

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA
LEE COUNTY

IN RE: STANDING ORDERS AND CIVIL
CASE MANAGEMENT PLANS IN
RESIDENTIAL MORTGAGE
FORECLOSURE CASES IN
LEE COUNTY

ADMINISTRATIVE
ORDER
NO. 1.18

WHEREAS, it is in the best interest of the citizens of the Twentieth Judicial Circuit for the Court to develop innovative means to further improve the fair, predictable, efficient, and timely disposition of civil cases in the civil division of the Circuit Court; and

WHEREAS, under Rule 2.545(b), Florida Rules of Judicial Administration, the Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases, and has expressly mandated that the Court "shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined;" and

WHEREAS, since 2010, the Lee County Circuit Courts have utilized Civil Differentiated Case Management (DCM) Procedures, as approved by local Administrative Order 1.13; and

WHEREAS, the Civil DCM Procedures for the Lee County Circuit Courts exempt residential foreclosure cases from certain procedures, including the initial issuance of a Standing Order and the requirement of case management plans in individual residential foreclosure cases; and

WHEREAS, since 2010, alternative means of case management of residential foreclosure cases have been utilized throughout the State of Florida, and specifically in the Lee County Circuit Courts, to address the special circumstances involving the inordinately large and sudden influx and backlog of residential foreclosure cases; and

WHEREAS, the case management of residential foreclosure cases in Lee County has

been successful in addressing the sudden influx of residential foreclosure cases and in reducing

STATE OF FLORIDA, COUNTY OF LEE

FILED FOR RECORD

This 24 Day of APRIL 2015 Recorded in CIRCUIT

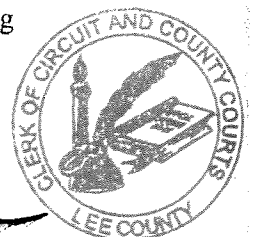
Book 51 Page 2-19 and Record Verified.

LINDA DOGGETT By Kevin K.
Clark Circuit Court Deputy Clerk

04/24/2015 3:00PM Filed Lee County Clerk of Court

I certify this document to be
a true and correct copy of the
record on file in my office,
Linda Doggett, Clerk Circuit/
County Court, Lee County, FL
D. Kevin K.
Deputy Clerk

Deputy Clerk



04/24/2015

the backlog; and

WHEREAS, current caseloads, changing circumstances, and an evaluation of shifting resources have led to a determination that it is in the best interest of the fair, predictable, efficient, and timely disposition of residential foreclosure cases in the Lee County Circuit Court to implement Standing Orders and case management plans for individual residential foreclosure cases; and

WHEREAS, under Rule 2.250(a)(1)(B), Florida Rules of Judicial Administration, the time standard deemed by the Supreme Court of Florida to be presumptively reasonable for the disposition of civil non-jury cases is twelve (12) months from filing to final disposition;

NOW, THEREFORE, pursuant to the authority prescribed by Fla. R. Jud. Admin. 2.215, and for the purpose of promoting the efficient administration of justice within the Twentieth Judicial Circuit, it is **ORDERED** as follows:

1. Included as part of this Administrative Order as "Attachment A" is a form "Standing Order in Residential Mortgage Foreclosure Cases in Lee County," which the Plaintiff shall, in all residential mortgage foreclosure cases filed in Lee County on or after May 1, 2015, serve with each summons issued in the case. The Plaintiff shall be responsible for paying the Clerk the appropriate statutory fee for copies of each Standing Order issued.

2. In addition, in all residential mortgage foreclosure cases filed in Lee County on or after May 1, 2015, and upon the filing of a responsive pleading by any defendant, the Court shall issue a "Residential Foreclosure Case Management Plan and Order" utilizing the Florida Supreme Court's presumptively reasonable time standard of 12 months from filing to final disposition, a form of which is included as part of this Administrative Order as "Attachment B." Prior to issuance of a "Residential Foreclosure Case Management Plan and Order," the established timeframes included as "Attachment B" may only be altered by the Circuit Judge assigned to the case. Once issued by the

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Circuit Judge assigned to the case, the Case Management Plan may only be amended upon approval by the Circuit Judge assigned to the case.

3. For pending residential mortgage foreclosure cases filed prior to May 1, 2015, and which are not scheduled for trial, the Court will issue the "Standing Order in Residential Mortgage Foreclosure Cases in Lee County" (Attachment A) and will serve copies on all parties. In addition, as it relates to such cases, if a responsive pleading has already been filed, or upon the filing of a responsive pleading, the assigned Circuit Judge will issue a "Residential Foreclosure Case Management Plan and Order" (Attachment B) establishing mandatory time-frames as may be deemed appropriate by that Judge for the purpose of ensuring the fair and timely disposition of the case, based upon the presumptively reasonable time standards established by the Florida Supreme Court. Once issued by the Circuit Judge assigned to the case, the Case Management Plan may only be amended upon approval by the Circuit Judge assigned to the case.

