

Knute J. Nathe
County Judge



Amber Morrow
Judicial Assistant

Judicial Practice Preferences and Procedures – 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
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Current Assignments: East Pasco Small Claims, Sections R & V
East Pasco Civil Traffic, Sections 12 & 13
West Pasco Unlawful Detainers & Evictions, Section U

1. **Communications with the Court:** All communications to the Court should be by email or telephone at the email and phone number listed above, and must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the present of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any email directed to the Court, unless ex parte communication is authorized by law.

Unsolicited communications from non-parties will not receive consideration or response from the Court except in an emergency (such as if a party is hospitalized or other incapacitated and unable to contact the Court to advise of the situation). Party communications to the Court must comply with these practice preferences and procedures.

All attorneys and self-represented litigants must provide an e-mail address to receive orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.

2. **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.

3. **Court Schedule:** The Court's normal weekly schedule is as follows:

- a. Mondays – reserved for order-writing and emergency hearings
- b. Tuesdays – eviction and unlawful detainer hearings
- c. Wednesdays – civil traffic hearings, small claims pretrial conferences and mediations, case management conferences, and lack of prosecution hearings (schedule rotates every other Wednesday, all dockets are mass-calendared)
- d. Thursdays – small claims final hearings (mass-calendared)
- e. Fridays – motions hearings

4. **Jury Trial Calendar 2026:** 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 2026 jury trial calendar is as follows:

<u>Jury Trial (in-person)</u>	<u>Pretrial Conference (in-person)</u>	<u>Calendar Call (Zoom)</u>
March 2 – 6, 2026	January 26, 2026	February 26, 2026
June 8 – 12, 2026	May 4, 2026	June 4, 2026
Sept. 28 – Oct. 2, 2026	August 24, 2026	September 24, 2026
December 7 – 11, 2026	November 2, 2026	December 3, 2026

5. **Pretrial Procedures and Conferences, Including Motion Practice:** For **small claims** matters, the Court conducts Rule 7.090 pretrial conferences and mediations on every other Wednesday. **Case management conferences** are available for matters in which both parties are represented by counsel and the parties desire additional time for counsel to negotiate a resolution. Cases involving potential bankruptcy filings, allegations of fraud, and requests for hardship review will be set for final hearing at least 60 days after pretrial conference to give the parties the opportunity to investigate the claims and attempt to resolve the same.

Absent good cause shown, substantive motions will not be considered at Rule 7.090 pretrial conferences. All motions must be presented separate from any pleading. Motions “embedded” in a Statement of Claim, Answer, Counterclaim, or other pleading will not receive judicial consideration.

Motions filed on the ePortal or with the Clerk are not automatically provided to the Court; movants must provide copies of their motions to the Court in advance of any hearing thereupon.

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

For **civil traffic** matters, the Court does not set pretrial conferences or case management conferences. Matters not resolved at arraignment are set for a final hearing forthwith.

For **evictions and unlawful detainers**, chapter 51, Florida Statutes, is strictly enforced. Pretrial conferences are not available and pretrial motions will be ruled upon without a hearing, unless the Court determines, in its discretion, that such motions be heard *in limine* at the final hearing. The Court has, and exercises, sole discretion on whether to set evictions and unlawful detainers for case management conference to clarify any irregularities that appear on the face of the pleadings.

If the matter involves a plaintiff who is a legal entity and the matter becomes contested, the plaintiff must retain counsel prior to any hearing. To expedite such matters, the Court will issue an order directing the plaintiff to retain counsel.

In **evictions**, the Court has, and exercises, discretion on when and whether to set **rent determination hearings** when a defendant's answer fairly and reasonably calls into question the amount of rent due as alleged by the plaintiff. For such hearings, the Court appreciates receiving exhibits in advance and that the plaintiff present rent amounts and additional rent amounts in a clear and systematic fashion, connecting any sums alleged to terms of the parties' lease. While the Court will consider breakdowns and summaries as demonstrative aids, they are not evidence and the Court will require the plaintiff to connect such sums to express terms contained in the parties' lease.

