

Motion Guidelines

Only contact the Judge's office if your case parameters don't allow you to set the hearing or under special circumstances already listed in the system.

Important Information from the Collier County Clerk of Courts

Effective immediately, **NO ENVELOPES AND COPIES REQUIRED**. When submitting your transmittal letter and proposed order(s) to the judge, for the (signed) copies to be returned, PLEASE **ONLY INCLUDE COPIES AND POSTAGE PAID ENVELOPES FOR PRO SE PARTIES**. Copies will be returned to all counsels listed on the service list by email from the Clerk's office. The attorneys are responsible for having the correct attorney of record and proper email address on record with the Clerk. You can advise/update the clerk of your email address/lead counsel by filing a "Designation of Email Address" form or change of lead counsel through the e-Portal.

FOR RECOMMENDED ORDERS AND ORDERS ADOPTING: Parties are required to submit self-addressed stamped envelopes for all unrepresented parties for both the Recommended Order and the Order Adopting when exceptions are not waived at the hearing before the Magistrate. If exceptions are waived at the hearing, then parties shall submit envelopes for unrepresented parties only with the Order Adopting. Counsel of record will be e-served copies by the Clerk. Please ensure counsel of record have the correct email address on record with the Clerk.

Judge Lauren L. Brodie

Collier County Courthouse
3315 Tamiami Trail East, Suite 203
Naples, FL 34112
Telephone (239) 252-8909

POLICIES & PROCEDURES

***Judge Brodie's courtroom is a scent-free courtroom. Please ensure that you, your clients, witnesses, court reporters & support staff do not wear any scented products to Judge Brodie's courtroom. Thank you.**

IDENTIFICATION OF COURT PLEADINGS WITH SPECIFICITY

For judicial economy and in accordance with Administrative Order No. 2.35: When a party to a proceeding before the Courts of the Twentieth Judicial Circuit, or counsel, files a pleading, document or notice of hearing, or submits a proposed order, which includes a reference to a previously filed pleading, document or to the motion being scheduled for hearing, the party or counsel shall, for ease of further reference: (1) *identify with specificity the previously filed pleading or document referenced therein, or the motion being scheduled for hearing*; (2) *identify the previously filed pleading or document referenced therein, or the motion being scheduled for hearing, by the date it was filed with the Clerk of court*; and (3) *identify the previously filed pleading or document referenced therein, or the motion being scheduled for hearing, by the docket line or docket number*, as may be reflected on the Clerk's online web portal, if accessible by the party or counsel.

Please make sure that ALL CIVIL Orders of Referral are sent to the referring Judge specifying the name of the Magistrate that is assigned to your case.****

Quick Downloads

- » **Magistrate Amy Ellis Probate Order of Referral**
- » **Magistrate Pamela Barger Civil/Foreclosure Order of Referral**
- » **Agreed Case Management Plan**
- » **AO 2.20 Standards or Professional courtesy and conduct and establishment of local professionalism panel**
- » **AO 2.35 Identification of court pleadings with specificity**

- **[To view all of Judge Lauren L. Brodie's downloads, Click Here](#)**

FORECLOSURE HEARINGS: Effective **May 16, 2016**, ALL FORECLOSURE MOTIONS FOR SUMMARY JUDGMENT and/ or DEFAULT JUDGMENTS ASSIGNED TO JUDGE BRODIE MUST BE SCHEDULED BEFORE HER ON THE JUDICIAL AUTOMATED CALENDARING SYSTEM ("JACS")

All other motions in foreclosure cases (with the exception of summary judgments and default judgments) should be scheduled through the Judicial Automated Calendaring System ("JACS") with the Foreclosure Magistrate, Pamela Barger. All motions heard before the Magistrate **MUST** have an Order of Referral.

FOR DETAILED INFORMATION IN SCHEDULING YOUR MOTION(S) WITH THE FORECLOSURE MAGISTRATE, PLEASE REVIEW THE FORECLOSURE MAGISTRATE'S DETAILED PROCEDURES BY CLICKING ON MAGISTRATE BARGER IN THE 'SELECT JUDGE' MENU ON THE LEFT.

