

Knute J. Nathe
County Judge



Amber Morrow
Judicial Assistant

**Judicial Practice Preferences
Civil Court**

Address: Robert D. Sumner Judicial Center
38053 Live Oak Avenue, Room 110
Dade City, Florida 33525

Phone Number: (352) 521-4171
Hearing Line: (352) 792-0635
Zoom: Provided in notice of hearing / JAWS notification
Email: CoCivE3@jud6.org

1. **DECORUM:** Attorneys appearing before the Court, whether such hearings be in-person at the courthouse or remotely via Zoom, shall wear courtroom attire, which includes a jacket and (for men) a necktie. Parties appearing before the Court should dress in a manner that demonstrates respect for the Court.

When appearing remotely, parties and counsel should be in a suitable location that permits the attendee to safely focus on the proceedings. Attendees should not be operating a motor vehicle or engaged in other activity that disrupts the Court's proceedings. Food, beverages, chewing gum, etc. are not permitted when appearing before the Court.

2. **CERTIFICATES OF SERVICE:** certificates of service should contain the names, physical addresses, and emails of all persons served with documents filed on the ePortal.

3. **TO SCHEDULE HEARINGS:** Please schedule all hearings in JAWS, "Section 12/13/R/V-Judge Nathe" calendar. **For motion hearings**, please note that the Court does not automatically receive copies of documents filed with on the ePortal or with the Clerk; movants should provide copies of any motions and support records to the Court when scheduling motions for hearing.

In-person hearings occur at the Robert D. Sumner Judicial Center, 38053 Live Oak Avenue, Dade City, Florida 33525. Without leave of Court, non-evidentiary matters set for hearings lasting 30 minutes or less may be heard in person or via Zoom or telephone conference. **All other matters must be heard in-person unless leave of Court is granted for good cause shown. This includes Civil Traffic Infraction arraignments and final hearings, and Small Claims pretrial conferences / mediations and final hearings.**

For Zoom hearings, once the Court's Judicial Assistant approves the hearing time, she will email a JAWS notification with the Zoom meeting ID and password participation code. For telephonic hearings, the hearing line is set forth above. For any matter noticed for hearing via Zoom or telephone conference, the Zoom meeting ID and password / hearing line phone number must be included in the notice of hearing.

It is the moving party's responsibility to confirm that all counsel and/or self-represented Parties are in the JAWS database to ensure all parties receive e-mails regarding the scheduling and cancelation of hearings.

4. **REMOTE APPEARANCE AT EVIDENTIARY HEARING BY RECORDS CUSTODIAN:** Records custodians are permitted to appear telephonically for final hearings. The Party calling the records custodian shall ensure that a notary public or other person authorized by the law of the resident jurisdiction to administer oaths is physically present with the records custodian to administer the oath.

5. **REMOTE APPEARANCE AT EVIDENTIARY HEARING BY ANYONE OTHER THAN A RECORDS CUSTODIAN:** The remote appearance of a party, attorney, or witness at an evidentiary hearing will be permitted only for good cause shown upon written motion. Distance from the courthouse, if serving as the **sole** basis for the request for remote appearance, shall not be good cause. For any remote attendee who will testify, the motion must identify the remote attendee and state generally the nature of the anticipated testimony (i.e. rebuttal, character, liability, damages, etc.).

6. **EVIDENCE:** At least three (3) days before scheduled evidentiary hearings, counsel and self-represented Parties must provide proposed evidence to the Court in hard copy format. **The Court does not accept or print electronic filings for evidence.** Counsel and self-represented Parties must bring documentary evidence (e.g. photographs, contracts, bills of sale, account statements, etc.) at least in triplicate (one each for the Court and the Parties / counsel) and must provide an additional copy if intended for use by a witness.

7. **BUSINESS RECORDS AFFIDAVITS:** Parties seeking to authenticate records of regularly conducted business by certification pursuant to section 90.803(6) must attach copies of the subject records to the certification.

8. **STATUTES, CASE LAW, & OTHER LEGAL AUTHORITY:** At least three (3) days before a scheduled hearing at which a Party or counsel intends to present legal argument, counsel and self-represented Parties must provide copies of any statutes, case law, or other legal authority upon which they intend to rely. Copies can be provided electronically to the email listed above, or provided in hardcopy. All copies should be highlighted to reflect the pertinent portions relied upon.

