

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA

CIVIL DIVISION “AN”

CASE NO.:

**DIVISION AN STANDING ORDER
PENDING MITIGATING MEASURES
IN RESPONSE TO COVID-19**

THIS MATTER came before the Court *sua sponte*, and in response to the outbreak of the Coronavirus Disease 2019 (COVID-19), the Governor of Florida has declared a state of emergency exists and the Surgeon General and State Health Officer have declared that a public health emergency exists. As directed by the Florida Supreme Court in AOSC20-12 and AOSC20-13, preparing for the impact of COVID-19 on court operations is a high priority for the Florida State Courts System and all chief judges of the district and circuit courts must take any mitigating measures as may be necessary to address the effects of the COVID19 outbreak in their respective courts.

Further, on March 17, 2020, the Florida Supreme Court issued AOSC20-15, which: (1) designates essential court proceedings required and permits the chief judge to determine additional essential proceedings; (2) requires circuits to employ all methods practicable to minimize the risk of COVID-19 exposure to individuals involved in essential proceedings or the general public; and (3) directs the chief judge of each circuit to cancel or postpone non-essential proceedings unless such proceedings can be effectively conducted remotely without in-person court appearances. As a result of the foregoing, and pursuant to A.O. 12.510-03-2020.3* and the Court being otherwise fully advised in the premises, it is thereby

ORDERED AND ADJUDGED as follows:

1. Until the earlier of further order of this Court or suspension of presently implemented mitigating measures in response to COVID-19 per A.O. 12.510-03-2020.3*, all non-essential proceedings in Division AN are subject to the following:

a. Unless the parties stipulate otherwise, with the exception of hearings set on

Fridays, as set forth in the Administrative Order, all scheduled hearings in Division AN will remain pending. Absent a stipulation, parties may move to reschedule the hearing via motion to continue, and the Court will promptly consider the request. (A copy of all such motions should be sent to CAD-DIVISIONAN@PBCGOV.ORG)

b. All jury trials are suspended.

c. All in-person case management conferences set by the Court are suspended.

d. There shall be no in-person court appearances either in UMC or special set hearings.

e. In lieu of in person hearings, all hearings will be conducted via telephone and must be pre-arranged with a telephone conference provider. This requirement applies to pro se litigants as well as attorneys. Telephone conference providers include Court Call (888-882-6878), CourtScribes (833-727-4237 ext 3), and Zoom (888-799-9666), but parties are free to seek out other vendors or utilize their own conference call provider if they have one. If using a teleconference provider that does not automatically provide a dial-in number, the Notice of Hearing must include the number and passcode that the Court will use to initiate the call at the time of the hearing.

f. All papers upon which the parties intend to rely for their scheduled hearings must be filed with the court in advance of the hearing. If the papers do not appear on the docket, the parties must submit all documents which they intend to reference during the hearing 48 hours in advance by email in .pdf format to CAD-DIVISIONAN@PBCGOV.ORG. Hard copies of documents, binders, etc., will not be accepted by this office until further notice.

g. All evidentiary hearings scheduled during the period that mitigating measures to COVID-19 are in place shall continue as scheduled, subject to the following:

i. For evidentiary hearings and non-jury trials, the parties should stipulate to the admissibility of evidence for which the admissibility is not reasonably contested. The parties shall provide copies of all intended exhibits, evidence or demonstratives to the Court in advance

in .pdf format to CAD-DIVISIONAN@PBCGOV.ORG

ii. If witnesses will be called to give testimony, the Court requires that such appearances be pre-arranged with a teleconference provider as in paragraph 2 above or via video with an appropriate provider. Per Justice Canady's Administrative Order (3-13-2020), all rules of procedure, court orders and opinions applicable to court procedure that limit or prohibit the use of communication equipment for conducting proceedings by electronic means are suspended from the March 13-27, 2020. Moreover, this A.O.'s time period may be extended by Justice Canady.

iii. To the extent possible, court reporters will also utilize a teleconference or video conference provider to cover hearings/non-jury trials. The Court will administer the oath, or oaths are to be administered in accord with Justice Canady's A.O.

h. All in-person calendar calls are suspended; provided, however, Division AN has now Implemented E-Calendar Call; The E-Calendar Call form can be downloaded on Division AN's Divisional Forms and Orders webpage, a copy of which is also attached hereto; a **Joint E-Calendar Call form** is due on the date of calendar call via email to CAD-DIVISIONAN@PBCGOV.ORG.

i. The parties are encouraged to submit any motions to the Court that they mutually agree the Court may address based solely upon the papers and thereby waive oral argument.

j. Any motions to assist fair, timely, effective and efficient efforts suggesting procedures to use to address necessary issues for your respective cases during the current outbreak are strongly encouraged by the Court. It is the intention of the Court to enable and facilitate telephone or video hearings in a practical manner or to allow rulings on the papers when acceptable to the parties. Above all, though, the Court wishes to provide for the administration of justice without risking anyone's safety.

2. Unless modified herein, all other Divisional Instructions for Division AN remain in place.

DONE AND ORDERED in Chambers, at West Palm Beach, Palm Beach County, Florida
on March 20, 2020.



HOWARD K. COATES, JR.
CIRCUIT JUDGE

copies furnished: