

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN AND FOR
HERNANDO COUNTY, FLORIDA DON BARBEE JR., CIRCUIT JUDGE

STANDING ORDER FOR CIRCUIT CIVIL CASES
(Amended July 2024)

In an effort to maximize efficiency, provide clear direction and expectations, it is hereby **ORDERED**

1. This standing order shall apply to all civil matters assigned to Circuit Judge Don Barbee Jr.
2. **PAPERLESS:** 100% paperless is the goal. Please do not submit copies of motions, proposed orders, or anything else in paper format or through the U.S. Mail unless absolutely necessary and with prior approval. This includes evidence – see paragraph 6 below.
3. **SCHEDULING:** All hearing requests must be sent to my Judicial Assistant at dcbcivil@circuit5.org.
4. **CASE MANAGEMENT:** This Court takes a very active role in managing its caseload. Fla. R. Gen. Prac. & Jud. Admin. 2.250 establishes a presumptively reasonable time of 18 months to resolve civil jury cases. Rule 2.545(a) instructs judges and lawyers of their “professional obligation to conclude litigation as soon as it is reasonable and justly possible to do so.” Rule 2.545(e) reminds us that “continuances should be few, good cause should be required...” Please remember this when your cases are assigned to this docket.
5. **MOTION PRACTICE:**
 - a. Courtesy copies of emergency motions or those seeking an expedited response should be provided to the court at dcbcivil@circuit5.org. Copies of standard motions should be filed with the Clerk and NOT copied to the Judge.
 - b. “Meet and Confer”: Parties/counsel shall attempt to resolve any disputes prior to filing a motion or scheduling it for hearing. All

motions (other than dispositive motions) shall contain a certificate that a good faith effort has been made to resolve the dispute prior to filing the motion.

- c. Legal Memorandum: Required for all written motions except continuance, discovery related, defaults, extension of time, or substitution/withdrawal of counsel. The Motion shall be titled “Motion to/for _____ and Memorandum of Law”.
- d. Response/Reply: Opposing party shall have ten (10) days from receipt of a motion to file a response (along with legal memorandum). Failure to timely respond may result in the issuance of an order as if motion was unopposed. If the movant believes a Reply is necessary to the Response, he/she shall immediately notify the judicial assistant via email at dcbcivil@circuit5.org. The Court will defer ruling for 5 days awaiting receipt of the reply.
- e. Discovery: Motions related to the content of discovery shall include the interrogatory, question or request being challenged, the grounds for the objection, and the legal authority for the position taken by the movant. Also, don't forget the meet and confer requirement from 4(b) above.
- f. Oral Argument: Motions will ordinarily be ruled upon by the contents of the motion and legal memorandum. The exceptions to this general rule are (1) when a hearing is required by rule or statute (e.g. summary judgment) and (2) at the discretion of the Court upon written request of an interested party. The request for a hearing must accompany the motion and must estimate the time required for argument. If a hearing is required or approved by the Court, hearing time may be obtained by contacting the judicial assistant at dcbcivil@circuit5.org.

g. Page Limitation: Absent prior permission of the Court, no party shall file a legal memorandum which exceeds ten (10) pages in length.

6. **APPEARING VIA ZOOM OR TELEPHONE:** Attorneys and parties are directed to Fla. R. Gen. Prac. & Jud. Admin. 2.530 when it comes to remote appearance for hearings. In a nutshell, if the parties stipulate to the remote appearance send in a proposed order. If the other side objects to a remote appearance, file a motion and set it for hearing.
7. **EVIDENCE (TRIALS):** Evidence for trial shall be exchanged as set forth in the Order Setting Trial. Counsel shall meet and confer after receiving the evidence in an effort to stipulate to as much of the evidence as possible. Legal arguments concerning the admissibility of evidence should be brought to the attention of the Court prior to the trial commencing and outside of the presence of the jury. If there is a substantial amount of evidence, counsel may wish to confer with the Courtroom Services Supervisor with the Clerk's Office to arrange for "pre-marking" of evidence.
8. **EVIDENCE (JUDICIAL HEARINGS):** Evidence for ALL evidentiary hearings (Zoom and live) shall be submitted to the Court and opposing counsel electronically to dbcivil@circuit5.org at least 24 hours before the hearing/trial. The days of giant binders is over. The electronic exhibits should be in a commonly recognized format such as JPEG or PDF. **The exhibits are to be named in such a manner as to make them easily located such as "P#1 – Photo" etc.** and shall be submitted as separate documents (do not submit one PDF containing multiple exhibits). Parties with a large number of exhibits should consider using "dropbox" or a zip file to transmit large amounts of evidence to the Court. Counsel and pro-se parties are directed to confer to maximize the use of stipulations. Pursuant to F.S. 90.202(6), the Court will take judicial notice of items already in

the court file (pleadings, orders, financial affidavits, etc.) so those items need not be provided. Failure to follow these directives may result in the exclusion of your evidence.

9. **PROPOSED ORDERS:** Orders are to be submitted via the E-portal per our webpage. Refer to our website for further instructions. <https://www.circuit5.org/submitting-proposed-orders/> Please be advised that orders that are sent through the e-portal system are typically processed faster. Proposed orders should be submitted within five (5) days of the hearing.

10. **CONSENT FINAL JUDGMENTS:** No hearing is required. Simply submit the proposed order as set forth above.

11. **SETTLEMENT OF CIVIL CASES:** A notice of settlement does not close a civil case. A final judgment (consent or otherwise), voluntary dismissal, or court order are the only mechanisms to close a civil case. This Court is not willing to abate, stay, or otherwise leave a case open simply to enforce an agreement between the parties absent extraordinary circumstances. Please file the necessary paperwork to close the case or the case management practices of the Court will remain ongoing.

12. **FACT INFORMATION SHEET:** This document is not part of the final judgment and should not be attached to it. Plaintiff (counsel) may include the statutory language and send the fact information sheet directly to the defendant(s).

13. **FAILURE TO COMPLY:** Should a party/counsel fail to abide by the terms of this standing order, the Court may deny the motion, strike the pleading, dismiss the action, or enforce the order through any appropriate sanction authorized by law.

14. **NO ACTION FROM THE COURT:** In the unlikely event that forty-five (45) days have passed without a ruling on your motion, please contact the judicial assistant to inquire.

If you have any questions about this standing order, please contact Jamie Shreiber, Judicial Assistant, at dcbcivil@circuit5.org or (352)540-6655.

DONE AND ORDERED this 17th day of July, 2024.



Don Barbee Jr.
Circuit Judge