

**JUDICIAL PRACTICE PREFERENCES
CIVIL SECTION 7**

Patricia A. Muscarella, Circuit Judge

May 27, 2025

315 Court Street, Room 423

Clearwater, FL 33756

Lidia Torres, Judicial Assistant

727-464-3263

section7@jud6.org

2025 UMC CALENDAR

7/8/25 @ 2:00 AND 3:00 PM

8/12/25 @ 2:00 AND 3:00PM

11/18/25 @ 2:00 AND 3:00PM

2025 FORECLOSURE UMC CALENDAR

7/9/25 @ 3:00PM

8/13/25 @ 3:00PM

11/19/25 @ 3:00PM

2025 FORECLOSURE NON-JURY TRIALS CALENDAR

5/15/25 @ 2:00PM

11/20/25 @ 2:00PM

2025 JURY TRIAL SCHEDULE

<u>PRE-TRIAL DATE</u>	<u>CALENDAR CALL</u>	<u>TRIAL WEEKS</u>
<u>6/23/25</u>	<u>7/10/25</u>	<u>JULY 14</u>
<u>7/28/25</u>	<u>8/14/25</u>	<u>AUGUST 18</u>
<u>8/25/25</u>	<u>9/11/25</u>	<u>SEPTEMBER 15</u>
<u>11/17/25</u>	<u>12/4/25</u>	<u>DECEMBER 8</u>

TABLE OF CONTENTS:

Help for Self-represented Parties	Page 2
Telephonic Hearings	Page 2
Zoom Hearings	Page 3
Motions	Page 4
JAWS	Page 4
Other Motion Practice	Page 6
Pre-trial and Trial Practice	Page 7
Mortgage Foreclosure and Case Procedure	Page 8
Assessing Attorneys' Fees and Costs	Page 9
Other Practice and Procedure Pointers	Page 10
Courtroom Technology	Page 10

HELP FOR PARTIES WITHOUT ATTORNEYS

The Judicial Assistant CANNOT answer legal questions, or “explain” things to the Judge. Your opportunity to speak to the Judge happens in Court only. The Clerk of the Court has a Self Help Program for self-represented litigants in the Pinellas County Courthouse in Clearwater. Gulfcoast Legal Services can be reached in Clearwater (727) 443-0657 or St. Petersburg (727) 821-0726. Bay Area Legal Services is available at 1-(800)-625-2257. Lawyer referral services of the Clearwater and St. Petersburg Bar Associations are at (727) 461-4880 and (727) 821-5450 respectively.

IN PERSON, TELEPHONIC, OR ZOOM HEARINGS:

ALL DOCUMENTS TO BE CONSIDERED MUST BE RECEIVED BY THE JUDGE’S OFFICE VIA US MAIL/FEDEX/UPS/COURIER AT LEAST 5 BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING (NOT EMAIL). PLEASE DO NOT FILE THE NOTICE OF HEARING UNTIL YOU RECEIVE A CONFIRMATION EMAIL FROM JAWS THAT THE HEARING HAS BEEN SCHEDULED. YOU SHOULD REVIEW THE “ADDITIONAL NOTES” IN THE CONFIRMATION FOR ANYTHING THAT IS TO BE INCLUDED IN YOUR NOTICE OF HEARING.

Unless otherwise approved by the Court, hearings will be telephonic. Generally, telephonic hearings may be set for any hearings 1 hour or less, by using the Judge's conference line - see below. **PLEASE DO NOT GENERATE A NOTICE OF**

HEARING UNTIL YOU RECEIVE CONFIRMATION VIA JAWS THAT IT HAS BEEN SCHEDULED.

