

THE HONORABLE TAMARA LYNNE NICOLA
COURT PROCEDURES

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PREFERRED METHOD OF CONTACT: EMAIL TO JENNIFER

REQUESTING ACTION OR RELIEF FROM THE COURT (MOTIONS):

WARNING: It is improper to attempt to communicate with the Court (or the JA) without the other party(ies) being copied/included on the communication. The proper term for such improper private communication is ex parte communication. For these reasons, the below rules are very important, and must be followed strictly.

ALL MOTIONS MUST:

- (1) be in writing; AND
- (2) filed with the Clerk; AND
- (3) sent to the other party(ies), or their attorney(s) if they have one.

After completing all 3 steps above, THEN you should email the JA with a courtesy copy of your motion attached to your email, make sure the other party(ies) are cc'd on your email, and request hearing time for your motion. **PLEASE BE SURE TO INCLUDE THE CASE NUMBER, DOCKET NUMBER FOR THE MOTION, AND THE AMOUNT OF TIME REQUESTED** (time requested should be sufficient for **ALL** parties to be heard on the motion).

Motions in County Court are NOT scheduled on JACS, so you must contact the JA for hearing time. Parties must make reasonable efforts to **coordinate** the scheduling of hearings, which is why all parties should be copied on any email to the JA requesting available dates/times for hearing. Once a date/time has been confirmed by all, then the party who requested the hearing is responsible for filing a Notice of Hearing and sending same to all parties. The Notice should include a clear description of the motion(s) which is scheduled, and should include the Docket Number(s) of same. If said party is not represented by counsel, then the Court will file the Notice of Hearing for you.

UNILATERAL SETTINGS

If another party is non-responsive to your efforts to coordinate the scheduling of a hearing, and you have made at least 2 attempts, which attempts have been separated by **at least 7 days**, then you may request permission from the JA to have the matter scheduled unilaterally. If approved to do so, your Notice of Hearing should reflect that the matter was unilaterally scheduled with permission of the Court.

SUBMITTING ORDERS FOR THE JUDGE TO SIGN

- Best method is submission via the Judicial Assistant.
 - o Include a cover letter which confirms (1) that the motion or stipulation to which the order pertains has been e-filed already and (2) whether the order is agreed to or contested by the other party(ies)
 - o Order must be in Word format – preferably Times New Roman, 12-point font
 - o Order should have NO TEXT OR FORMATTING below the line “DONE AND ORDERED in Naples, Collier County, Florida.”
 - * The Court’s document system will apply a signature block, date and a list of e-filing recipients, based on all persons listed in the e-portal for the case.
 - * If you have formatting such as columns and tabs/indents, we may have to ask you to resubmit the order without those, as our system will not work otherwise.
 - o The order shall include language clearly certifying that the party submitting the proposed order will ensure (by mail or email) that signed copies of the order are sent to all parties who are not listed in the e-portal.
- Paper orders will be accepted, but should be accompanied by stamped and addressed envelopes, along with copies of the order to be conformed by the JA and mailed to all parties who are not listed in the e-portal.
- If you are submitting a proposed order prior to a scheduled hearing, please do not send the order until the hearing is within the next 5 days
- SEND CONTESTED ORDERS BY EMAIL TO THE JA, AND CC THE OTHER PARTY(IES). INCLUDE CLEAR NOTICE THAT THE ORDER IS CONTESTED. THE PARTY(IES) CONTESTING THE ORDER WILL HAVE 48 HOURS TO SUBMIT THEIR COMPETING VERSION OR REQUEST EXTENSION. OTHERWISE THE COURT WILL RULE.

PROPOSED FORECLOSURE JUDGMENTS

- Judgment language must make clear the Defendant’s Right of Redemption will be concluded by the filing of the Certificate of Sale, no later. E-FILING
- E-filing is the fastest, most convenient and most reliable method for ensuring that your documents make it into the Court File.
- You do NOT have to be an attorney to use e-filing, and there is no charge to set up an account or file documents (though the standard filing fees apply for filing new lawsuits, just as they do when you file in-person at the Clerk’s Office.
- This video will show you how to set up your own account as a self-represented litigant: <https://youtu.be/I6gB9xGQL-0>
- An added benefit of e-filing is that you will receive instantaneous copies of everyone else’s filings via email, keeping you informed on your case at all times, even if you change your physical address.

