

**NOTICE AND ORDER OF ADHERENCE TO COMPLEX BUSINESS
LITIGATION SECTION RULES, MOTION AND MEMORANDUM
PRACTICE, PROVISIONS ON HEARINGS AND MANDATORY
CONFERRAL REQUIREMENTS**

WHEREAS, the Complex Business Litigation Rules and Fla. R. Civ. P. 1.201 Complex Litigation shall apply to all actions in the Complex Business Litigation Section, except to the extent that, in any particular action, they are superseded by an Order.

NOTICE IS HEREBY GIVEN that all outstanding and future motions pertaining to cases within the Complex Business Litigation Section must adhere to Complex Business Litigation Section Rules, which are available at the court's website:

[Javier Enriquez - Eleventh Judicial Circuit of Florida](#)

Any previously filed motion not in compliance with the Rules, e.g., memorandum of law where required, must be resubmitted in conformity.

Counsel for Plaintiff(s) and/or Third-Party Plaintiff(s) is/are ORDERED to confirm all parties subsequently named or appearing herein have been served copies of this Notice. If any subsequently served or named party has not been served with a copy of this notice, Plaintiff and/or Third Party Plaintiff shall provide the party with a copy of this Notice.

In addition, it is hereby ORDERED and ADJUDGED that the following will apply to all motions, memoranda and evidentiary hearings as follows:

Short Motions

As a general rule, five-minute Motion Calendar motions do not require memoranda of law. Copies of motions and any response shall be submitted through courtMAP in accordance with the Court's procedures posted on its website. Motion Calendars will be heard every Tuesday and Thursday, at 9:00 a.m. Case Management Conferences will be heard every Monday, Wednesday, and Friday, at 9:00 a.m. Calendar Calls will be heard every

Wednesday at 10:00 a.m. Please do not set more than one motion per case on motion calendar. The movant shall retain a court reporter for the hearing.

Case Management Conferences (CMCs) are held Monday, Wednesday, and Friday of every week at 9:00 a.m. The Plaintiff shall retain a Court Reporter for CMCs.

Motion calendars, CMC hearings, and calendar calls (5-minute hearings) are heard exclusively by Zoom. The meeting ID will be provided 7-days prior to the scheduled hearing.

Docket Entry Number and Supporting Documents Portal for Motions

Upload the motion, response, reply (if any) and any other supporting documents to the courtMAP hearing for your motion. Include the Docket Entry number ("D.E. #") on all Notices of Hearing, the subject area for the courtMAP setting, and when you submit a proposed order on your motion to courtMAP "Proposed Orders" or "Agreed Orders." If the docket entry numbers are omitted from notices of hearing and the subject area for the courtMAP setting, the court will cancel your hearing. If the docket entry numbers are omitted from the proposed orders, the court will reject your proposed orders.

The moving party is responsible for hiring a Court Reporter for the hearing. Please do not hire multiple reporters for a hearing.

Special Set Motion Hearings

Special set slots are available on CourtMAP. The parties may confer and coordinate to select a date/time that works best for everyone and proceed to with setting the case accordingly. The parties may contact chambers if they need additional availability.

Special set calendars of 15-30-minute hearings are typically held by Zoom, but any party may set a hearing in person in the courtroom, with agreement of all parties and notice to the court.

Motion calendar:

5-minute Motion calendar slots are opened on CourtMAP. The parties may confer and coordinate to select a date/time that works best for everyone and proceed to with setting the case accordingly

Longer special-set hearings

To set a longer **non-evidentiary** hearing (more than 30 minutes long), parties must email staff with the request at:

eacosta-serret@jud11.flcourts.org

For example, multiple related motions may merit a longer setting. The court will review the request. If more than 30 minutes is not necessary to hear the motion, the court will direct that the motion be set on a 15–30-minute motion calendar.

If approved for a longer hearing, staff will offer the parties three options for their hearings. *Parties must select one of the dates offered within 24 hours or the date will be given to another case.* Judicial staff will make every effort to offer three dates, and the parties/ counsel are expected to pick one. Judicial staff cannot hold dates or offer more than three hearing dates.

Longer non-evidentiary special-set hearings are presumed to be held in person. Parties may agree to Zoom with notice to the court

Evidentiary hearings must be held in person. Contact the staff to set your hearing. Although such hearings are held in the courtroom, the parties may, in accordance with the rules of procedure, avail themselves of hybrid capability with Zoom, pursuant to Rule 2.530, Florida Rules of Judicial Administration.

Uploading to courtMAP Portal

Parties shall include the Docket Entry number ("D.E. #") on all Notices of Hearing, the Subject area for the courtMAP setting, and in Proposed Orders submitted to courtMAP. If the docket entry numbers are omitted from notices of hearing and the subject area for the courtMAP setting, the court will cancel your hearing. If the docket entry numbers are omitted from the proposed orders, the court will reject your orders.