6. **Settings Cases for Final Hearing:** For **small claims, evictions, and unlawful detainers**, the Court sets such matters for final hearing by order. **Small claims** matters are set for final hearing if they do not settle following mediation or case management conference. **Unlawful detainers** are set for final hearing if the Defendant files an answer. **Evictions** are set for final hearing if the Defendant answers the complaint and complies with statutory requirements to deposit rent into the Registry of the Court. For **civil traffic** matters, the Clerk sets final hearings by notice as directed by the Court. In such matters, if a defendant is represented by counsel, no appearance is necessary at arraignment.

For **small claims** and **civil traffic**, all final hearings are in-person, subject to provisions herein governing remote appearances. For **evictions and unlawful detainers**, the Court has, and exercises, discretion on setting final hearings for in-person or remote hearing. Technical difficulties and abuses by parties or counsel are grounds for the Court to suspend remote proceedings and direct that future proceedings be held in-person.

In all matters where the final hearing is **conducted in a courtroom**, parties and Counsel must request permission to (a) approach the bench; and (b) to approach witnesses. 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.

7. **Scheduling, Cancellation, and Continuance Procedures, Including Deadlines:** Please schedule all hearings in JAWS, "Section 12/13/R/V/U-Judge Nathe" calendar. For motion hearings, please note that the Court does not automatically receive copies of documents filed 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.

A party seeking to cancel a hearing on their motion or pleading must file a notice of such cancelation and provide the same to all parties and to the Court. Parties may not cancel hearings set by the Court without leave of Court. **If a matter settles**, please inform the Court's Judicial Assistant and cancel any previously scheduled hearings or case conferences.

Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least **five days prior** to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).

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, cancelation, and continuance of hearings.

Certificates of service should contain the names, physical addresses, and emails or all persons served with documents filed on the ePortal.

8. **Deadlines for Submitting Hearing Materials:** 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.

Also 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.

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.

9. **Remote Appearance:** Unless otherwise provided herein or by Order of the Court, all hearings are held **in person** at the Robert D. Sumner Judicial Center. To request remote appearance for an in-person hearing, the requestor must file a written motion stating good cause for the request and provide the same to the Court at the email listed above. Such motions are always ruled upon without hearing. Telephonic appearances are always via the Court's Hearing

Line, which is listed above. **MERE DISTANCE FROM THE ROBERT D. SUMNER JUDICIAL CENTER IS NOT GOOD CAUSE FOR REMOTE APPEARANCE.** The availability of remote appearance at commonly held hearings is as follows:

- a. Small Claims –
 - i. Pretrial Conference / Mediation: **telephonic** appearances are available upon good cause shown. Appearance by **Zoom** is available for extraordinary cause shown due to current courtroom and mediation room limitations.
 - ii. Evidentiary Hearings (including Final Hearings): **telephonic** appearance is permitted for **records custodians only**. The party calling the custodian must ensure that a notary public or similar official is physically present with the custodian to identify the custodian and place him or her under oath.
 - iii. Non-evidentiary Motion Hearings: remote appearance is permitted unless otherwise ordered by the Court.
- b. Civil Traffic – remote appearance is available only upon a showing of extraordinary cause.
- c. Evictions and Unlawful Detainers – remote appearance is at the discretion of the Court. When permitted, remote appearance is by **Zoom**. Appearance by **telephone** is disfavored and permissible only upon good cause shown.

10. Remote Appearance at Evidentiary Hearing by Records Custodian: Records custodians may 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.

11. 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 is permitted only for good cause shown by written motion. 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.).

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

appearing before the Court. Violations of this paragraph are grounds for the Court to suspend the violator's remote appearance and order the violator to appear before the Court in-person.

12. **Submitting Proposed Orders:** Proposed orders must be submitted 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.**

Proposed orders must be submitted with a cover letter. If the proposed order is based upon a motion, joint stipulation, and/or supporting affidavits, the same must be attached to the cover letter as a single PDF, with the date they were filed on the ePortal.

For **small claims matters**, proposed orders must be submitted within 10 days of the hearing, and proposed final judgments must be submitted within 30 days of the hearing, or, in either case, as otherwise directed by the Court.

For **evictions and unlawful detainers**, proposed orders and final judgments must be submitted within **24 hours** or as otherwise directed by the Court.

13. **Miscellaneous Civil Traffic Issues:** Motions to consolidate civil traffic matters with a related criminal traffic matter must be filed before the criminal traffic judge.

14. **Miscellaneous Small Claims Issues:** 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).**

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.