



**DANA Y. MOORE**  
JUDGE OF THE CIRCUIT COURT  
STATE OF FLORIDA, COUNTY OF POLK  
[www.jud10.flcourts.org](http://www.jud10.flcourts.org)

Polk County Courthouse  
255 North Broadway  
Bartow, FL 33830

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**CIRCUIT CIVIL DIVISION 04**  
**PROCEDURES AND GENERAL INFORMATION**

- Mailing Address:** P.O. Box 9000, Drawer J-141  
Bartow, FL 33831-9000
- Hearing Room:** 5D-2 (Fifth Floor, Blue Elevators)  
Motion Hearings and Non-Jury Trials
- Courtroom:** 7D (Seventh Floor, Blue Elevators)
- Administrative Orders:** Copies of all Administrative Orders for the Circuit are available on our website at [www.jud10.flcourts.org](http://www.jud10.flcourts.org).
- Docket Schedule:** Three weeks of motions and two weeks of jury trials.  
Non-Jury Trials are scheduled during motion weeks.

**PLEASE READ IF YOU DO NOT HAVE AN ATTORNEY**

The Judge must apply the same rules to all parties, regardless of whether you have an attorney. The Judge may not talk to you about your case outside of the courtroom, so please do not call to speak with the Judge. Judge Moore's Judicial Assistant can help you schedule a hearing. The Judicial Assistant may not help you with your case or send information to the other party or attorney for you. The Judicial Assistant may not "give the Judge a message." Please do not ask the Judicial Assistant for the outcome of a hearing or verify that an order has been signed; you may review the Clerk's website at [www.polkcountyclerk.net](http://www.polkcountyclerk.net) for details about your case. Please remember that whenever you file

something with the Clerk or provide the Judge a copy, you must send a copy to all the attorneys or parties at the same time.

## **I. MOTIONS**

All original motions must be filed with the Clerk of Courts. If you are filing a motion that requires a reopen fee, please make sure that you submit the information directly to the clerk for initial processing.

**A. NON-EVIDENTIARY MOTION(S) – WITHOUT HEARING:** Pretrial non-evidentiary motions may be subject to review and ruling by the judge based only upon the motion along with written argument and any authority timely filed in the action. Each party/counsel filing such a motion shall contemporaneously file with the Clerk of the Circuit Court and serve opposing party/ counsel any additional legal argument the movant wants the Court to consider. **(See below, Section III. Submitting Documentation for Courts Consideration.** The opposing party/counsel shall have ten days after being served to file their argument and legal memorandum with citations of authority in opposition to the relief requested. Following the expiration, the period allowed for these submissions, the Court may at any time rule without further notice or hearing. Interested parties may notify the Court the matter is ripe for decision and request a ruling by letter. The letter should include a simple form order for the judge to indicate whether the specific motion is either granted or denied, along with copies for conforming and stamped addressed envelopes for all parties. Interested parties may also notify the Court if oral argument is requested and set the motion or hearing.

## **B. SCHEDULING HEARINGS ON REGULAR MOTIONS DOCKET:**

1. Please e-mail our office ([swashington@jud10.flcourts.org](mailto:swashington@jud10.flcourts.org)) to obtain hearing times for a hearing once the motion has been filed with the Clerk's office and, if the case has been closed, once the case has been reopened. You will need to provide the following information:
  - a. Estimate of reasonable time needed for the hearing. **It is very important that you schedule ample time for each party to have a fair opportunity to be heard regarding the issues.**
  - b. The case number, style of the case, and the names of the attorneys involved.
2. All hearing date/time slots shall be cleared with opposing counsel prior to notices being filed. In the alternative, if counsel's good faith attempts to clear a hearing has been unsuccessful, the following language shall be used: **"The above hearing date has not been cleared with opposing counsel's calendar because (factual statement)."** Once a slot has been cleared (or a good faith attempt has been made) **you must send back a confirming email to reserve a particular date/time slot.** If you fail to send a confirming email, the hearing will not be reserved or added to the judge's calendar. All available hearing date/time slots are given to anyone attempting to set a hearing. No slots will be "held" unless otherwise directed by the Judge. You will receive an email response from the Judicial Assistant confirming that your hearing has been set or letting you know the hearing slot is no longer available and providing

other dates/times. Do not send out a notice of hearing until you have received confirmation from the Judicial Assistant.