The Court will cancel a hearing if there are no supporting documents uploaded to the event on courtMAP at least 48 hours prior to the hearing.

The Court will cancel a hearing if the docket entry numbers for the motions set in courtMAP are not included in the subject area for the courtMAP setting and the notices of hearing.

The moving party is required to retain a court reporter for all special-set hearings. If you are not the moving party, please confirm that the moving party has hired a reporter, and please do not retain more than one Court Reporter for a hearing

Content of motions shall state with particularity the grounds therefore, citing any statute or rule of procedure relied upon; shall set forth the relief sought and shall include the required certification of conferral. The Court will not consider issues at a hearing on the motion that were not addressed in the motion and memoranda in support of and in opposition to the motion.

Parties should upload all motions, responses, replies, and memoranda to the “Supporting Documents” portal within the hearing setting. It is helpful to upload the pleading when setting a motion directed at a pleading. It is helpful to upload discovery requests and responses (or a subpoena and objections, if any) when setting a motion directed at discovery requests or an objection to subpoena.

Memoranda Requirements

These requirements and deadlines may not be waived or altered except by court order.

Failure to File and Serve Motion Materials: CBL Rule 4.4 A motion or opposition unaccompanied by a required memorandum may be summarily rejected or denied. Failure to timely file a memorandum in opposition to a motion may result in the pending motion being considered and decided as an uncontested motion.

Motion briefing deadlines are court orders.

Motion	Memoranda of law	Page limit	Time deadline	
Motion filed by movant	As required by CBL rules	20	When filing the motion	Memos which are not filed with the motion will be disregarded
Opposition to motion	At time of filing opposition, if needed	20	10 days after service of motion as computed in Fla. R. Civ. P. 1.090	If no response is timely filed, the Court will proceed and may grant the

				motion as unopposed
Reply	If needed, limited to matters raised in the opposition	10	5 days after service of opposition as computed in Fla. R. Civ. P. 1.090	If no reply is timely filed, the Court will proceed
Sur-reply	With leave of Court only			

Motions Decided on Papers and Memoranda: Motions may be considered and decided by the Court without a hearing. CBL Rule 4.5 **A hearing is at the discretion of the Court.**

Sealed and Confidential Documents

Sealed or confidential documents should be e-filed pursuant to the instructions on the Clerk's e-filing portal. *In Camera* inspections shall be conducted as instructed by the Court.

Evidentiary Hearings

Absent court order, evidentiary hearings are to be held in person. The Court's assigned courtroom is 13A, however for larger cases and pursuant to advance request, the hearing may be held in another courtroom.

Prior to the evidentiary hearing:

1. The parties must file an exhibit list, listing pre-marked exhibits intended for use by the parties, at least five (5) days prior to the hearing.
2. The parties must bring with them to the hearing an index to all potential exhibits. Paper exhibits shall be single-sided.
3. The parties must pre-mark all exhibits as follows:
Plaintiff, Counter-Plaintiff, Cross-Plaintiff: Exh. 1A, 1B, 1C, for identification (e.g.)
Defendant, Counter-Defendant, Third-Party Defendant, etc.: Exh. A1. A2. A3, for identification (e.g.)
4. The parties must exchange all exhibits and meet and confer on objections at least 48 hours before the hearing.

5. Witnesses may appear by Zoom only in accordance with Fla. R. Civ. 2.530 and the applicable 11th Judicial Circuit Administrative Orders.

MANDATORY ORDER TO CONFER AND CERTIFICATION REQUIREMENT

This case is subject to the Complex Business Litigation Rules as well as Rules 1.201(c)(4) and 1.202, Florida Rules of Civil Procedure. These rules require that parties meet and confer prior to filing any motion to determine if issues can be narrowed, the appropriate amount of time required for hearing if hearing is requested, and any other issues such as the completion of related discovery. Meet and Confer under these rules requires **an actual effort** between attorneys, not staff. The CBL Rules and Fla. R. Civ. P. 1.201(c)(4) do not exempt self-represented litigants.

It is therefore **ORDERED** and **ADJUDGED** as follows:

All parties to the motion must meet the conferral requirements of the division. The motion must contain a certification of the efforts at meet and confer, which shall include:

- A description of all efforts at a meet and confer, including names of movant and respondent attorneys, dates and method (email, telephone, live meeting) requesting a meet and confer; and
- A description of all dates for meet and confer actually held and the method and names of participating attorneys; and
- Results achieved, including consensus as to amount of time required for hearing, if granted.

The only motions exempt from the meet and confer requirement are Motions for Injunctive Relief Without Notice; Motions for Summary Judgment and Motions to Amend to Add Punitive Damages. **ANY OTHER MOTION** submitted without a certificate of conferral will be rejected by the Court without prejudice.