

**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

17<sup>th</sup> day of July, 2020.

  
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**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