- **FOR CASE MANAGEMENT CONFERENCES (CMC):** AFTER YOU RECEIVE CONFIRMATION FROM JAWS THAT IT HAS BEEN SCHEDULED, PLEASE EDIT OUR ORDER TO APPEAR FOR TELEPHONIC CASE MANAGEMENT CONFERENCE WITH THE CASE NUMBER, CASE STYLE, THE DATE AND TIME OF THE HEARING AND THE SERVICE LIST AND UPLOAD IN JAWS. **IF THERE IS A PRO SE PARTY ON THE SERVICE LIST, THE COMPLETED ORDER TO APPEAR FOR TELEPHONIC CASE MANAGEMENT CONFERENCE MUST BE MAILED TO THE JUDGE ALONG WITH SUFFICIENT COPIES OF THE ORDER AND POSTAGE- PAID ENVELOPES FOR ALL PARTIES.**

The Notice of Hearing should state the following: THE HEARING IS TELEPHONIC AND ANY PARTY WHO WANTS TO PARTICIPATE IN THE HEARING IS TO CALL 1 888 585 9008 AND ENTER ACCESS CODE: 717-253-391 NOTE: PLEASE MUTE ON YOUR END. DO NOT PLACE ON HOLD OR EVERYONE WILL ONLY HEAR MUSIC. ALL DOCUMENTS TO BE CONSIDERED MUST BE RECEIVED BY THE JUDGE'S OFFICE VIA US MAIL/FEDEX/UPS/COURIER (NOT EMAIL) AT LEAST 5 BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING.

ZOOM HEARINGS:

Generally, ZOOM hearings may be set for hearings scheduled for an hour or longer. For ZOOM hearings, please make sure when you are requesting a hearing date in JAWS, you include that you would like for it to be via ZOOM. Once we have confirmed the hearing in JAWS, we will email the ZOOM invitation with the ZOOM details **ONLY** to the scheduler's email address provided in JAWS. The scheduler will be responsible for forwarding the ZOOM invitation to the parties and generating the Notice of Hearing with all the ZOOM information. The Zoom invitation sent to the scheduler will have instructions included. **PLEASE DO NOT GENERATE A NOTICE OF HEARING UNTIL AFTER YOU RECEIVE THE ZOOM INVITATION.**

MOTIONS:

NON-EVIDENTIARY MOTIONS, PRETRIAL MOTIONS: This Court's preference is that *all non-evidentiary motions be submitted to the court, whether requesting a hearing or not.* The Court requests that all responses be filed and served so that the Court may properly prepare for the hearing. The court requests that the proponent of the motion submit the following documentation 16 days after filing the notice: the motion, the notice, any response with a cover

letter that states if either party is requesting a hearing. This will enable the court to either decide on written submissions or be more fully prepared at the hearing. This preference is for all

Motions to Compel and all Motions Decided on Written Submissions. See

ADMINISTRATIVE ORDERS 2020-011 and 2020-012 *even when requesting a hearing*. The Court may set a hearing at the court's discretion.

- (1) **Before** filing a motion to compel or a motion for protective order, counsel for the moving party shall confer with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised, and shall file with the Court at the time of the filing of the motion a statement certifying that he or she has so conferred with opposing counsel and that counsel have been unable to resolve the dispute.
- (2) Motions to compel discovery shall quote in full each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed and the objection and grounds therefor as stated by the opposing party.

JAWS:

- **Setting Hearings.** All hearings are to be scheduled by the moving party in JAWS. The website is https://jawspinellas.jud6.org/jaws_attorney/login.aspx. Please select the "Section 7 – Muscarella" calendar to schedule your hearing. Hearings of 15 minutes, 30 minutes or 1 hour may be scheduled directly through JAWS. **PLEASE DO NOT FILE THE NOTICE OF HEARING UNTIL YOU RECEIVE A CONFIRMATION EMAIL FROM JAWS THAT THE HEARING HAS BEEN SCHEDULED. YOU SHOULD REVIEW THE ADDITIONAL NOTES IN THE CONFIRMATION FOR ANYTHING THAT IS TO BE INCLUDED IN YOUR NOTICE OF HEARING.**

ALL AVAILABLE HEARING TIMES FOR 1 HOUR OR LESS WILL BE POSTED IN JAWS SO PLEASE DO NOT CALL THE JA FOR OTHER HEARING DATES UNLESS YOUR MOTION IS AN EMERGENCY, FOR MORE THAN 1 HOUR, OR IF DIRECTED BY JUDGE MUSCARELLA.