IF A WRITTEN OBJECTION TO THE MAGISTRATE HAS BEEN FILED, you may schedule your Civil/Foreclosure motion on Judge Brodie's JACS calendar if the required length of time for your hearing is 20 minutes or less. You may also schedule deficiency judgments, contested summary judgments and default judgments with Judge Brodie if your required length of hearing time is 20 minutes or less.

OTHER CIVIL CASES: All hearings, 20 minutes or less in length, must be scheduled through the "JACS" system. **Please schedule all Discovery Motions**, Motions to Withdraw, Motions for Leave to File Amended Pleadings and Motions to Strike Affirmative Defenses with the Civil Magistrate. Please do not schedule any of these motions with Judge Brodie unless an objection to the Magistrate has been filed. PLEASE NOTE: Any motion may be scheduled with the Magistrate if the parties consent. (Please see the Magistrates' "JACS" instructions).

A case may only take one time slot per hearing date. Do not schedule the same case for multiple time slots. You may not schedule back-to-back hearings to acquire a longer block of hearing time (e.g., scheduling two 10-minute hearings to acquire 20 minutes, or scheduling two 20-minute hearings to acquire 40 minutes) and when selecting the amount of time you need for a hearing, be sure to include opposing counsel's time to respond. Choose the amount of time that accurately fits what both sides will need. If you schedule hearings improperly, the hearing(s) may be canceled, sanctions may be assessed, and you may be blocked from the "JACS" system.

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. Instead, the attorney desiring to set another motion on the same day should call the Judicial Assistant to request a special set of all related motions. The Judicial Assistant will attempt to coordinate such a setting.

Except for cancellations, there can be no changes, additions, swapping, or other alterations of the motion calendar. Attempts to accommodate such requests in the past have resulted in unnecessary confusion and inadequate notice to opposing counsel.

A party/attorney scheduling a hearing must **concurrently 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 (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing.

Hearings via telephone are permitted if the hearing is scheduled for 15 minutes or less. See: Fla. R. Jud. Admin 2.530 (c). If the hearing is scheduled for more than 15 minutes, no telephone

appearances are permitted. All phone hearings must be set up through CourtCall at least seven business days in advance of the hearing. CourtCall can be contacted at 888-882-6878 or www.courtcall.com. If someone is planning on attending a hearing by phone, the hearing must be scheduled and designated as a phone hearing on "JACS" and noticed accordingly. If you do not schedule the hearing as telephonic and your situation changes, you may set up CourtCall and you DO NOT need to call the Judge's Office. We receive updates directly from CourtCall.

Hearings Over 20 minutes must be requested in writing and mailed in to Judge Brodie's chambers along with a copy of the motion(s) and approved by Judge Brodie before hearing time will be scheduled. The judicial assistant will contact the attorneys' office to schedule these hearings.

If you need 30 minutes, ask for 30 minutes. Please don't say, "Can I get in sooner if I only ask for 15 minutes?" You can't squeeze 30 minutes of argument into a 15 minute slot. You know it, and we know it. Judge Brodie 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.

PROBATE HEARINGS: Pursuant to Fla. Prob. R. 5.095 all motions in probate cases should be scheduled on a Probate day through the Judicial Administration Calendaring System ("JACS") with the Probate Magistrate, Amy Ellis. All motions heard before the Magistrate must have an Order of Referral. If you need one hour or more of hearing time, please call General Magistrate Ellis' office directly at 239-252-8331 to schedule your matter. All other matters (such as notices for trial or objections to the magistrate) are to be scheduled by calling Judge Brodie's Judicial Assistant. Please do not schedule any probate cases on the "JACS" system with Judge Brodie, as they will be cancelled.

Emergency Hearings See Judge Brodie's Emergency Hearing Procedures ([Judicial Downloads](#))

Motions for Rehearing/New Trial/To Advance Case. Motions for Rehearing, for New Trial and to Advance should be filed with the Clerk of Court. They will e-mail a copy to the Judicial Assistant. Judge Brodie will review the motion and decide whether a hearing or new trial will be granted.

