict form.
- **Deadline for Submissions and Method:** All Jury Instructions and Verdict Forms shall be filed no later than 3:00 p.m. the day prior to the scheduled Final Pretrial Conference hearing, or, if a Final Pretrial Conference hearing is not scheduled, by 3:00 p.m. prior to the first day of the scheduled trial. All jury instructions and verdict forms shall be submitted to the Court in an electronic version in Microsoft Word. At the time all Jury Instructions and Verdict forms are filed, e-mail the typed version to ggentilecivil@ca.cjis20.org. The submitted Instructions and verdict forms shall be based upon the Florida Standard Jury Instructions and Verdict forms with appropriate adaptations for the specifics of the case. This paragraph shall not foreclose the right of each party to request modifications of the jury instructions and/or verdict form(s)
- **Exhibits:** The parties will exchange final exhibit lists of all photographs, documents and exhibits at least two (2) business days before the first day of the trial and will be limited thereby except for good cause. Counsel shall confer prior to trial and mark and initial those exhibits agreed to be admitted into evidence without objection. The parties shall file all exhibits with stipulations to admissibility and authenticity no later than 3:00 pm the day prior to the scheduled Final Pretrial Conference or, if a Final Pretrial Conference is not scheduled, by 3:00 p.m. All exhibits must be pre-marked prior to commencement of trial. Parties must contact the Clerk of Court's Office at 941-637-2214 at least three (3) business days prior to trial to ensure that all exhibits will be properly marked prior to the commencement of trial.
- **Courtroom Technology:** If the parties intend on utilizing the courtroom's technology for presentation of their case, they are required

to contact Charlotte County Court Administration IT Department at Charlottehelpdesk@ca.cjis20.org at least two (2) days prior to the commencement of trial. Do not assume technology is available without confirmation from our IT Department.