ZOOM VIDEOCONFERENCING AND APPEARING VIRTUALLY FOR COURT

The Court is generally willing to permit persons to appear for court virtually, by videoconference. The Court uses a Zoom platform to conduct virtual hearings. There is no charge for litigants to use Zoom for their court appearances, nor do they have to set up an account. If your notice from the court does not specifically permit you (or your witness) to appear by Zoom, you should contact the JA (above) to request permission to appear by Zoom.

The Court's Zoom information does not change. It is:

<https://zoom.us/j/9494544103>

Meeting ID: 949 454 4103

There are 3 ways to access Zoom (you do not need an account):

1. Access via the internet at <https://zoom.us/j/2774283760>
 2. Download the Zoom app for your smart phone or tablet
 3. Dial in (audio only – this is not preferred) by phone at (786) 635 1003
- Enter the Judge's Meeting ID: 949 454 4103

Important Zoom tips:

- ZOOM COURT IS REAL COURT. YOU SHOULD BE DRESSED RESPECTFULLY, AND YOU SHOULD SPEAK RESPECTFULLY.
- WHEREVER POSSIBLE, PLEASE TRY TO APPEAR BY VIDEO, AND NOT MERELY AUDIO
 - IF YOU APPEAR MERELY BY PHONE, YOU MAY NOT BE ABLE TO TESTIFY, BECAUSE YOU MUST BE SEEN IN ORDER TO BE SWORN IN
- Place your microphone on MUTE while you are waiting for your turn to speak.
- If you have never used Zoom, please make a test call using this link: <https://zoom.us/test>
 - This test should be done long before your hearing day arrives, and will help you learn whether your computer/device has a working camera, microphone and speakers
 - It may be beneficial to use headphones to ensure that you can hear and be heard clearly
 - It is possible to use one device for video, and use another for audio connection
 - * For example, your computer may have a camera, but no microphone or speakers. If so, you may connect and be seen via your computer, and then call in by phone for audio connection
- You should ensure that you are in an area with either good cell reception, or strong wi-fi
- You should be in a quiet place, where you can hear what is being said to you

EVIDENCE

- Just because you have filed something in the Court File does NOT mean it is in evidence, OR that it is even admissible (meaning, able to be considered by the Judge for your case)
- Evidence in Florida is governed by the Florida Evidence Code, which can be found at Chapter 90, Florida Statutes. The Florida Evidence Code applies in all court proceedings, including Small Claims.

◦ EVIDENCE IN ZOOM HEARINGS

* If you (or your witness) plan to testify, you will need to appear by video and not just call in by phone via Zoom. The Judge has to be able to see you in order to swear you in so that you can testify.

* IF YOU APPEAR MERELY BY PHONE, YOU MAY NOT BE ABLE TO TESTIFY

* If your hearing is being conducted via Zoom, and you wish to present evidence, you will need to forward the evidence (generally photographs, documents and the like) to the Court at least 5 days before your hearing AND send an identical copy to each other party in the case. You may forward this by mail, email or filesharing link (e.g. Dropbox).

HEARSAY

Hearsay is generally defined as: any out-of-court statement, made by a person, that is offered in court for the purpose of proving the truth of the matter asserted. A common example would be: the car mechanic estimated that it would cost \$700.00 to fix the damaged car. When offered for the purposes of getting \$700.00 awarded in a lawsuit against the other party in the car accident, this would NOT be admissible. Instead, the mechanic would have to appear at the hearing, and offer live testimony and be subject to questioning (called cross-examination) by the other party. There are several exceptions to this rule, and they are all set forth in the Evidence Code. Again, this applies equally in Small Claims Court.

OTHER TIPS (AND PET PEEVES):

- All self-represented (or pro se) litigants should include a valid email address on all court filings, and should further check to ensure that court documents are not ending up in spam or junk folders. Many rights in County Court are highly time-sensitive, and if you do not promptly receive our communications, you may lose your opportunity to protect those rights.
- All motions and correspondence should make clear that copies of same have been sent to all other parties. Said notation should be specific, and should include the details of where/how such copies were sent (e.g. to John Doe at 123 Elm Street, Naples, FL 34112 or to John Doe at jdoe1234@aol.com). It is NOT appropriate to note simply, “copies sent to all counsel of record” or “copies sent to all parties via the e-portal.” Insufficient specifics as to the delivery of your document to all parties may result in your motion being delayed while you re-send it with proper notations as to service