Motions to Advance on Trial Docket pursuant to statutes, rules of procedure, or case law are also reviewed without hearing. Simply file your motion with the Clerk of Courts and you will receive notice of the judge's decision.

ORDERS PRESENTED AFTER HEARINGS: We do not hold orders pending objections from opposing counsel. Your options are:

1. Be prepared at the hearing with a proposed order, appropriate copies and envelopes.
2. If you cannot agree on the language in the order at the time of hearing, you should:
 - A. Consult with opposing counsel and work out an acceptable order on blank forms provided by the Court or
 - B. Mail a stipulated order after the hearing stating in your cover letter that opposing counsel has reviewed the order presented and has no objection thereto.

Orders tendered that are not stipulated or agreed to by all counsel **will be returned** unexecuted to the party presenting the order. If you can't reach opposing counsel, keep trying. This is not an acceptable reason for submitting an order without prior review by opposing counsel. If opposing counsel refuses to agree or stipulate to the form of the order, please advise the Judge in writing. The Judge will then review all proposed orders, and if necessary, will schedule another hearing.

TRIAL DOCKETS: For ease of scheduling and in an effort to assign trial dates more quickly, jury and non-jury trials are combined on the same docket. When a Notice of Trial is filed in non-foreclosure cases, the following occurs:

1. The Clerk e-mails a copy of the Notice of Trial to the judicial assistant.
2. If the case has gone to mediation or non-binding arbitration, the case will be set for Pre-Trial Conference. If not, the case will be set for a Case Management Conference.
3. When a Case Management Plan is filed, the Court will set you on the trial docket agreed to by the parties. This is your trial docket! Please be prepared to comply with all deadlines agreed to in the Case Management Plan.

Once your case is scheduled for trial, it is the responsibility of the lawyers to keep the judge's office informed. Our office cannot possibly call all the lawyers on a trial docket to check the status of each case prior to trial. **Please let us know when you have settled or otherwise disposed of your case.** Please cancel your trials and hearing dates.

Once placed on a trial docket, cases may need to be taken out of order so we can dispose of as many cases as possible in a trial period. We do not give preference to certain lawyers, parties or cases. We put your trial where it will fit. We are truly sympathetic when this is not convenient for you.

CANCELLING A HEARING:

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.

EXCEPTIONS TO THE MAGISTRATES RECOMMENDED ORDERS:

If an Exception to the Magistrate's Recommended Order is filed, please provide a copy to Judge Brodie's office. After the judge's review, the Judicial Assistant will contact you regarding scheduling of a hearing.

TELEPHONE: Telephone hours are from 8:30 a.m. to 4:30 p.m. Due to the high volume of phone calls the civil division receives, you may not reach the judicial assistant in person. Therefore, when calling and if you receive voice mail, please leave your name and a brief message. Your call will be returned as soon as possible.

MEMORANDA: Written memoranda on lengthy or complex motions are not necessary but if supplied, they must be submitted **at least five (5) business days prior to the hearing.** Memoranda or briefs to be considered by the Court for any hearing shall be limited to ten (10) pages in length on 8 1/2-by-11 inch paper, and shall also comply with the lettering and spacing requirements of Rule. 9.210(9)(2), Rules of Appellate Procedure. **NOTEBOOKS WILL NOT BE ACCEPTED.**

MISCELLANEOUS: Please send a letter of transmittal with all pleadings sent to our office. You know what you want - we can only guess when an unexplained pleading comes in a month or so after the proceeding to which it relates. In most cases, the unexplained pleading will receive no action or be discarded.

Media Equipment: Apple Products are not compatible. Please bring your own laptop, VGA (Video Graphic Array) compatible preferred. If you have an HDMI (High Definition Multimedia Interface) connection, you must bring you own adaptor and laptop.

Thanks for your cooperation!
Other People Who Can Help:

Judicial Assistant - 239-252-8909

Court Administration - 239-252-8800 (to coordinate courtroom set-up for trial/visual aids)