All Counsel/Associated Parties. It is the moving party's responsibility to confirm that all counsel/associated parties are in the JAWS data base to ensure all parties receive emails regarding the scheduling and cancellation of hearings. If self-represented and have not given permission to use their email for service, then all pleadings and order should be sent by US Mail. **Failure to comply with this procedure can result in cancellation of your hearing.**

- **Cancelling Hearings.** Filing a Notice of Cancellation does not cancel a hearing with Judge Muscarella. Hearings that you schedule in JAWS can also be cancelled by you in JAWS for up to 24 hours prior to the hearing. If your hearing is less than 24 hours away, both parties must agree to cancel the hearing and then call or email the JA to cancel your hearing.
- **AGREED ORDERS:** Only **AGREED** orders can be uploaded in JAWS. Please upload an explanatory cover letter along with proposed agreed orders on JAWS for Judge Muscarella's electronic signature. All documents are to be uploaded as PDF documents.

Any stipulations may be uploaded with the explanatory cover letter uploaded separately. The order must be uploaded separately from the cover letter.

- Any orders that have blanks to fill in will be rejected in JAWS. These must be mailed to the Judge.
- **PROPOSED ORDERS AFTER HEARING:** As provided by the Standards of Professional Courtesy for the Sixth Judicial Circuit [ADMINISTRATIVE ORDER 2015-052](#) proposed orders shall be submitted to the Judge **with a cover letter** stating whether opposing counsel agrees to the proposed Order – or, that opposing counsel was given the opportunity to object to the proposed Order, but did not. Transmittals of proposed orders should always reference the date of hearing. Any orders that have blanks to fill in will be rejected in JAWS. These must be mailed to the Judge
- If the parties cannot agree on a proposed order they should submit their own orders to the court by US Mail with a cover letter stating their objections.
- If there is a pro se party, the order should be mailed to the Judge’s office with addressed, stamped envelopes.

INSTRUCTIONS TO UPLOAD IN JAWS:

- **CASES WITH PRO SE PARTIES:** Generally, the orders must be mailed to the Judge with a cover letter and sufficient copies of the order and postage-paid envelopes for all parties. If the pro se party has given permission to accept service by email and you have associated them in JAWS, then the cases with pro se parties may be uploaded into Jaws. The cover letter uploaded shall so state.
- JAWS submissions of **AGREED** orders to the court should consist of two uploads:
 1. The order or judgment to be reviewed and signed, ***and nothing else***, goes in **one** location.
 2. Everything else goes in the other upload location - namely, the information that shows the Judge why the order should be signed (i.e., cover letter and motion or stipulation, plus exhibits if necessary). **These are all uploaded as one single document.**
- It should never be necessary to make a duplicate upload. These create many problems. ***If there is a problem with uploading, contact the JAWS Help Desk, 727-453-4357.***

Electronically conformed copies will only be provided to the email addresses which have been associated to the case in JAWS. **It is the responsibility of the party uploading a proposed order to confirm all email addresses have been added to JAWS.** The JA and the clerk DO NOT maintain the associated party data base.

OTHER MOTION PRACTICE:

Emergency Motions. When attorney's e-file an emergency motion, the documents will be processed by the Clerk and will appear on the case docket in Odyssey faster.

However, the Clerk does not forward them to the Judge's office and accordingly, the Judge and JA are not aware of the filing. It is the attorney's responsibility to contact the Judge's office and provide the Judge with a copy of the motion. Emergency motions will not be set for hearing on an emergency basis unless the court deems it to be an emergency.

Pro se emergency motions **only** are forwarded to the Judge's office by the Clerk.

