



DONALD SCAGLIONE
CIRCUIT JUDGE
FIFTH JUDICIAL CIRCUIT OF FLORIDA

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IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
HERNANDO COUNTY, FLORIDA

**ADMINISTRATIVE ORDER ESTABLISHING
CIRCUIT COURT CIVIL COURT GUIDELINES
AS TO "MEET AND CONFER" FOR JUDGE SCAGLIONE**

See SC 24-662 Effective January 1, 2025

APPENDIX

RULE 1.202. CONFERRAL PRIOR TO FILING MOTIONS

(a) Duty. Before filing a motion, except for a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action, the movant must confer with the opposing party in a good-faith effort to resolve the issues raised in the motion.

(b) Certificate of Conferral. When conferral is required, the movant must file with the motion a certificate of conferral that must be substantially in the following form:

"I certify that prior to filing this motion, I discussed the relief requested in this motion by [method of communication and date] with the opposing party and [the opposing party (agrees or disagrees) on the resolution of all or part of the motion] OR [the opposing party did not respond (describing with particularly all of the efforts undertaken to accomplish dialogue with the opposing party prior to filing the motion)]."

WHEREAS, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the Chief Judge is required to exercise direction, see Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, standardized procedures and manners of communication between the parties and the court best serve the interests of those that come before the court, preserve valuable judicial resources and prevent confusion and delay; and

In the interest of judicial economy and promotion of the prompt and efficient administration of justice, parties are directed to the 5th Circuit website (Judge Scaglione's link) to calendar and request hearing times – see posted Orders.

In the event that party seeks to cancel a previously scheduled hearing, the party must e-mail or telephone the judge's judicial assistant and file a notice of cancellation. The judicial assistant will request confirmation via e-mail correspondence (courtesy copy of notice attachment), the party shall comply.

A mandatory meet and confer process is hereby established, as set forth below, for all motions to be *set for hearing* in the circuit civil division and to occur *before* scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment; or to permit maintenance of a class action.

Counsel with full authority to resolve the matter shall confer *before* scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as "Exhibit A") that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

The term "confer" requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.

Counsel must respond promptly to inquires and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.

Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the

conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.

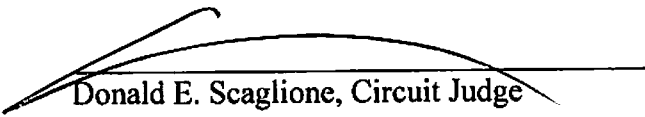
Counsel who notices the hearing shall ensure that the court and the court's judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.

Counsel is required to provide the court (and opposing counsel) with courtesy copies of any memoranda, case law or any other materials on which counsel may rely at a scheduled hearing at least three (3) court days before the scheduled hearing.

As the Court system continues to move forward toward a paperless system, and as technology related to electronic filing, scheduling of hearing time and other related matters continues to become available, judges, judicial assistants and parties appearing before the court are strongly encouraged to utilize said technology when feasible. Where court technologies as contemplated by this Order become standard, use of such technologies will be required without need for amendment of this Order.

DONE AND ORDERED in chambers, Hernando County, Florida, this 22 day of

 , 2024.


Donald E. Scaglione, Circuit Judge

“Exhibit A”

First Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person or by telephone with opposing counsel in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

Counsel for the party who noticed
the matter for hearing.

Second Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person or by telephone on:

1. _____ (Date) _____ at _____ (Time) _____ ;

2. _____ (Date) _____ at _____ (Time) _____ ;

3. _____ (Date) _____ at _____ (Time) _____ ;

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

Counsel for the party who noticed
the matter for hearing.