

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

Plaintiffs,
v. CASE NO.;

Defendants.
_____ /

ORDER OF REFERRAL TO MAGISTRATE

THIS CASE IS REFERRED TO THE MAGISTRATE on the following Issues:

HEARING PLACE AND TIME

The hearing before the Magistrate on these issues shall be held on _____ at the Charlotte County Justice Center, 3rd Floor, Punta Gorda, FL 33950. _____ minutes (__) have been reserved for this hearing. The time reserved for the trial is to be split evenly by the parties. If either party requires additional time, that party must contact the **Magistrate's Assistant at 941-637-2213**, within 5 days of receipt of this Order.

Counsel and/or Pro Se parties are advised to contact the Administrative Office of the Courts, Reception Desk phone # 941-637-2281 in order to find out in which **courtroom** this hearing will be conducted.

In its entirety and as to all pending matters necessary to effect a complete resolution of all pending matters, including any and all pleadings and motions files subsequent to the entry of this Order of Referral.

IT IS FURTHER ORDERED that the above issues are referred to Magistrate Lisa S. Porter, for further proceedings, under Rule 1.490 of the Florida Rules of Civil Procedure and current administrative orders of the Court. The Magistrate is authorized to administer oaths and conduct hearings, which may include taking of evidence, and shall file a report and recommendations that contain findings of fact, conclusions of law, and the name of the court reporter, if any. If a date for a hearing, trial, or Case Management Conference before the Magistrate is not set in this Order, the Magistrate shall assign a time for the proceedings as soon as reasonably possible after this referral is made and shall give notice to each of the parties either directly or by directing counsel or a party to file and serve a notice of hearing.

The Magistrate shall have authority to examine the parties on oath upon all matters contained in the reference and to require production of all books, papers, writings, vouchers, and other documents applicable to it and to examine on oath orally all witnesses produced by the parties. The Magistrate shall admit evidence by deposition or that is otherwise admissible in court. The Magistrate may take all actions concerning evidence that can be taken by the court and in the same manner. All parties accounting before a Magistrate shall bring in their accounts in the form of accounts payable and receivable, and any other parties who are not satisfied with the account may examine the accounting party orally or by interrogatories or deposition as the Magistrate directs. All depositions and documents that have been taken or used previously in the action may be used before the Magistrate.

Magistrate's Report. In the reports made by the Magistrate no part of any statement of facts, account, charge, deposition, examination, or answer used before the Magistrate shall be recited. The matters shall be identified to inform the court what items were used.

Filing Report; Notice; Exceptions. The Magistrate shall file the report and serve copies on the parties. The parties may serve exceptions to the report within 10 days from the time it is served on them. Providing a copy of exceptions to all parties, including the Magistrates office and the Clerk's office. If no exceptions are filed within that period, the court shall take appropriate action on the report. If exceptions are filed, they shall be heard on reasonable notice by either party.

A REFERRAL TO A MAGISTRATE REQUIRES THE CONSENT OF ALL PARTIES. ALL PARTIES CONSENTED TO THE MAGISTRATE HEARING THE CASE. YOU ARE ENTITLED TO HAVE THIS MATTER HEARD BY A JUDGE. IF YOU DO NOT WANT TO HAVE THIS MATTER HEARD BY THE MAGISTRATE, YOU MUST FILE A WRITTEN OBJECTION TO THE REFERRAL WITHIN 10 DAYS OF THE TIME OF SERVICE OF THIS ORDER. IF THE TIME SET FOR THE HEARING IS LESS THAN 10 DAYS AFTER SERVICE OF THIS ORDER, THE OBJECTION MUST BE MADE BEFORE THE HEARING. IF THIS ORDER IS SERVED WITHIN THE FIRST 20 DAYS AFTER SERVICE OF PROCESS, THE TIME TO FILE AN OBJECTION IS EXTENDED TO THE TIME WITHIN WHICH A RESPONSIVE PLEADING IS DUE.

If either party files a timely objection, this matter shall be returned to the undersigned judge with a notice stating the amount of time needed for hearing.

REVIEW OF THE REPORT AND RECOMMENDATIONS MADE BY THE MAGISTRATE SHALL BE BY EXCEPTIONS AS PROVIDED IN RULE 1.490(h), FLORIDA RULES CIVIL PROCEDURE. A RECORD, WHICH INCLUDES A TRANSCRIPT, WILL BE REQUIRED TO SUPPORT EXCEPTIONS OR YOUR EXCEPTIONS WILL BE DENIED. **YOU ARE ADVISED THAT IN THIS CIRCUIT NO ELECTRONIC RECORDING IS PROVIDED BY THE COURT.** A PARTY MAY PROVIDE A COURT REPORTER AT THAT PARTY'S EXPENSE. A RECORD ORDINARILY INCLUDES A WRITTEN TRANSCRIPT OF ALL RELEVANT

PROCEEDINGS. THE PERSON SEEKING REVIEW MUST HAVE THE TRANSCRIPT PREPARED IF NECESSARY FOR THE COURT'S REVIEW AND MUST FILE THE TRANSCRIPT WITHIN THE TIME PERIOD TO BE PROVIDED BY THE COURT, OR YOUR EXCEPTIONS WILL BE DENIED.

Done and Ordered in Chambers at Punta Gorda, Charlotte County, Florida, on this _____ day of _____, 200__.

KEITH R. KYLE,
CIRCUIT COURT JUDGE

COPIES TO:

Counsel: Timothy H. David, Esq.

Counsel: Gary R. Fiedler, Esq.

BY: _____
Court Administration