4. Notwithstanding the above paragraph, for pending residential mortgage foreclosure cases filed prior to May 1, 2015, and which are at issue and currently scheduled for a Case Management Conference, and have had at least one prior Case Management Conference, the assigned Circuit Judge may, within his or her discretion, cancel the Case Management Conference and may, alternatively, schedule the case for trial by separate order.

5. It shall be noted that the forms included as part of this Administrative Order, Attachments A and B, are intended as models, and any subsequent updates or modifications shall be posted and available for viewing on the Court's website at <http://www.ca.cjis20.org/web/main/civil.asp>. It shall be the responsibility of all parties to check the website for the most recent forms to be used in conjunction with this Administrative Order.

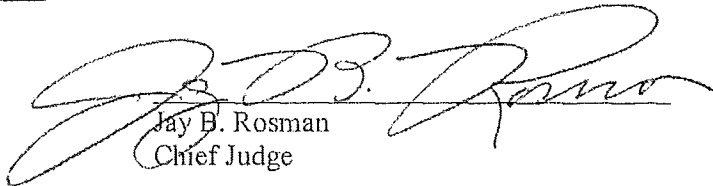
6. The procedures and time standards set forth herein are intended to facilitate the timely, fair and effective resolution of residential mortgage foreclosure cases while ensuring the efficient use of

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court resources. The procedures and time standards do not supplant any existing rule, statute, or law. This Administrative Order shall not be construed as granting any rights not already provided for by rule, statute, or law.

7. To the extent that any provision of this Administrative Order may be construed as being in conflict with any rule, statute, or law, the rule, statute, or law shall prevail.

DONE AND ORDERED in chambers in Fort Myers, Lee County, Florida, this 24th day of April, 2015.


Jay B. Rosman
Chief Judge

History. – New

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IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

CASE NO:

Petitioner(s),

vs.

Defendant(s).

**STANDING ORDER IN RESIDENTIAL MORTGAGE FORECLOSURE CASES
IN LEE COUNTY**

PURSUANT to Rules 2.250 and 2.545, Florida Rules of Judicial Administration, and Rule 1.200(a), Florida Rules of Civil Procedure, the parties are ordered to adhere to the following information and procedures applicable to residential mortgage foreclosure civil lawsuits:

1. **SERVICE OF THIS ORDER.** The Plaintiff is directed to serve a copy of this order with each Summons issued in this case. One copy of this Order is to be filed with the Clerk of the Circuit Court with proof of service. The Plaintiff shall pay the appropriate statutory clerk's fees on copies for each Standing Order issued and attached to the Summons.

2. **CIVIL CASE MANAGEMENT PLAN.** The Supreme Court of Florida has established guidelines for the prompt processing and resolution of civil cases, and has expressly mandated that the Court "shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined." Fla. R. Jud. Admin. 2.545(b). The time standard deemed by the Supreme Court of Florida to be presumptively reasonable for the disposition of civil non-jury cases is 12 months from filing to final disposition. Fla. R. Jud. Admin. 2.250(a)(1)(B). Accordingly, in Residential Mortgage Foreclosure cases filed on or subsequent to May 1, 2015, and upon the filing of a responsive pleading to the complaint, the Court will issue a Case Management Plan establishing mandatory time-frames with the goal of resolution within 12 months.¹ The parties may request that the plan be amended by submitting a proposed agreed amended plan to the Civil Case Management Department, or if unable to agree on an amended plan, by filing a motion with the Court for a Case Management Conference. Trials will be scheduled before the assigned Circuit Judge, Senior Judge or may be referred to a General Magistrate based on the trial date set forth in the Case Management Plan, or earlier than the trial date set forth in the Case Management Plan upon the filing of a notice of readiness for trial.

¹ For pending Residential Mortgage Foreclosure Cases filed prior to May 1, 2015, and which are not scheduled for trial, the Court will issue this Standing Order and will serve copies on all parties. Paragraph 1 above shall not apply. The assigned Circuit Judge shall issue a Case Management Plan establishing mandatory time-frames as may be deemed appropriate by that Judge for the purpose of ensuring the fair and timely disposition of the case, based upon the presumptively reasonable time standards established by the Florida Supreme Court. Paragraph 2 above shall otherwise apply, as shall the remainder of this Standing Order.

