

**IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT
IN AND FOR HARDEE, HIGHLANDS AND POLK COUNTIES, FLORIDA**

ADMINISTRATIVE ORDER NO. 3-41.0

**ORDER PROVIDING FOR EX PARTE ORDER
TO COMPEL DISCOVERY IN COUNTY AND CIRCUIT CIVIL DIVISIONS**

WHEREAS, the failure of a party to timely respond to discovery demands unnecessarily delays the resolution of civil cases and increases the expense of litigation; and

WHEREAS, Florida Rule of Civil Procedure 1.380(a) authorizes the trial court to enter an order compelling discovery upon “reasonable notice to other parties and all persons affected;” and

WHEREAS, Florida Rule of Civil Procedure 1.380(a)(4) requires a hearing before the Court may impose fees and other expenses incurred by a party seeking compliance with a discovery demand; and

WHEREAS, by virtue of the authority vested in me as Chief Judge of the Tenth Judicial Circuit of the State of Florida under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of General Practice and Judicial Administration 2.215(b)(2);

NOW THEREFORE, IT IS ORDERED AND DIRECTED that:

1. Where a party in a civil case has completely failed to respond to a discovery demand, the party requesting discovery may move for an ex parte order, without a hearing, requiring compliance with the original discovery demand within ten (10) days of the execution of the order.
2. A motion seeking to compel discovery without a hearing requires that:
 - a. the motion allege the non-moving party has completely failed to provide any response or object to the discovery request;
 - b. the moving party certify in the motion that the moving party has attempted to confer with the opposing party in an effort to obtain the discovery, to no avail; and
 - c. the moving party certify in the motion that the non-moving party is provided a copy of the motion and proposed order.
3. The moving party must submit a proposed order via ICMS CAPS in compliance with Administrative Order No. 1-61.1 (or as amended), entered on April 14, 2023.

4. The proposed ex parte order to compel submitted under this administrative order shall not contain language regarding attorney's fees or other expenses.
5. Sanctions may be imposed if discovery is not completed within ten (10) days from the date of execution of the ex parte order.

DONE AND ORDERED on this 12th day of June, 2024.

s/JAMES A. YANCEY, Chief Judge

Original:

Polk County Clerk of Courts

cc:

All Judges

Hardee County Clerk of Courts

Highlands County Clerk of Courts

Nick Sudzina, Trial Court Administrator

Electronic Bar Mailing