Courtesy Copies of Motions. Our system is not paperless! E-filing with the clerk does not put anything into the Judge's hands. Courtesy copies of the Motion, Notice of Hearing, and all supporting documentation (including any prior pleading to which a motion is directed) must be provided directly to Judge Muscarella, 315 Court Street, Room 423, Clearwater, FL 33756 via Hand/U.S. Mail/Fed Ex/UPS (**not email or fax**) to be received at least FIVE (5) business days prior to the hearing. **THIS IS THE RESPONSIBILITY OF THE PARTY SETTING THE HEARING. FAILURE TO COMPLY WITH THIS PROCEDURE MAY RESULT IN CANCELLATION.** Originals should be filed with the Clerk. Copies provided to the court will be presumed to be courtesy copies. Please break up lengthy submissions into subparts (cases, exhibits, etc.) that are stapled or otherwise divided.

**PLEASE DO NOT EMAIL DOCUMENTS TO THE JA, THEY WILL NOT BE PRINTED
UNLESS THEY WERE SPECIFICALLY REQUESTED**

Ex Parte Motions. Counsel seeking consideration of a matter ex parte should always include courtesy copies of a motion and any supporting materials such as affidavits with their proposed orders, service copies, postage-paid envelopes, and an appropriate cover letter signed by a member of the Florida Bar, not a staff member.

Case Law. Paper copies of case law and other legal authority are welcomed by the court. Pertinent portions may be highlighted. Copies provided to the court (including any highlighting) shall be provided to opposing counsel before the start of the hearing.

Withdrawal or Substitution of Counsel. Rule of Judicial Administration 2.505 requires a "motion and hearing" for withdrawal of counsel. Judge Muscarella will forego a live hearing and deem this requirement adequately complied with if and only if, there is filed a Stipulation for Withdrawal **signed by both the client and all counsel**. The same rule requires that all substitutions of counsel be "signed off" by the client. Orders granting withdrawal must include the complete address, email and telephone number where future correspondence and pleadings may be sent to the client and state that if there is no counsel of record within 30 days, the party shall be deemed proceeding pro se. If the party is a corporation, the order must state that they must obtain counsel.

Motions for Rehearing/Reconsideration/New Trial. Provide the Judge with a copy of the motion. Do not schedule for hearing unless the court decides one is required. Opposing party may file a response within 15 days of service of the motion.

PRETRIAL AND TRIAL PRACTICE:

Scheduling Jury Trials. Upon the filing of a Motion or Notice to Set Case for Jury Trial, counsel must set a fifteen minute Case Management Conference on the calendar and complete the attached Order to Appear for Case Management Conference (**SEE COURT APPROVED FORMS**) and upload on JAWS as a PDF for the judge's signature. The Judge will set Pre-trial and Trial dates at the CMC. The Court will enter a Case Management Conference Order (**SEE COURT APPROVED FORMS**) with deadlines agreed to by the parties. These deadlines are binding and will supersede any deadlines in the Pre-trial and Jury Trial Order.

Order Setting Pretrial Conference and Jury Trial. The discovery cutoffs and deadlines provided by this order are binding, as are the provisions for counsel to meet to resolve minor evidentiary problems and to provide the court a proposed Pretrial Conference Order prior to the Pretrial Conference date. ([ADMINISTRATIVE ORDER 2019-25](#)). (**SEE COURT APPROVED FORMS**).

Pretrial Conference Orders. Parties shall provide hard copies to the Judge if the Pretrial Conference Order is agreed upon. Anything provision not agreed to shall be left blank. Parties must provide hard copies of the Pretrial Conference Order to the Judge's office at least five days prior to the pretrial hearing.

Motions to Continue Trial. Absent very good cause, such motions must be signed by the client, as provided by Rule 1.460, and will require a hearing even if stipulated to by counsel.

Motions in Limine. Time will normally be provided for motions in limine to be heard before the pretrial. Counsel will confer before that hearing so that only items actually in dispute will be put before the Judge.

