

JUDGE BOB McDONALD (CIRCUIT CIVIL DIV. "A")
REQUIREMENTS FOR COURT HEARINGS
AND UPDATED LIST OF MOTIONS TO BE HEARD BY MAGISTRATE
(as of 6/11/08)

*****NOTE: SEE PAGE 2 FOR IMPORTANT INFORMATION REGARDING FORECLOSURES*****

****NOTE: COURT FILES WILL NOT BE AVAILABLE AT MOTION HEARINGS. IT IS REQUIRED THAT THE SCHEDULING ATTORNEY FURNISH THE JUDGE WITH COPIES OF THE NOTICE OF HEARING, MOTION, ALL PERTINENT PORTIONS OF ANY DOCUMENTS OR PLEADINGS REFERENCED IN THE MOTION, AND ANY SUPPORTING CASE LAW (HIGHLIGHTED). THESE DOCUMENTS MUST BE FURNISHED NO LATER THAN ONE WEEK PRIOR TO THE DATE OF THE HEARING.**

OFFICE/COURTROOM INFORMATION: Office hours: 8:30 a.m. - 5:00 p.m., (closed for lunch 12:00 - 1:00). Judge McDonald's hearings are held in Courtroom 7C at the Judge Lynn N. Silvertooth Judicial Center, 2002 Ringling Blvd., Sarasota, Florida 34237. Our mailing address is P. O. Box 48927, Sarasota, FL 34230. Phone: (941) 861-7935; Fax: (941) 861-7920 (**fax should be used for emergencies only**).

****MOTIONS THAT MUST BE HEARD BY MAGISTRATE**:** The judges of the Circuit Civil Division **require** attorneys to **schedule all discovery motions, motions directed to the pleadings, and certain other miscellaneous motions before Magistrate Deborah A. Bailey.** Scheduling is to be done through JACS (Court #27). (**SEE ATTACHED LIST OF MOTIONS THAT MUST BE SET WITH MAGISTRATE**) The scheduling attorney must prepare an "Order of Referral" for the judge's signature, unless an Order has previously been entered (form "Order of Referral" available online at www.12circuit.state.fl.us (click on JACS link)).

SCHEDULING HEARINGS: Other than UMC's (outlined below), all hearings 60 mins. or less in length **must** be scheduled through the Judicial Automated Calendaring System ("JACS"). Available timeslots are 5, 15, 30 & 60 mins. JACS can be accessed either by phone at (941) 861-5227, or online at www.12circuit.state.fl.us. For all hearings longer than 60 mins., please contact the judge's office.

UNIFORM MOTION CALENDAR (UMC): Unless otherwise noted, UMC is held at 9:00 a.m. every Friday (excluding holidays). UMC motions are to be non-evidentiary and 5 min. or less in length. These hearings are **not** scheduled through the judicial assistant or through JACS. Attorneys will sign up as they arrive for the hearing, and the hearings will generally be taken in the order of sign up. **No telephone appearances are permitted** and **no court files are available**. Counsel will comply with Florida Rules of Civil Procedure and applicable case law in terms of motions and notices, and will bring copies of these pleadings to the hearing for the judge.

LOCAL RULES & STANDARDS OF PROFESSIONALISM: Local Rules for the 12th Judicial Circuit are available via the internet at www.sarasotabar.com. **All attorneys must follow the 12th Judicial Circuit Standards of Professionalism**, which are available via the internet at www.sarasotabar.com or www.12circuit.state.fl.us.

TELEPHONE APPEARANCES:

- **General Information:** Except for UMC motions (outlined above), telephone appearances are allowed on non-evidentiary hearings, 30 min. or less in length. The Court initiates the call when ready. The attorney **must** provide a phone number on the JACS system, as well as on the Notice of Hearing, where the party can be called **TOLL FREE or COLLECT**. When the judge is ready for your hearing, the court clerk will place a call to the number provided. (**IF COLLECT, BE SURE YOUR PHONE SYSTEM DOES NOT BLOCK A COLLECT CALL – IF THE CALL IS BLOCKED, IT WILL BE AT THE JUDGE'S DISCRETION WHETHER THE HEARING WILL BE CANCELED OR WILL GO FORWARD IN YOUR ABSENCE.**) ****Note:** The Court has the ability to call only one phone number. If more than one person would like to appear by phone,

arrangements will need to be made between the parties to accomplish this (be sure to notify the Court of the arrangements). There are multiple hearings scheduled at the same time, and telephone hearings are usually taken last, therefore your hearing may not be at the exact hour.