3. **Required ADA Notice**

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Office of the Court Administrator, 255 N. Broadway Avenue, Bartow, Florida 33830, (863) 534-4686, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.**

4. **Location:** Be sure to include the location of the hearing on your Notice of Hearing. All motion hearings are held in Hearing Room 5D-2, 5<sup>th</sup> Floor, West Tower, Blue Elevators.
5. **You must mail a separate hard copy of the Motion that is being heard, along with the Notice of Hearing, to the Judge.** As most Motions are scheduled several weeks out, hard copies must be sent via regular U.S. Mail, or by another mail delivery service. This office **does not** accept fax or email of these documents. The Motion and Notice of Hearing must be received by this office **no later than ten (10) business days prior to the hearing date.**
6. **Appearing by Telephone:** (for time certain hearings set on the Judge's regular/motions docket). **No telephone appearances will be permitted for Pre-trial Conferences.** Judge permits telephonic appearances by attorneys on matters that are scheduled for 15 minutes or less if cleared with our office; no motion/order is necessary for attorneys who wish to appear by telephone. [See \*\* below for non-attorneys.] If more than one attorney will be appearing by phone, it is the responsibility of the attorneys to arrange a conference call. All counsel must be on one line together before calling our hearing line at **(863) 534-4591**. **All counsel must be on a landline and not a cellular phone.** Do not entitle the notice "Telephonic Hearing," but the body of the Notice should include wording that the attorney(s) will be appearing by telephone.  
  
\*\*Any party (non-attorney) attempting to appear telephonically for a hearing would need to submit the appropriate motion for the Judge's consideration and may only do so if the Judge grants the motion. Parties appearing telephonically must appear pursuant to the Florida Rules of Judicial Administration, Rule 2.530 (with notary public / person authorized to administer oaths).
7. **Cross-Notice:** No cross-notices to add other motions will be permitted unless the Judge's office has cleared the hearing time and the motions, and provided that the hearing time and the other motions were cleared with opposing counsel as provided in section 2 above.

**C. SUMMARY JUDGMENT MOTIONS FOR RESIDENTIAL/COMMERCIAL FORECLOSURES WITH *PRO SE* DEFENDANTS (ONLY):**

1. If there is no opposing counsel, a residential or commercial foreclosure *Motion for Summary Judgment* hearing may be scheduled during motion weeks.
2. **Judgment packets for this docket shall be forwarded to our office a minimum of 10 days prior to the hearing date.** All information readily available (i.e. attorney's fees and costs) should be completed. Our circuit requires the filing of a notarized *Affidavit of Compliance* in accordance with Administrative Order No. 3-29.2. A copy of the notarized *Affidavit of Compliance* must be included in the packet. Failure to include this document will prevent the Final Judgment from being signed and processed. All original documents must be filed with the Clerk of Courts. Do not send original documents with the packet.

**The Judge WILL NOT grant any Motions for Default Final Judgment on residential or commercial foreclosure cases without a properly noticed hearing.** The only exception to this would be if the Default Final Judgment was stipulated to by counsel/parties. A copy of the signed stipulation would need to be submitted along with the packet and filings would still need to be in compliance with local Administrative Order 3-29.2(which includes filing and providing a hard copy of a notarized *Affidavit of Compliance*).

**D. EMERGENCY MOTIONS:**

- a) **Before submitting an Emergency Motion, you must first call this office to apprise the Judicial Assistant that your office will be submitting an *Emergency Motion* for Judge's consideration.** A copy of the *Emergency Motion* should then be faxed to this office at (863) 534-4373, and clearly marked "Emergency." Any emergency motion submitted for *ex parte* consideration, should clearly so state in the heading of the motion. Unless the *Emergency Motion* is being submitted *ex parte*, the fax shall include a cover letter that indicates that this submission has been copied to the opposing party/ counsel, who may send in a timely response per the procedure of this Judge's office. After reviewing the *Emergency Motion* and any response received from the other side, Judge Moore will decide if the matter raised is a true emergency and whether a hearing should be advanced on the docket. **Failure to call the office before faxing the *Emergency Motion* will delay the processing of the Emergency Motion.**
- b) **If you have an Emergency Motion or priority need and the Judge is unavailable, the following is an outline of the correct procedure to follow for back up or daily "Duty" Judge: You must first call the Judge's office.** If directed to do so by the Judge, the Judicial Assistant will then refer you to another Judge's office. Each Judge has designated "back-up" Judges. Generally, Judges in each division will substitute for each other when necessary, subject to their availability. If another Civil Division Judge is unavailable, there is also a designated daily "Duty" Judge. **Referring a case to another Judge is completely at the discretion of the Judge**, which is why it is necessary to call the office first.