Settlement. If your case is set for trial and settles, notify the J.A. immediately and also cancel any hearings that may be scheduled. **The mere filing of a settlement documents with the Clerk does not notify the court that a case set for trial has been resolved.**

Conduct of Trial Generally. Counsel will adhere to the Circuit's Standards of Professional Courtesy [ADMINISTRATIVE ORDER 2015-052](#). Examine witnesses from the podium. There will be no speaking objections. That means objections should be three (3) words or less, simply stating the legal ground (e.g. "relevance," "hearsay," etc.) invoked, or if elaboration is necessary, counsel should approach the bench. All argument is to be directed to the court. Do not argue after the Court rules, and do not "thank" the Court for a ruling after a bench conference in the presence of the jury.

Voir Dire. Attorneys will inquire of the entire jury panel seated in the gallery. A seating chart with jurors' names will be provided. The court will initiate voir dire questions and then counsel will follow with their inquiries.

Response From Counsel When Bailiff Brings Jury In. Counsel will stand.

MORTGAGE FORECLOSURE CASE PROCEDURE:

Please see [ADMINISTRATIVE ORDER 2019-004](#).

Foreclosure Motions. The following motions shall generally be considered on written **submissions**: Motions to Compel, Motions to Strike, Motions for Extension of Time, Motions to Dismiss, Motions for Substitution of Party Plaintiff, Motions to Substitute Counsel, Motions to Add Party. As provided by the AO, after being served with such motions, the nonmoving opposing party shall have 16 days to file any written response, after which the court may rule without further notice or hearing.

FORECLOSURE UMC HEARINGS: ALL FORECLOSURE UMC HEARINGS ARE HEARD VIA TELEPHONE BY CALLING 1 888 585 9008 AND ENTER ACCESS CODE: 717-253-391. THESE ARE 5 MINUTE HEARINGS ONLY. Motions for hearings of 5 minutes or less such as Default and Consent Final Judgments, Motions for Default, Motions to Withdraw, Motions to File Amended Complaint, Motions to Continue Non Jury Trials, etc. are to be scheduled on the FORECLOSURE UMC CALENDAR in JAWS at https://jawspinellas.jud6.org/jaws_attorney/login.aspx. The scheduling party must send courtesy copies of the Notice, Motion, and all supporting documentation and/or evidence directly to Judge Muscarella, 315 Court Street, Room 423 Clearwater, FL 33756 via U.S. Mail/Fed Ex/UPS/Courier and must be received by the Judge's office at least five (5) business days prior to the hearing (NOT BY EMAIL).

Foreclosure Motions for Summary Judgment. May be scheduled on the UMC CALENDAR in JAWS at https://jawspinellas.jud6.org/jaws_attorney/login.aspx. if only 5 minutes or less, otherwise, please schedule for the appropriate length of time available in JAWS. The scheduling party must send courtesy copies of the Notice, Motion, and all supporting documentation and/or evidence and proposed Uniform Final Judgment of Foreclosure with copies and envelopes directly to Judge Muscarella, 315 Court Street, Room 423, Clearwater, FL 33756 via US MAIL/FEDEX/UPS/COURIER (NOT BY EMAIL) and must be received by the Judge's office at least five (5) business days prior to the hearing.

ALL FORECLOSURE MOTIONS FOR SUMMARY JUDGMENTS THAT ARE LESS THAN 5 MINUTES ARE TO BE SCHEDULED ON THE FORECLOSURE UMC CALENDAR. IF LONGER THAN 5 MINUTES, PLEASE SET FOR THE APPROPRIATE TIME IN JAWS.

Foreclosure Non-Jury Trials (of more than 5 minutes).

Plaintiff is responsible for preparing the Notice that the Cause is at Issue, proposed Order Scheduling Non-Jury Trial (**SEE COURT APPROVED FORMS**), and sufficient copies of the order and postage-paid envelopes for all parties. Send the above via US Mail to Judge Muscarella, 315 Court Street, Room 423, Clearwater, FL 33756. The date and time will be set by the JA.