- **Additional Information Regarding Foreclosure Actions (also see “General Information” above):** If your hearing is a summary judgment on a foreclosure action, the judge will call you **only** if a defendant appears for the hearing. If no one appears, the judge will review the required summary judgment packet, and, if all documents are in order, will enter the judgment at that time. **If a foreclosure defendant requests to appear by phone for a hearing where plaintiff’s counsel is also appearing by phone, it will be the responsibility of plaintiff’s counsel to arrange to conference in the defendant for the hearing. The Court’s judicial assistant will direct the defendant to contact plaintiff’s counsel to make the arrangements.**

FORECLOSURES: **Prior to the date of the final hearing,** the following documents **MUST** be furnished **directly to the judge.** (These documents must be reviewed by the Court prior to the hearing.) **If these documents are not received AT LEAST 1 DAY PRIOR TO THE DATE OF THE HEARING,** your hearing will be removed from the docket, and will need to be rescheduled.

- 1) **Copies** of the notice of hearing, motion & all supporting affidavits. (Required affidavits: as to principal, interest, late charges, costs, amount of attorney fees, reasonableness of attorney fees, and non-military status (if no responsive pleading filed)). **ALL ORIGINAL DOCUMENTS MUST BE FILED WITH THE CLERK OF COURT (DO NOT SEND ORIGINAL DOCUMENTS TO THE JUDGE).**
- 2) Final Summary Judgment Packet (with copies, stamped addressed envelopes, etc.) **THE FINAL JUDGMENT MUST COMPLY AS FOLLOWS:**
 - a. All amounts **filled in and totaled** (with adding machine tape provided showing all amounts & totals).
 - b. The date and time of the foreclosure sale left blank (the clerk will insert).
 - c. **DO NOT INCLUDE LANGUAGE THAT “THE SALE WILL NOT TAKE PLACE IF A REPRESENTATIVE OF THE PLAINTIFF IS NOT PRESENT”.** (THAT LANGUAGE IS **NOT ALLOWED** IN THIS CIRCUIT)
- 3) **Foreclosure Telephone Appearances:** See “Telephone Appearances” section above.

MOTIONS FOR REHEARING, RECONSIDERATION, NEW TRIAL (DO NOT SET THESE FOR HEARING): All Motions for Rehearing, Reconsideration, or for New Trial, are to be submitted directly to the judge, along with a cover letter. The motion should be detailed. The judge will first review the motion to determine whether a hearing is required.

EMERGENCY HEARINGS: All motions requesting emergency hearing time shall be faxed or delivered directly to the assigned judge, along with a cover letter, prior to scheduling a hearing. The motion should be detailed, and include the amount of hearing time required. The judge will review the motion & determine whether an expedited hearing is required.

MOTIONS TO BE HEARD BY MAGISTRATE

(UPDATED 1/2/08)

The procedure for scheduling these motions with the magistrate is to forward an “Order of Referral to Magistrate” to the assigned judge for signature (with the appropriate number of copies and stamped/addressed envelopes), and schedule the hearing on JACS by choosing Magistrate Bailey’s court). You may obtain a copy of the Order of Referral to Magistrate on our website at www.12circuit.state.fl.us.

The following is a list of motions that are to be scheduled with Magistrate Bailey. In addition to discovery-related motions and motions directed to the pleadings, there is a list of miscellaneous motions that Magistrate Bailey has been hearing, and will continue to hear. **THE LIST BELOW IS NOT ALL INCLUSIVE. If you should have a motion NOT listed below that is either discovery related or directed to a pleading, that motion should also be scheduled in front of the magistrate.** The only time one of these motions is to be scheduled in front of the assigned judge is if an “Objection to Referral to Magistrate” has been filed.

DISCOVERY-RELATED MOTIONS

COMPEL
CONTEMPT RE DISCOVERY ORDER
EXTEND TIME
OBJECTIONS TO INTERROGATORIES
OBJECTIONS TO PRODUCTION
PROTECTIVE ORDER
QUASH
SANCTIONS (RE DISCOVERY MATTERS)
ANY ADDITIONAL DISCOVERY-RELATED MOTION NOT LISTED

MOTIONS DIRECTED TO PLEADINGS

ADD/DROP PARTIES
AMEND
DEFAULT
DISMISS
INTERVENE
JUDGMENT ON PLEADINGS
MORE DEFINITE STATEMENT
STRIKE
ANY ADDITIONAL MOTION DIRECTED TO PLEADINGS NOT LISTED

MISCELLANEOUS MOTIONS

ABATE
COMPEL ARBITRATION
CONFIRM ARBITRATION
COMPEL MEDIATION
LIS PENDENS
SEVER
TRANSFER JURISDICTION/VENUE
VACATE/SET ASIDE (ON NON-TRIAL RELATED ISSUES)
WITHDRAWAL OF COUNSEL (MAY BE HEARD BY MAGISTRATE **OR** ASSIGNED JUDGE)