

**General Preferences and Procedures**  
**The Honorable Judge Lori A. Winstead**  
**Polk County Family Division/Section No. 13**

**Judge's Chambers:** 5B (fifth floor, red elevators)  
**Hearing Room:** 5B1 (fifth floor, red elevators)  
**Judicial Assistant:** Mallory Freeman, [mfreeman@jud10.flcourts.org](mailto:mfreeman@jud10.flcourts.org)  
**Administrative Orders:** Copies of all Administrative Orders for this Circuit are available on the Circuit's website at [www.jud10.flcourts.org/admin-orders](http://www.jud10.flcourts.org/admin-orders)

**1. IN PERSON HEARINGS**

- a. All contested evidentiary hearings are scheduled as IN-PERSON hearings. All participants MUST appear in person unless there is a signed order granting a virtual appearance for each hearing. All motions and proposed orders for virtual appearances must be received no later than 5 days prior to the scheduled hearing date.

**2. SCHEDULING HEARINGS**

- a. Hearing time may be obtained by email to the judicial assistant at [mfreeman@jud10.flcourts.org](mailto:mfreeman@jud10.flcourts.org). Such request must include the case number, party names, matter(s) to be heard, and time required. The party scheduling a hearing is responsible for contacting all other parties to determine how much time each party will require.
- b. After obtaining available hearing times, do not include the court in any electronic communications with other parties relating to the coordination of hearing time.
- c. After all parties have agreed upon a hearing date and time, email the judicial assistant with the agreed upon date and time, along with the time each party will require to present his or her position during the hearing. You must send back an email to reserve a particular hearing date/time.

- d. The parties, or counsel for the parties, will receive electronic confirmation from the Court of the hearing date and time.
- e. Do not send out a notice of hearing until after you have received confirmation of the hearing time from the judicial assistant. Hearing times are booked on a first come, first serve basis and hearing times are not reserved until the confirmation email is sent.

### **3. NOTICE OF HEARINGS**

- a. A party calling a case up for hearing must provide to the Court and all other parties a Notice of Hearing.
- b. The location of the hearing must be included in the Notice of Hearing. In person hearings are held at the Polk County Courthouse, 255 N. Broadway Avenue, Bartow, FL 33830 in Hearing Room 5B-1 (Fifth Floor, Red Elevators)
- c. The Notice of Hearing must include the length of time of the entire hearing.
- d. The following ADA Notice must be included in all notices of hearing or orders setting hearing:

**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, (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 TDD (863) 534-7777 or Florida Relay Service 711.**

- e. A copy of the Motion that is being heard, along with the Notice of Hearing must be emailed to [mfreeman@jud10.flcourts.org](mailto:mfreeman@jud10.flcourts.org) at least 10 days in advance of the hearings.

### **4. CANCELLATION OF HEARINGS**

- a. All hearings scheduled for 2 hours or more may not be canceled without the mutual consent of the parties, or their counsels, and approval of the Court.

- b. Only the party who set the hearing may cancel it, and it is that party's responsibility to file a written notice of cancelation of the hearing and to notify all participants of the cancellation, including any pro se party.
- c. Please call as soon as you learn that a hearing is to be canceled. If the case settles, you must still cancel any hearings that you have set on the Judge's calendar.
- d. 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 notify the Court as soon as possible. The remainder of that hearing time may be needed for other hearings.

**5. EMERGENCY MOTIONS**

- a. Please **email a copy of any emergency motion to the Court**. Simply filing an emergency motion with the Clerk's Office will **NOT** bring the motion to the attention of the Court.
- b. Any emergency motion submitted for ex parte consideration should clearly so state in the heading of the motion.
- c. Unless the motion is being submitted ex parte, the email shall include a cover letter that indicates that this submission has been copied to the opposing party/counsel.
- d. After reviewing the emergency motion, the Court will decide if the matter raised is a true emergency and whether the hearing should be advanced on the docket.

**6. EVIDENCE**

- a. If any exhibits are to be introduced during the hearing, they must be pre-marked as per Administrative Order 5-20.8 and example below. The party submitting the exhibit shall fill in all blanks on the label except "admitted" and "excluded."

Example

Case No. _____
Party _____ Exhibit No. _____
Admitted _____ Excluded _____
Date _____

## 7. PROPOSED ORDERS AND JUDGMENTS

- a. Proposed orders will no longer be accepted by email. Refer to [Administrative Order No.1-61.1](#) (or any subsequently entered Administrative Orders) relating to Uniform Procedures and Requirements for Electronically Submitting Proposed Orders Through CAPS. All proposed orders must comply with the formatting and technical requirements listed therein; proposed orders that fail to comply with the requirements of the Administrative Order will be rejected and must be resubmitted.
- b. Once the proposed order or judgment is signed, it will be e-filed. It is the responsibility of the submitting party/counsel to provide copies to any party not included on the service list. Do not include a certificate of service to be completed by the judicial assistant.
- c. Effective July 1, 2021, parties submitting orders are solely responsible for ensuring any confidential information contained in filings in these cases is appropriately redacted or identified for redaction. All parties submitting an order, including attorneys and self-represented litigants, will be required to file a Notice of Confidential Information in circuit civil, county civil and small claims court cases when filing documents with Social Security numbers, bank account numbers, or other non-public information; identify the precise location(s) of confidential information within the document, including each page number on which it appears; and identify the type of confidential information or provision that applies to the identified information.
- d. All proposed orders or judgments being submitted without a hearing must include a copy of the motion in the submission to the Court. Please verify the correct Judge with the Clerk's Office prior to submitting the motion/proposed Order for consideration. If the Judge feels that a hearing is needed, the submitting attorney will be notified that the Judge requires a hearing. Hearings are scheduled pursuant to the procedures set forth in Section 2, above.

- e. Please refer to [Administrative Order 5-20.8](#), Section 8 for additional details on the contents and submission of proposed orders and final judgments.
- f. 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 counsel. Orders will generally be held for a minimum of 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 will waive the hold process and may sign the order upon submission to the Court.
- g. If you object to an order, please contact the Judge's office immediately via email to [mfreeman@jud10.flcourts.org](mailto:mfreeman@jud10.flcourts.org). Note that objections must be followed up by a written explanation submitted via the e-portal (and copying opposing counsel) within 5 working days.