- E. DISCOVERY MOTION(S):** Any party filing a motion to compel discovery shall comply with the Florida Rules of Civil Procedure 1.380. The Motion shall clearly certify that a good faith

effort was made to obtain discovery without court action, or the reasons why such good faith effort was not obtained.

- F. **MOTION(S) FOR APPOINTMENT OF ATTORNEY AD LITEM:** If a case calls for the appointment of an Attorney *Ad Litem*, you may choose an attorney that accepts regular appointments in civil matters. At such time as you are ready to submit the motion and proposed order to our office, please be sure to include the attorney *Ad Litem's* information (i.e. name, address, phone number) in the order. There should be no blanks in the Order for the Judge to fill in.
- G. **JOINT MOTION(S) TO CONTINUE TRIAL:** A hearing is usually not required on Joint Motion(s) to Continue Trial, provided that **all parties** have signed the joint motion, along with their respective attorneys, if applicable. *See Fla. R. Civ. P. 1.460; Fla. R. Jud. Admin. 2.545(e)*. Counsel for the moving party should contact the Judicial Assistant to advise that a joint motion is forthcoming, so the pretrial and/or trial date can be flagged for removal from the docket upon execution of the Order of Continuance/ new Pre-Trial Conference/ Trial Order. In order to avoid a delay in prosecution of the case, it is required that a new pretrial and trial date be chosen at the time the joint motion is filed, with the new agreed to date/ time/ location for both the Pre-Trial Conference and Trial Block being included in the Order of Continuance/ new Pre-Trial Conference/ Trial Order submitted by counsel. You will also need to include any other information that counsel/ parties wish to change, i.e. cutoff dates, mediation, etc., as the proposed Order submitted for entry will serve as the new Pre-Conference/ Trial Order. Any information not updated in this new Order will remain as announced in the previously entered Pre-Trial Conference/ Trial Order.
- H. **MOTION(S) FOR REHEARING:** Florida Rule of Civil Procedure 1.530(b) provides that a Motion for New Trial or Motion for Rehearing should be served within fifteen (15) days of the jury verdict or fifteen (15) days from the filing of a judgment in a non-jury action. You must file the original motion with the Clerk and mail in a courtesy copy to the Judge. If a hearing on the motion, or a rehearing is granted, the Judicial Assistant will email you available dates and times for you to clear and notice the hearing.

## II. **CANCELLATIONS**

### **HEARING(S):**

1. Please call as soon as you learn that the hearing is to be canceled. If your case settles, you must still cancel any hearings that you have set on the Judge's calendar and file a Notice of Cancellation.
2. Only the party who set the hearing may cancel it, and **it is that party's responsibility to notify every one of the cancellations, including pro se parties.**
3. As a courtesy, if the length of a hearing changes in any way (for example, a case settles and you know that a long hearing will only take a few minutes rather than an hour), please let the

Judge's office know as soon as possible. The remainder of that time may be needed for other hearings.

