

**IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT,
IN AND FOR CLAY, DUVAL, AND NASSAU COUNTIES, FLORIDA**

FIRST AMENDED ADMINISTRATIVE ORDER NO. 88-2

**RE: FLORIDA RULE CIVIL PROCEDURE 1.380
FAILURE TO MAKE DISCOVERY; SANCTIONS.**

WHEREAS, some attorneys in the Fourth Judicial Circuit have been dilatory in responding to interrogatories and requests to produce, thereby necessitating the unnecessary calendaring of motions to compel which, on many occasions, are cancelled because the motions to compel prompted compliance with the rule;

WHEREAS, all judges present unanimously voted in 1988 that the original Administrative Order be entered to control the waste of judicial and lawyer time;

WHEREAS, unnecessary use of Judges' calendar time due to the scheduling of hearings on motions to compel, which are later cancelled upon the responding party providing late, but otherwise sufficient, discovery responses remains a problem;

NOW THEREFORE, by the authority vested in me as the Chief Judge of the Fourth Judicial Circuit and pursuant to the Florida Rules of Judicial Administration, it is hereby

ORDERED AND ADJUDGED that:


1. Before filing a motion to compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a motion for a protective order, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, counsel for the moving party shall confer with counsel for opposing party in a good-faith effort to resolve by agreement the issues raised, and shall file with the court at the time of filing of the motion a statement certifying that he or she has so conferred with opposing counsel and that counsel have been unable to resolve the dispute.
2. When a hearing on a motion to compel has been placed on a judge's calendar, the hearing may not be cancelled without the judge's consent.
3. As provided in Section (4) of Rule 1.380, if the motion is granted, the court shall award expenses which may include attorney's fees.
4. The moving party's notice of hearing on a motion to compel shall include the following statement:

Undersigned counsel certifies that he or she: (1) has complied with Fla. R. Civ. P. 1.380(a)(2) by conferring, or attempting to confer, in good faith with the opposing party in an effort to resolve the discovery dispute without court action; and (2) is aware of the provisions in First Amended Administrative Order No. 88-2 that the hearing noticed hereby may not be cancelled by the agreement of the parties or counsel, but only by first obtaining the judge's consent.

5. This Administrative Order shall be recorded by the Clerk of the Court, in the Official Records of Clay, Duval, and Nassau Counties, in the State of Florida, shall take effect immediately, and shall remain in full force and effect until further order of this Court.

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida, this

17th day of July, 2020.



MARK H. MAHON
CHIEF JUDGE

cc: All Judges in the Fourth Judicial Circuit
All Magistrates in the Fourth Judicial Circuit
The Honorable Ronnie Fussell, Clerk of Courts, Duval County
The Honorable John A. Crawford, Clerk of Courts, Nassau County
The Honorable Tara S. Green, Clerk of Courts, Clay County
The Honorable Charles G. Cofer, Esq, Public Defender
The Honorable Melissa W. Nelson, Esq., State Attorney
The Honorable Jason R. Gabriel, Esq., General Counsel
The Honorable Mike Williams, Sheriff, Jacksonville Sheriff's Office
The Honorable Darryl Daniels, Sheriff, Clay County Sheriff's Office
The Honorable Bill Leeper, Sheriff, Nassau County Sheriff's Office
Major Claude Colvin, Jacksonville Sheriff's Office, Courthouse Security
Joseph G. Stelma, Fourth Judicial Circuit Trial Court Administrator
Eve Janocko, Chief Deputy Trial Court Administrator
Mike Smith, Court Technology Officer
Julie K. Taylor, Court Counsel
Stephen Siegel, Esq., Office of the State Attorney
Janet Abel, Circuit Director, Office of Criminal Conflict and Civil Regional Counsel
Fourth Circuit Court Law Library, Duval County
Judicial Staff Attorneys, Fourth Judicial Circuit
The Jacksonville Bar Association
Nassau County Bar Association
Clay County Bar Association