

IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CASE NO:
DIVISION: CG(04)

PLAINTIFF,

v.

DEFENDANT
_____ /

STANDING ORDER ON MOTION FOR ATTORNEY'S FEES AND COSTS

THIS CAUSE comes before the Court on a motion for Attorney's Fees and Costs. Having reviewed the file, and otherwise being advised in the premises, it is hereby **ORDERED AND ADJUDGED** as follows:

1. Florida Rule of Judicial Administration 2.110 states in part "[t]he rules shall be construed to secure the speedy and inexpensive determination of every proceeding". The Court believes this **ESPECIALLY** applies to cases which have been resolved except for attorney's fees and costs. Accordingly, the Court sets out a schedule that is meant to resolve attorney's fees disputes in months, not years. The term "shall" within this Order is a mandatory term, and strict compliance is required.

2. THE CASE MUST BE CLOSED FOR THE COURT TO ENTERTAIN A MOTION FOR ATTORNEY'S FEES AND COSTS. The clerk will close a case upon a final resolution regarding indemnity. This can occur through a final judgment, order of dismissal, or voluntary dismissal. A filing of a confession of judgment, or even a notice that Plaintiff has received some or all of the requested benefits/relief, or some similar notice or motion, is NOT the same as closing the case. Additionally, if there are multiple counts pending, ALL COUNTS must be resolved prior the Court entertaining a Motion for Attorney's Fees and Costs.

3. If the non-moving party ("Respondent") has not agreed to entitlement of attorney's fees and costs by the moving party ("Movant"), then Movant shall coordinate with the Respondent to schedule a 15-minute special-set hearing on **entitlement only**. That hearing needs to occur within 60 days of this Order.

4. The "Fee Order Beginning Date" shall be the earliest of: (A) the date of this Order, if entitlement to fees has already been determined, whether by agreement or by Court determination; (B) the date the parties agree Movant is entitled to attorney's fees and costs; or (C) the date the Court determines that Movant is entitled to attorney's fees and costs.

5. Within twenty (20) days of the Fee Order Beginning Date, Movant shall provide its time records, cancelled checks, records evidencing services rendered, and invoices for the costs and fees requested to the Respondent (referred to hereafter as the "**Disclosures**"). Movant shall contemporaneously provide the name, address and CV of its expert (NOTE – PLAINTIFF'S EXPERT IS JUST A DISCLOSURE AND DOES NOT REQUIRE A REPORT OR ANALYSIS).

Upon serving the Disclosures, Movant shall then file a notice stating it has complied with this paragraph.

6. Within thirty (30) days of receiving the Disclosures, Respondent shall respond in writing to each line item of costs and fees (referred to hereafter as the "**Response**"). The Response shall agree to each item in full, part, or disagree in full. For any item not agreed to in full, Respondent shall state the amount (time, price, or rate) that Respondent argues should be awarded along with the **legal and/or factual** basis for any reduction (in part or full). Respondent shall contemporaneously provide the name, address and CV of its expert. Upon serving the Response, Respondent shall then file a notice stating it has complied with this paragraph.

7. Within twenty (20) days of receiving the Response, Movant shall reply to Respondent in writing to each reduction (in full or part), either agreeing with the objection or citing any contrary **legal** authority (referred to as the "**Reply**"). Upon serving the Reply, Movant shall then file a notice stating it has complied with this paragraph.

8. The parties shall meet, review, and communicate to attempt agreements on all differences (hereinafter referred to as "**Conferral**"). Statewide Uniform Guidelines for Taxation of Costs in Civil Actions shall be used to resolve disputes over taxation of costs.

9. After compliance with **Conferral**, and **WHEN ALL DISCOVERY IS COMPLETE**, the parties shall submit a list of the agreements and disagreements to the Court (referred to as the "**Stipulation**"). The Stipulation shall also include the names of potential witnesses, including experts, so the Court can properly schedule the hearing. The Stipulation **must certify** there was an attempt to reach agreements on any disagreements pursuant to the **Conferral**. The Stipulation shall be similar in form (*with examples for demonstration only*) to the below EXAMPLE STIPULATION (which shall also be on the Court's web page).

