

Judge Hugh D. Hayes
Collier County Courthouse
3315 Tamiami Trail East, Suite
403 Naples, FL 34112
Telephone (239) 252-8116 Fax (239) 774-3184

Merle, Judicial Assistant

Judge Hayes sends you greetings. Admittedly, there are very few civil jury trials occurring or authorized until further directions are received from the Chief Justice of the Florida Supreme Court. When noticing a hearing, you **MUST** set forth the Zoom information in your Notice of Hearing. To schedule hearings of 15 minutes or 20 minutes in length (**ONLY ONE** motion per time frame), please do so as usual on our electronic JACS scheduling system. If you cannot find any earlier time slots, or for hearings greater than 20 minutes, you **MUST** send us a written request by U.S. Mail, listing the name and # of the case, type of motion you are requesting to be heard, including Clerk's docket #, and the length of time needed for your hearing. Zoom log in information is set forth at [Judge Hayes' Zoom Instructions](#).

(See 20th Circuit Administrative Order 2.40 regarding use of Evidence.)

PROPOSED ORDERS FOR JUDGES HAYES:

All orders should be submitted through the E-portal at:

<https://www.myflcourtagency.com> under "PROPOSED DOCUMENTS" UNLESS DIRECTED OTHERWISE BY THE COURT.

DO NOT email the proposed orders to the Court **AND** then send a hard copy through the mail **OR** through the e-portal. **ESPECIALLY IF YOUR HEARING HAS NOT BEEN HELD YET!!!!**

"Essential Court Proceedings" as defined by the Florida Supreme Court, may be conducted in a courtroom with attorneys and parties present. Such proceedings in the civil division include emergency temporary guardianships, injunction for protection of the elderly, and Baker and Marchman Acts proceedings.

AO2.40 Evidentiary hearings and NJT during Covid-19

CONTACTING COURT CALL FOR SCHEDULING of audio: (888) 882-6878 or (310) 342-0888 or www.courtcall.com or dmeekins@courtcall.com

POLICIES & PROCEDURES (Updated 01 January 2020)

I. 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. Attorneys must comply with Administration Order 2.35(2)(3) Re: docket # in JACS, or those hearings maybe cancelled.

II. PROBATE HEARINGS: Pursuant to Fla. Prob. R. 5.095 all motions in probate cases

All motions should be scheduled on a Probate day through the Judicial Administration Calendaring System ("JACS") with the Probate Magistrate, Pamela Barger. 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 Barger's 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 submitting a cover letter requesting it via email to Judge Hayes' Judicial Assistant MRobaul@ca.cjis20.org

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 - Please refer to [Judge Hugh Hayes Downloads](#)

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

A. All other motions in foreclosure cases (with the exception of summary judgments and default judgments) and all foreclosure proceedings 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 motion on Judge Hayes' JACS calendar if the required length of time for your hearing is 15 minutes. You may also schedule deficiency judgments, contested summary judgments and default judgments with Judge Hayes if your required length of hearing time is 20 minutes or more submit a cover letter requesting special set and it MUST include the motion(s) and docket # via email to the JA.

B. Cancellation of Foreclosure Sales

III. OTHER CIVIL CASES: All hearings, 15 minutes in length(ONE motion only), 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 Hayes 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 15-minute hearings to acquire 30 minutes, ONE motion per 15 minute hearing. If you schedule hearings improperly, by scheduling 2 or

more motions on a 15 minute slot 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.

A. Hearings Over 20 minutes must be requested in writing via snail mail or attaching it to the email listed along with the motion(s) and MUST have docket #. Once it is approved by Judge Hayes the JA will provide date and time with further instructions for scheduling.

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?" for the benefit of your colleagues Judge Hayes 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. See Admin Order 2.20 IV (B)(2)

B. Emergency Hearings

See Judge Hayes' Emergency Hearing Procedures (Judicial Downloads)

C. Motions for Rehearing/New Trial/To Advance Case. Fla. R.Civ. P. 1.530 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 Hayes 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 are

(F.S. 415.1115), 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.

D. Faxes should be sent for emergency motions only and should not exceed seven (7) pages. Our fax number is 239-774-3184.

IV. ORDERS PRESENTED AFTER HEARINGS* We do not hold orders pending objections from opposing counsel. Your options are: WORD FORMAT ONLY * Don't include signature line, 'done and ordered'/date line, or conformed copies info. The electronic signature inserts its own signature line and the signature is dated when the Judge signs it. * Don't include headnotes, footnotes or weird inserts like text boxes or pictures in your proposed orders.

- Be prepared at the hearing with a proposed order, appropriate copies and envelopes.
 - 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.

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.

V. 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 nonforeclosure cases, the following occurs:

1. The Clerk e-mails a copy of the Notice of Trial to the judicial assistant.
2. The case information will be forwarded to the Civil Case Manager's office for the scheduling of a Case Management Conference.

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. Remember to fill out and file Form 1.998 (Final Disposition Form) in the Form for use with Rules of Civil Procedures.

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.

VI. 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.

A. Telephonic Hearings: In emergency circumstances only, or on the rare basis of good cause shown, a motion hearing for less than 15 minutes may be set telephonically. These requests are rarely granted because the court wishes to see the requisite pleadings and case law relied upon by counsel and the parties. Please do a Notice of filing and attach any documents, case law(s) etc., with the Court file.

VII. MEMORANDA: Written memoranda on lengthy or complex motions are generally not requested by the Court.

VIII. MISCELLANEOUS: Please send a letter or email 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