

## **Judge Frederick R. Hardt**

Collier County Courthouse  
3315 Tamiami Trail East, Suite 404  
Naples, FL 34112  
Telephone (239) 252-8395 Fax (239) 252-8454

Lanette, Judicial Assistant

## **POLICIES & PROCEDURES**

### **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.

**PROBATE HEARINGS:** Pursuant to Fla. Prob. R. 5.095 all motions in probate cases should be scheduled on a Probate day with the Probate Magistrate, David Friedman, by calling his assistant, Pam, at (239) 252-4247. All motions heard before the Magistrate must have an Order of Referral. All other matters (such as notices for trial or objections to the magistrate) are to be scheduled by calling Judge Hardt's Judicial Assistant.

Please make sure that ALL ORDERS OF REFERRAL are sent to the referring Judge specifying the name of the Magistrate that is assigned to your case. \*\*\*\*

## **Quick Downloads**

- » [Magistrate David Friedman Probate Order of Referral for Probate cases](#)
- » [Magistrate David Friedman Order of Referral for Civil/Foreclosure cases](#)
- » [Agreed Case Management Plan](#)

[To view all of Judge Hardt's downloads, Click Here](#)

**Foreclosure Hearings:** Effective **as of this date**, ALL FORECLOSURE MOTIONS FOR SUMMARY JUDGMENT and/ or DEFAULT JUDGMENTS ASSIGNED TO JUDGE HARDT MUST BE SCHEDULED BEFORE JUDGE HARDT 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, David Friedman. All motions heard before the Magistrate **MUST** have an Order of Referral.

**Case Management Conferences on Foreclosures:** The Case Manager will set the Case Management Conference (CMC) to be held before Judge Hardt. At the CMC, Judge Hardt will sign an order setting the future Trial Date on your case. Please bring your calendar to Court for the scheduling of future date(s).

**TRIAL SCHEDULING FOR FORECLOSURE CASES:** Your Foreclosure Trials will be set by one of two ways: (1) The trial date will be given at the Case Management date or (2) your trial date will be set upon the court receiving a Notice for Trial.

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

**IF A WRITTEN OBJECTION TO THE MAGISTRATE HAS BEEN FILED**, you may schedule your motion on Judge Hardt'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 Hardt 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 Pleading and Motions to Strike Affirmative Defenses with the Civil Magistrates. Please do not schedule any of these motions with Judge Hardt 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).

**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). If you schedule hearings improperly, the hearing(s) may be canceled, sanctions may be assessed, and you may be blocked from the "JACS" system.**

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.

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.

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.

**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](http://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.

**Hearings Over 20 minutes** must be requested in writing along with a copy of the motion(s) and approved by Judge Hardt 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?" Judge Hardt 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.

**Emergency Hearings** See Judge Hardt'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 Hardt 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.

**Faxes** should be sent for emergency motions only and should not exceed seven (7) pages. Our fax number is 239-252-8454.

**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
  - 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. Be sure and include in your letter that a copy of the letter and all enclosures were sent to opposing counsel as well.

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:**

**On your non-foreclosure matter, pretrial and trial dates will be set with Judge Hardt upon the receipt of a Notice for Trial or the Agreed Case Management Plan. When your Notice of Trial is received by Judge Hardt, your case will be set on the next available trial date. If your case is set based on your Agreed Case Management plan, your trial will be set based on the estimated trial date stated in your agreed 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.

**CASE MANAGEMENT PLANS AND PRETRIAL STIPULATION DEADLINES:** Case Management Plans and Pretrial Conference Orders **MUST BE SUBMITTED AND APPROVED BY THE COURT** a minimum of seven (7) days prior to the scheduled Case Management hearing date or the scheduled Pretrial date. **If these Orders are not received timely, a MANDATORY APPEARANCE WILL BE REQUIRED at the scheduled Court date.**

**TELEPHONE:** Telephone hours are from 9:00 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 receiving voice mail, please leave your name, case number and a brief message. Your phone call will be returned. It is not necessary for the judicial assistant to call back to confirm that your message was received. Calls of that nature are not returned.

**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 with lettering in distinct type, double spaced, with margins no less than 1 inch, and font no less

than 12 point. Quotations may be single spaced. NOTEBOOKS MAY BE PRESENTED TO THE COURT AT THE TIME OF YOUR HEARING BUT WILL NOT BE ACCEPTED PRIOR THERETO.

**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.

Thanks for your cooperation!

Others who may assist:

Court Administration - 239-252-8800