

Magistrate Amy W. Ellis

Collier County Courthouse
3315 Tamiami Trail East, Suite 509
Naples, FL 34112
Telephone (239) 252-8331 Fax (239) 252-8870

Sherry Lucas and Rose Hansen, Administrative Assistants

Effective November 1, 2022:

Guardianship Hearings –

Magistrate Maria Dente will hear all initial guardianship hearings. See Magistrate Dente's instructions for further information.

Magistrate Maria Dente will hear all ETG hearings. ETG hearings will be scheduled by the Court. See Magistrate Dente's instructions for further information.

For cases assigned to Hon. Lauren L. Brodie: All Motions and Petitions filed after the entry of Order Granting Guardianship shall be heard by Magistrate Ellis. Magistrate Ellis ID: 6498541619 PW: 239789.

For Cases assigned to Hon. Hugh Hayes or Hon. Joseph Foster: All Motions and Petitions filed after the entry of Order Granting Guardianship shall be heard by Magistrate Pamela Barger. See Magistrate Barger's instructions for further information.

Probate Hearings – Effective May 1, 2022:

For cases assigned to Hon. Lauren L. Brodie: All Motions and Petitions filed after the entry of Order Granting Guardianship shall be heard by Magistrate Ellis. Magistrate Ellis ID: 6498541619 PW: 239789.

For Cases assigned to Hon. Hugh Hayes or Hon. Joseph Foster: All Motions and Petitions filed after the entry of Order Granting Guardianship shall be heard by Magistrate Pamela Barger. See Magistrate Barger's instructions for further information

Please make sure that ALL PROBATE Orders of Referral are sent to the assigned Judge specifying Magistrate Ellis or Magistrate Barger.

An Order of Referral must be entered for each matter referred to the Magistrate pursuant to FL Probate Rules Rule 5.095

Family Hearings –

Magistrate Maria Dente is assigned all referrals from Hon. Ramiro Manálich

and Hon. Shannon McFee.

Magistrate Amy Ellis is assigned all referrals from Hon. Kyle S. Cohen.

EFFECTIVE APRIL 1, 2022 – RULE CHANGE FOR FAMILY CASES ONLY:

Fla. R. Fam. P Rule 12.490 was amended to change the procedure after a hearing before the Magistrate. For all hearings pending or scheduled after April 1, 2022 there will no longer be a 10-day exception period after a hearing before the Magistrate. The new procedure will be as follows:

SHOULD YOU WISH TO SEEK REVIEW OF THE RECOMMENDED ORDER MADE BY THE GENERAL MAGISTRATE, YOU MUST FILE A MOTION TO VACATE IN ACCORDANCE WITH RULE 12.490(e), FLORIDA FAMILY LAW RULES OF PROCEDURE. YOU WILL BE REQUIRED TO PROVIDE THE COURT WITH A RECORD SUFFICIENT TO SUPPORT YOUR MOTION TO VACATE, OR YOUR MOTION WILL BE DENIED. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT PROCEEDINGS UNLESS WAIVED BY ORDER OF THE COURT PRIOR TO ANY HEARING ON THE MOTION TO VACATE. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED FOR THE COURT'S REVIEW.

The Zoom Video Conferencing link may be located at <https://zoom.us> (see below for links to instructional videos). If you object to proceeding in this manner, you will need to file a Motion for Continuance on those grounds and have your Motion for Continuance heard and ruled upon before the scheduled substantive hearing.

PLEASE:

1. In order to have a clear record, be considerate and let others finish making their arguments/thoughts without interruption before responding.
2. State your name before you begin to speak, especially in multi-party hearings and when a court reporter is in attendance.
3. Please be patient, especially during long dockets, the Court is attending to multiple matters at the same time.
4. Mute your phone and please be mindful of background noise when you are not speaking.
5. Persons testifying shall testify on video, not just voice audio, unless that witness is in the presence of a notary public.
6. When attending hearings via ZOOM Video, please remember that you are on camera and everyone involved can see you.
7. Please make note of the name that appears for you as a participant. For instance if you are attending under a nickname or "iPhone," please rename yourself to your name so that you may be identified by the Court and not excluded. You may do so by:

On PC

1. When in a meeting, click on 'Participants' at the bottom of your screen in the calling bar.
2. Hover the mouse pointer above your name until you see the option to select 'More'.
3. Once you see it, click on it and select Rename.
4. Enter your desired name in the text field and click on 'Ok' to confirm your selection.

On Phone

5. During the meeting, tap on 'Participants' to bring up the list of participants in your meeting.
6. Now find and select your name from the list and tap on it.
7. Select 'Rename' and enter your desired new name in the text fields to change your name.

EVIDENCE:

For Evidentiary Hearings via Zoom:

1. Each party's exhibit list and pre-marked exhibit(s) shall be filed with the Clerk of Court at least five (5) days prior to the hearing. A courtesy copy of the exhibit list and exhibits shall be provided to the Court via USB drive at least five days before the final hearing. .
2. The parties must confer regarding which exhibits may be admitted in evidence upon stipulation.
3. The Court will publish/share the exhibits filed in the Court file to the participants in the hearing.

EVIDENCE TIPS:

1. Photographs in black and white do not publish well if they were filed with the Clerk of Courts. When filing photos or other documents that have poor quality with the Clerk of Courts, what is visible to the Court may not be helpful.
2. Submit downloads in a USB drive to the Court before the hearing or immediately thereafter which includes an exhibit list attached listing all of the contents.

Directions for Probate Hearings -

All probate hearings will be scheduled through JACS (Attorney) or by calling Sherry Lucas (Pro Se) at (239) 252-8670.

