

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 26-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 26-20  
(Rescinding AO No. 06-09)**

**IN RE: *EX PARTE* MOTIONS TO  
COMPEL DISCOVERY IN CIVIL  
ACTIONS**

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**WHEREAS**, Rule 1.380 of the Florida Rules of Civil Procedure prescribes the method for applying for an order compelling discovery, including requiring reasonable notice; and

**WHEREAS**, Administrative Order No. 06-09 set forth procedures governing *ex parte* motions to compel discovery in civil actions; and

**WHEREAS**, Administrative Order No. 06-09 referred to the conferral requirement of the previous version of Rule 1.380(a)(2), but the new version of Rule 1.380(a) no longer contains that requirement and Rule 1.202 sets forth a general rule of conferral instead.

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida under Rule 2.215 of the Florida Rules of General Practice and Judicial Administration, the following amended procedures governing *ex parte* motions to compel discovery in civil actions are hereby promulgated:

1. A motion to compel discovery *ex parte* in a civil action may be submitted to the Court if the moving party has complied with the following procedures:
  - a. The moving party must serve the motion on the opposing party at least seven (7) days prior to the submission of the order to the Court.
  - b. The motion must include the following:
    - i. the nature of the discovery and the date upon which the discovery was propounded and due;
    - ii. that there has been a complete failure to respond or object to discovery, and the non-moving party has failed to request an extension of time to respond to discovery; and

- iii. that the moving party has complied with Florida Rule of Civil Procedure 1.202 (“Conferral Prior to Filing Motions”).
2. In the event that the non-moving party fails to provide the requested discovery, fails to object to discovery, or fails to request an extension of time to respond to the discovery within seven (7) days of service of the motion, the moving party may submit an *ex parte* order to the Court.
3. In entering the *ex parte* order, the Court may direct that the non-moving party comply with the outstanding discovery request within ten (10) days or such other time, within its discretion. Rule 1.380(a)(4) governs the imposition of expenses and attorneys’ fees.

Administrative Order No. 06-09 is hereby rescinded in its entirety and held for naught. This Order shall take effect immediately upon execution and remain in effect until further order of the Court.

**DONE AND ORDERED** in Chambers at Miami-Dade, Florida, this 15<sup>th</sup> day of July 2026.

  
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**ARIANA FAJARDO ORSHAN, CHIEF JUDGE  
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**