### **III. SUBMITTING DOCUMENTATION FOR COURT'S CONSIDERATION:**

#### **A. PROPOSED ORDER:**

1. All proposed Orders **submitted without a hearing** must include a copy of the motion in the packet submitted by mail to the Judge's office. Please verify the correct Judge with the Clerk's Office prior to submitting the motion/proposed Order packet for consideration. If an objection is raised to the proposed Order, and the Judge determines that a hearing is necessary, the submission will be returned to the sending attorney with a memo stating that the Judge requires a hearing and will include the email address for scheduling. Orders to Show Cause regarding motions for Contempt/Sanctions **MUST** include a final hearing date that is obtained by email before submitting the packet for the Judge's consideration. If this is sent in with a blank for the final hearing date, it will be returned with a memo directing the attorney to email for available dates and resubmit with the date filled in.
2. When sending in proposed orders, please be sure to send a transmittal letter showing that a copy of the letter and proposed order has been sent to opposing party/counsel. Orders will generally be held for a minimum of five (5) working days in order to give opposing party/counsel time to object. If the cover letter indicates that there are no objections to the proposed order, the Judge may waive the hold process and sign the order upon submission to the Court. Counsel must include sufficient copies and stamped envelopes to be conformed and mailed out to all parties/counsel. Otherwise, it will be up to the parties/ counsel to get copies from the Clerk's Office, subject to any applicable fees.
3. If you object to an order, please call and inform the Judge's office immediately, as your correspondence of objection may not be received within five (5) working days if you mail the objection. Note that objections made by phone must be followed up by a written explanation within five (5) working days, with a copy to all opposing parties/counsel.
4. All proposed orders should be bound together by either a paperclip or binder clip. **PLEASE DO NOT STAPLE the cover letter, original proposed order, and copies to be conformed together as one large packet.** Also, do not staple the envelopes to the copies to be conformed.
5. Send stamped, addressed envelopes for all parties to whom a copy of the order should be sent. The return address on the envelope should be that of the Judge:

**Section 04 Circuit Judge  
P.O. Box 9000, Drawer J-141  
Bartow, Florida 33831-9000**

6. The order should have a full title containing the subject matter of the motion or pleading ruled upon (e.g., Order Granting Plaintiff's Motion to Compel, not just "Order").

7. The opening paragraph of the Order should include the hearing or trial date and the names of counsel and parties who were present at the hearing. If a party did not appear after having received proper notice of the hearing, the Order should so indicate.
8. All orders submitted for the Judge's signature should be on plain white paper (i.e., not on the firm's printed paper).
9. **Do not put "Honorable" or "The Honorable"** under the signature line. The correct form is simply to type Circuit Judge.

**Correct format:**

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**Dana Y. Moore, Circuit Judge**

10. **Do not** type only the 'DONE AND ORDERED' part or only the signature line on a page by itself. In other words, you should include some text from the order before you start with the DONE AND ORDERED, etc.
11. **Do not** leave any more "fill in" blanks in an order than you absolutely have to. If you can find out the information by placing a telephone call, you should do so, and then type it in the order before submitting it to the Judge's office. That gives opposing counsel an opportunity to react to the figures or dates, and saves problems arising after entry of the order. It also prevents incorrect information being filled in, and then the order having to be redone.
12. Always show at the bottom of the order (and the transmittal letter) the people to whom copies are being mailed. If someone is being ordered to do something (submit a report to the court, etc.), they will need a copy, even if they do not normally get copies of all pleadings. Please submit a stamped, addressed envelope for everybody who needs a copy of the order, except those who are covered by internal mail.
13. **Do not** include a Certificate of Service to be completed by the Judicial Assistant.

**IV. FAXES:** The only documents that should be faxed to this office should be titled as **Emergency Motions**. **Always call first to make sure it was received and that there is someone available in the office to process it.** Failure to do this will delay in the processing of your *Emergency Motion*. Also, be sure you indicate the name of the person to whom the fax is being sent, as we share a fax machine with other offices.

**V. TRIALS:** To have your case set for trial, you will need to file a Notice for Trial with the Clerk of Court and mail in a hard copy to this office. Do not rely on the clerk to provide our office with the information. If you do not receive a trial order within a reasonable time, you should inquire with the Judicial Assistant. Jury trials are scheduled during a two-week trial period. Non-Jury trials are scheduled during the three-week motion block. **Appearance at the pre-trial conference by telephone is not permitted.**

**VI. JURY INSTRUCTIONS/VERDICT FORM:** In accordance with the uniform Order **Setting** Pretrial Conference and Jury Trial and Directing Mediation, Plaintiff shall provide a complete set of proposed Jury Instructions and Verdict Form. Defendant shall provide only special instructions not included in Plaintiff's submission. The proposed instructions and verdict form(s) should be submitted via email to the Judicial Assistant **no later than the Friday before the trial**. Said instructions shall be in *Word* format.

**XII. EXHIBITS**

Any documents to be considered by the Court must be received by the Court at least five business days prior to the hearing/Trial. Only documents that are 10 pages or less may be e-mailed to the judicial assistant. Documents that are more than 10 pages must be delivered to the Court via mail or hand delivery.