You may not schedule back-to-back hearings to acquire a longer block of hearing time (e.g.,

scheduling two 15-minute hearings to acquire 30 minutes, etc.). If you schedule hearings improperly, the hearing(s) may be canceled, sanctions may be assessed, and you may be blocked from the JACS system.

ALL Report and Recommended Orders and Orders Adopting shall be submitted by email to CollierMagRecOrder@ca.cjis20.org (In WORD format). All counsel and pro se parties must be copied on the email where appropriate NO EX-PARTE COMMUNICATION will be considered. This email address is ONLY for the submission of cover letters with Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

The Magistrates will not handle emergency hearings.

» [Magistrate Ellis Probate Order of Referral](#)

Directions for Guardianship/ETG Hearings -

Initial Petition for Guardianship/Incapacity and ETG will be set with Magistrate Dente. Please see Magistrate Dente's JACS instruction page.

Motions/Petitions filed after entry of the Order Appointing Guardian will be set with Magistrate Ellis as follows:

- All hearings less than 1 hour are to be scheduled through the Judicial Automated Calendaring System ("JACS") on Zoom.
- Hearings 1 hour or more shall be scheduled through **the Magistrate's Assistant, Sherry Lucas at (239) 252-8670.**
- Please ensure there is a proper Order of Referral for Magistrate Ellis.
- You may not schedule back-to-back hearings to acquire a longer block of hearing time (e.g., scheduling two 15-minute hearings to acquire 30 minutes, etc.). If you schedule hearings improperly, the hearing(s) may be canceled, sanctions may be assessed, and you may be blocked from the JACS system.
- ALL Report and Recommended Orders and Orders Adopting shall be submitted by email to CollierMagRecOrder@ca.cjis20.org (In WORD format). All counsel and pro se parties must be copied on the email where appropriate NO EX-PARTE COMMUNICATION will be considered. This email address is ONLY for the submission of cover letters with Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

The Magistrates will not handle emergency hearings.

Directions for Family Hearings -

Family hearings will be scheduled through the Magistrate's Assistants, Sherry Lucas and Rose Hansen. (239) 252-8670 and (239) 252-4247. Per Judicial Administration Rule, you must coordinate with all parties before selecting a desired hearing time slot.

An Order of Referral must be entered for each matter referred to the Magistrate pursuant to Fla. R. Fam. P Rule 12.490. AN ORDER OF REFERRAL TO MAGISTRATE MUST BE IN EFFECT

PRIOR TO SCHEDULING A HEARING. **AS OF APRIL 1, 2022 RULE 12.490 HAS BEEN CHANGED. PLEASE ENSURE THAT THE ORDER OF REFERRAL HAS THE CORRECT LANGUAGE REGARDING THE MOTION TO VACATE. This change only applies to Family Hearings.**

All family hearings scheduled for ½ day or more will be scheduled for in-person appearance. If Parties are requesting a ½ day or longer hearing by Zoom their request must be put in writing and may be set for hearing.

All evidentiary hearings scheduled for less than ½ day will be set in-person or by Zoom by the Magistrate's office based on the particular issues. If Party(ies) are specifically requesting in-person or Zoom appearance the request shall be in writing.

All non-evidentiary hearings will be scheduled via Zoom (Magistrate Dente ID: 2917971812 PW: 075142 Magistrate Ellis ID: 6498541619 PW: 239789).

ALL Recommended Orders and Orders Adopting shall be submitted by email to CollierMagRecOrder@ca.cjis20.org (In WORD format). All counsel and pro se parties must be copied on the email where appropriate NO EX-PARTE COMMUNCIATION will be considered. This email address is ONLY for the submission of cover letters with Report and Recommendation of the Magistrate and Order Adopting the Report and Recommendation.

The Magistrates will not handle emergency hearings.

MISCELLANEOUS HEARING NOTES: (for all hearings)

Except for cancellations, there can be no changes, additions, swapping or other alterations of the motion calendar. A party/attorney scheduling a hearing must notice the matter in conformance with the Florida Rules of Civil Procedure and ensure timely notice is served on all pro se parties and counsel of record in advance of the hearing. The original notice must be timely filed with the Clerk of Court. A hearing notice for all hearings that will be evidentiary in nature and involving presentation of evidence (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing on its face. The setting party/attorney is responsible for preparing and filing the Order of Referral pursuant to Rule 5.095, FL Probate Rules.

Please do NOT send copies or envelopes for Orders of Referrals unless there are pro se parties.

If you CANCEL a hearing, you are required to file a Notice of Cancellation. You also must immediately cancel it through JACS. If a party has cross-noticed said motion, however, you are required to notify the cross-noticing party prior to JACS cancellation and provide them the opportunity to maintain the previously reserved time if they wish to do so. You may not cancel a cross noticed motion hearing without written consent of the other parties/counsel.

Once a motion is scheduled through JACS, subsequent motions may not be "piggybacked" using the time reserved for the first motion absent prior approval of the Court. This does not preclude an independent reservation of another timeslot during the same hearing period for a different motion on the same case, provided the timeslot is appropriate in length of time for the motion.

If you need 30 minutes, ask for 30 minutes. Please don't ask, "Can I get in sooner if I only ask for 15 minutes?" You can't squeeze 30 minutes of argument in a 15-minute slot. You know it, and we know it. The Magistrate will limit the length of the hearing to the time requested. If you don't finish in time, the motion will have to be rescheduled. When estimating necessary hearing time, remember to include opposing counsel's time!

TELEPHONE

Telephone hours are from 8:00 a.m. to 5:00 p.m. Due to the high volume of phone calls the Civil and Family divisions receive, you will at times not reach the assistant in person. Therefore, when calling and receiving voice mail, please leave your name, telephone number and a brief message.