9. **SUBMITTING PROPOSED ORDERS:** Please submit proposed orders via the JAWS portal in PDF format directed to Judge Nathe. **Orders submitted via JAWS in any other format will be rejected with direction to submit them in PDF format.**

When submitting proposed orders, please include a cover letter. If the proposed order is based upon a motion, joint stipulation, and/or supporting affidavits, please attach them to the cover letter as a single PDF and indicate the date they were filed on the ePortal. **ORDERS WILL NOT BE SIGNED WITHOUT A CORRESPONDING MOTION.**

It is important to make sure that all associated party e-mails are connected to the case in order for everyone to receive a conformed copy of the order. In the event you do not have a pro se litigant's e-mail, the conformed copy and attachments, such as the fact information sheet, need to be mailed and a follow up certificate of service should be filed through the e-portal.

10. **SETTLEMENT:** if a matter settles, please inform the Court's Judicial Assistant and cancel any previously scheduled hearings or case conferences.

11. **MOTIONS GENERALLY:** Motions filed on the ePortal or with the Clerk are not automatically provided to the Court; movants must provide copies of any motions filed to the Court when

Absent good cause shown, substantive motions will not be considered at a pretrial conference conducted pursuant to Rule 7.090(b). All motions must be presented separate from any pleading. Motions "embedded" in a Statement of Claim, Answer, Counterclaim, or other pleading will not be considered.

12. **MOTIONS DECIDED ON WRITTEN SUBMISSIONS:** In matters where all Parties are represented by counsel, the Parties are encouraged to utilize the procedures established in Administrative Orders 2020-011 (Motions to Compel) and 2020-012 (All other motions) for motions submitted to the Court for consideration.

In matters with one or more self-represented Parties, the following is a non-exhaustive list of Motions that the Court will entertain under the aforementioned Administrative Orders:

- Motions to Strike
- Motions to Compel
- Motions to Dismiss
- Motions to Take Judicial Notice
- Motions to Stay
- Motions for Continuing Writ of Garnishment
- Motions for Continuance
- Motions for Disqualification

Notwithstanding the foregoing, Motions for Summary Disposition **must** be set for hearing and **will not** be ruled upon without a hearing. The Court will consider motions to withdraw as counsel without a hearing only if there is a stipulation demonstrating the represented party's agreement to counsel's withdrawal.

13. **COURTROOM FINAL HEARINGS:** for final hearings conducted in a courtroom, Parties and Counsel **must request permission** to (a) approach the bench; and (b) to approach witnesses. Additionally, all arguments must be directed to the Court. Self-represented Parties and counsel must **never** argue directly with the opposing Party / counsel. Self-represented Parties and counsel must stand to make an objection and must not present argument on the objection unless asked.

14. **MISC. CIVIL TRAFFIC ISSUES:** Motions to consolidate civil traffic matters with a related criminal traffic matter must be filed before the criminal traffic judge.

15. **MISC. SMALL CLAIMS ISSUES:**

- a. Rule 7.110(e) is strictly enforced. Matters in which a statement of good cause has not been filed at least five (5) business days before the hearing on a Notice of Intent to Dismiss **shall** be dismissed without prejudice for lack of prosecution. **MERE RECORD ACTIVITY DOES NOT SATISFY RULE 7.110(e).**
- b. If a Plaintiff fails to serve a Defendant before the pretrial conference conducted under Rule 7.090(b), it is the Court's practice to invoke Rule 1.070(j) and reset the matter for pretrial conference and mediation to a date at least 120 days after the date the Plaintiff initiated the lawsuit with a directive that the Plaintiff is to serve the Defendant by no later than the date of the reset pretrial conference and mediation or the matter will be subject to dismissal for failure to serve.
- c. **Jury Trial Calendar 2025:** for Small Claims matters in which a Party has timely requested jury trial, the Court holds jury trials once per quarter on one-week jury trial dockets. The Court's jury trial calendar for 2024 is full. The 2025 calendar is as follows:

<u>Jury Trial (in-person)</u>	<u>Pretrial Conference (in-person)</u>	<u>Calendar Call (Zoom)</u>
March 10-14, 2025	February 10, 2025	March 6, 2025
June 16-20, 2025	May 19, 2025	June 12, 2025
September 8-12, 2025	August 11, 2025	September 4, 2025
December 15-19, 2025	November 17, 2025	December 11, 2025

Last updated 3/2024.