PLEASE MAKE SURE YOUR COVER LETTER STATES HOW LONG YOU WILL NEED FOR THE NON- JURY TRIAL.

A copy of the Order Setting Foreclosure Non-Jury Trial is attached (**SEE COURT APPROVED FORMS**).

ASSESSING ATTORNEYS' FEES AND COSTS

Moving Party's Motion and Affidavit of Attorneys' Fees and Costs. Pursuant to Fla. R. Civ. P. 1.525, **the Moving Party's motion must be filed within 30 days of a final disposition in the litigation as to the Moving Party.** The Moving Party shall file and serve an "Affidavit of Attorneys' Fees and Costs" (hereafter, "Affidavit") setting forth the following information:

- a) the time and labor expended in the case and an itemization of each request for attorneys' fees and each item of cost for which the Moving Party is seeking reimbursement including, without limitation, an itemization setting forth the date each task was performed or cost was incurred;
- b) a reasonably detailed description of the task performed or cost expended;
- c) the amount of time or billable hour(s) expended in performing the task;
- d) the name of the attorney or paralegal performing each itemized task for which a fee was incurred; and
- e) an application of the factors to be considered in determining reasonable fees and costs. See R. Regulating Fla. Bar 4-1.5(b).

Opposing Party's Response. **Within 10 days following service of the Affidavit**, the Opposing Party may file and serve a written response ("Opposing Party's Response"): (a) to each request for attorneys' fees and/or each time entry and cost item set forth in paragraph (a) above, stating with particularity whether counsel agrees to such request/time entry and cost item or objects to it, and (b) to the information provided in paragraphs (a) through (e) above. For each objection raised, the Opposing Party shall state the basis and, if applicable, cite supporting authority. In addition, as to any objection that a time entry is excessive or unreasonable, the Opposing Party shall state the amount of time it contends is reasonable and why.

Mediation Requirement. The parties shall attend mediation to resolve the issues regarding entitlement to, and award of, attorneys' fees and costs.

Meeting and Conference Requirement. **At least 5 days before the hearing** on attorneys' fees and costs, the parties **shall MEET AND CONFER** regarding the disputed request(s) for attorneys' fees and costs and/or individual time entries and items of costs, to determine the amount in dispute, to stipulate or agree to a resolution in writing, and to draft an appropriate order for review by the Court. ***THE PARTIES MAY STIPULATE AS TO THE REASONABLENESS OF THE HOURLY RATE(S) AND THE TIME AND LABOR EXPENDED.***

OTHER PRACTICE AND PROCEDURE POINTERS:

Correspondence to the Court. Any communications to the court, **INCLUDING EMAILS**, should come from members of the Bar, not staff and must be served **OR COPIED** on all parties.

Deposition Disputes. The court will hear deposition disputes telephonically – immediately if the Judge is available, otherwise as can be scheduled.

COURTROOM TECHNOLOGY

The circuit has available, audio/visual equipment for the presentation of multimedia based evidence at all locations within the circuit. This equipment consists of both built-in and mobile equipment and includes items such as projectors, screens, HD displays, document cameras, DVD players, laptop interfaces, and wireless presentation equipment. These systems allow litigants to present various forms of multimedia base information in the courtrooms. All of the equipment is available at no charge on a first come, first served basis. Some systems and equipment will require training prior to usage, and training is available for all the equipment provided by the Sixth Judicial

Circuit. Please be sure to arrange training requests a minimum of 72 hours prior to your proceedings. To schedule training on AV equipment, or discuss your presentation needs, please call the Court technology Office-Video Operations at (727) 453-7928.

The following courtroom technology is available at 315 Court Street, Clearwater, FL 33756

All Courtrooms

Large HD Displays, Laptop Interfaced DVD Players.
Document Cameras, Video Tele-Conferencing, *Wolfvision
Cynap Core wireless presentation,
Assisted Listening Devices, Digital Court Reporting.