10. After filing of the Disclosures, Response, Reply, and Stipulation, the parties may then request a special-set, evidentiary hearing for **no less** than 1 hour of time (more may be requested if the parties believe more time is needed).

11. The parties and counsel are directed to exercise good faith in complying with the terms of this Order. The Court will first consider Motions to Compel Compliance with this Order, and if necessary, may consider Motions for Sanctions about unreasonable delays, requests for costs, any untenable objections thereto, or any other failure to follow any Order Compelling Compliance. Any lack of cooperation regarding compliance with this Order shall be brought to the Court's attention as soon as possible by way of Motion to Compel Compliance with Scheduling Order, to be set on Motion calendar.

12. PLEASE BE ADVISED THAT THE COURT WILL ENTERTAIN EX-PARTE MOTIONS TO COMPEL COMPLIANCE WITH THIS ORDER. For an Ex-Parte order to be signed by this court, the party must submit an order to the court after waiting (with no response) seven business days after filing (not just serving) a motion to compel, in compliance with Admin Order 06-09. Any Ex-Parte motion to compel and the order should contain the paragraph and designation which has not been complied with (e.g. "Response" – paragraph 6). The ex-parte motion to compel should compel compliance within 10 days or that designation is waived without

further response or objection. (This means that if it is the Response that is overdue and the non-moving party has not obliged by the 10 days after the ex-parte order is entered, the Court will consider that there is no Response as the non-moving party is in full agreement with the Disclosures). Please note, like other motions to compel, the Court will not grant 1.380 fees on ex-parte orders. If a party seeks monetary discovery sanctions, a hearing must be set and heard by the Court.

13. Mediation may be ordered if requested by either party or by the Court.

14. Once the special-set, evidentiary hearing has been scheduled, the hearing may NOT be cancelled absent Court order or full settlement of the fees and costs.

EXAMPLE STIPULATION:

JOINT STIPULATIONS FOR HEARING ON ATTORNEY FEE'S AND COSTS

The parties hereby submit their agreements and disagreements regarding Movant's Motion for Attorney's Fees and Costs.

AGREEMENTS

Rates:

Attorney Sally Jones	\$500.00
Paralegal David Johnson	\$150.00

Time:

Line Item / Description	Timekeeper	Agreed Value
Plaintiff time entry #5	John Smith	.3
Special set argument on MSJ	Sally Jones	2.6

Summation of Agreed Time by Timekeeper

Timekeeper	Sum of Agreed Time
John Smith	25.2
Sally Jones	27.5

Costs:

Line Item / Description	Agreed Value
Filing Fee	\$350.00
Transcript of Plaintiff	\$500.00

DISAGREEMENTS

Rates:

Line Item / Description	Movant	Respondent
Attorney Sally Jones	\$400.00	\$200.00
Paralegal David Johnson	\$150.00	\$100.00

Time:

Line Item / Description	Timekeeper	Movant	Respondent
Plaintiff time entry #5	John Smith	3.1	0
Special set argument on MSJ	Sally Jones	2.5	2.1

Costs:

Line Item / Description	Movant	Respondent
Filing Fee	\$400.00	\$200.00
Transcript of Plaintiff	\$600.00	\$500.00

Plaintiff's witness list for the hearing:

-

Defendant's witness list for the hearing:

-

THE PARTIES HEREBY STIPULATE THAT THE PARTIES HAVE SERVED THE DISCLOSURES, RESPONSE, AND REPLY PRIOR TO THE FILING OF THESE STIPULATIONS, PURSUANT TO THE COURT'S FEE ORDER.

THE PARTIES HEREBY CERTIFY THAT THE PARTIES HAVE MET, REVIEWED, DISCUSSED, AND COMMUNICATED WITH EACH OTHER REGARDING THE ABOVE DISAGREEMENTS AND ATTEMPTED TO REACH AN AGREEMENT.

MEDIATION IS REQUESTED BY: PLAINTIFF DEFENDANT NEITHER

(Joint Signature Block)

(amended 12/16/2020)