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3. **ALTERNATIVE DISPUTE RESOLUTION (ADR)**. Early mediation shall be available pursuant to local Administrative Order No. 1.14, In re: Homestead Mediation Program for Residential Homestead Mortgage Foreclosure Actions, which can be viewed on the website of the Administrative Office of the Courts: http://www.ca.cjis20.org/pdf/ao/ao_1_14.pdf. In the event that the deadlines for seeking early mediation pursuant to Administrative Order No. 1.14 have expired, and a party subsequently requests that the Court direct mediation, or the Court on its own motion orders mediation, the general provisions of Administrative Order No. 1.14 shall apply to any such mediation ordered.

4. **MOTIONS TO CONTINUE TRIAL**. A Motion to Continue any trial must be filed with the clerk and emailed to the Civil Case Management Department at civilcm@ca.cjis20.org. Motions to Continue can only be heard or granted by the assigned circuit judge or by the senior judge or upon recommendation of a magistrate presiding over the trial.

5. **SERVICE OF PLEADINGS**. A copy of all pleadings or motions filed after the initial complaint shall also be provided to the Civil Case Management Department by email or inclusion in the electronic service list at civilCM@ca.cjis20.org

6. **TELEPHONIC APPEARANCE**. A Motion for Telephonic Appearance at any hearing must be filed with the clerk and emailed to the Civil Case Management Department at civilCM@ca.cjis20.org. Motions for Telephonic Appearance can only be heard or granted by the assigned circuit judge or by the senior judge or upon recommendation of a magistrate presiding at the hearing.

7. **RULES OF PROFESSIONALISM**. The Twentieth Judicial Circuit has adopted local Administrative Order 2.20, which sets forth standards of professional courtesy and conduct for all counsel or pro-se litigants practicing within the Circuit. The Court requires that all parties or counsel for parties familiarize themselves and comply with Administrative Order 2.20. Administrative Order 2.20 may be viewed on the website of the Administrative Office of the Courts: http://www.ca.cjis20.org/web/main/ao_admin.asp

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, on May 1, 2015.

Alane Laboda, Circuit Judge
Civil Administrative Judge, Lee County

*****Original on file in the office of the Circuit Clerk of Court, Lee County

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- ATTACHMENT B -

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION

*

Plaintiff(s),

vs.

CASE NO: *-CA-*

*

CASE TYPE: CA *

Defendant(s)

RESIDENTIAL FORECLOSURE CASE MANAGEMENT PLAN AND ORDER

Expedited Track (Case resolved within 12 months):

Case Deadlines and Events

<i>DEADLINE OR EVENT</i>	<i>DATE</i>
Statement of Facts and/or Counterclaim(s)	180 days prior to trial
Identification of facts the parties believe to be disputed	90 days prior to trial
Identification of the issues of law to be decided by the Court	90 days prior to trial
Motions to Add Parties or to Amend Pleadings	180 days prior to trial
Disclosure of Fact Witnesses	180 days prior to trial
Disclosure of Expert Witnesses	180 days prior to trial
Filing of Exhibit List	60 days prior to trial
Discovery & Deadlines: The requesting party shall file all discovery requests and the responding party shall file a Notice of Compliance when completed. If the party fails to timely respond, the requesting party shall file a Notice of Non-compliance and/or Motion to Compel no later than 10 days from the due date.	Requests must be filed not later than 45 days from answer. Response must be made within 30 days of filing of request if no objection filed. Objections to discovery request must be filed not later than 20 days from the filing of the request.

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Expert Opinion Available to Opposing Party	160 days prior to trial
Discovery Deadline for Expert Witnesses	90 days prior to trial
Completion of Alternative Dispute Resolution (ADR) (See Residential Foreclosure Standing Order)	30 days prior to trial.
Deadline for Dispositive Motions	Must be heard not less 30 days prior to trial
Other Deadlines or Events: Motions in Limine	Not less than 30 days prior to trial

Trial Information

Estimated Date the Case Will Be Scheduled To Go To Trial	12 th month from date of filing of complaint
Estimated Length of Trial	All trials will be set for one (1) hour; if you need additional time you must contact the Civil Case Management Dept. at Civilcm@ca.cjis20.org no later than 30 days prior to trial.
Identification of Jury or Non-Jury Trial	Non-Jury

The above-referenced schedule of deadlines will be strictly adhered to by the parties unless a change is otherwise agreed to by the parties and approved by the Court. The Court will consider a request to approve changes to these deadlines upon a showing of good cause by either party based on matters arising from an emergency nature or unavailability. However, procrastination in completing discovery or the unavailability of counsel will not constitute good cause for a change to these deadlines. The failure to abide by these deadlines may result in sanctions by the Court, including the award of attorney's fees, the striking of pleadings, and/or a dismissal of the action.

ALL PARTIES SHALL ABIDE BY THE TERMS HEREIN.

DONE AND ORDERED in Fort Myers, Lee County, Florida on _____.

Hon. *, Circuit Judge

Conformed Copies to the Civil Case Manager and to:

*

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