

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

SECOND AMENDED ADMINISTRATIVE ORDER NO. 2023-05

**IN RE: CIVIL CASE MANAGEMENT AND RESOLUTION
OF NON-COMPLEX CASES FILED IN CIRCUIT COURT**

WHEREAS, on April 13, 2021, the Supreme Court of Florida entered Administrative Order No. AOSC20-23, Amendment 12, *In re: Comprehensive COVID-19 Emergency Measures for Florida Trial Courts* to address the backlog of civil cases currently pending and anticipated to be filed in Florida Courts; and

WHEREAS, the Supreme Court of Florida has directed all chief judges of all judicial circuits to issue an administrative order that applies to each county within the judicial circuit and that requires the presiding judge for each civil case to actively manage civil cases; and

WHEREAS, the Fourth Judicial Circuit has issued multiple administrative orders addressing civil case management in the Circuit, including Second Amended Administrative Order No. 2021-09 for circuit court cases filed on or after April 30, 2021, and Administrative Order No. 2021-21 for circuit court cases filed before April 30, 2021; and

WHEREAS, Administrative Order No. AOSC20-23, Amendment 12, requires chief judges to “direct all judges within their circuits to strictly comply with Florida Rule of Judicial Administration 2.545(a), (b), and (e), which respectively require judges to conclude litigation as soon as it is reasonably and justly possible to do so, to take charge of all cases at an early stage and to control the progress of the case thereafter until it is determined, and to apply a firm continuance policy allowing continuances only for good cause shown”;

WHEREAS, Administrative Order No. AOSC20-23, Amendment 12, further encourages all judges where consistent with public health and safety to “Implement scheduling practices that promote the conduct of as many jury trials as feasible and “[c]ommunicate to the local Bar that lawyers must strictly comply with Florida Rule of General Practice and Judicial Administration 2.545(a), which requires lawyers to conclude litigation as soon as it is reasonably and justly possible to do so, and that the pandemic alone is not a basis for a lawyer’s failure to prepare a case for trial or otherwise actively manage a case”; and

WHEREAS, the Circuit’s civil case management procedures for non-complex cases have been in place for a sufficient time to evaluate their effectiveness and to determine a more streamlined process is necessary; and

WHEREAS, this Second Amended Administrative Order is created to streamline the civil case management process for all non-complex civil cases in circuit court and supersedes Second Amended Administrative Order No. 2021-09 and Administrative Order No. 2021-21 when a case management plan has not previously been approved; and

WHEREAS, Paragraph 1 of the Amended Administrative Order No. 2023-05, is amended to remove the requirement relating to filing a complaint only in Clay County.

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

ORDERED:

1. When a complaint is filed in any civil case, the Clerk of Court's office shall issue an Amended Order Setting Case Management Plan for Non-Complex Cases. (Attachment 1).
2. The plaintiff shall serve the Amended Order Setting Case Management Plan for Non-Complex Cases on all defendants along with the summons and complaint.
3. To have a case declared complex, the parties shall follow the procedures in Florida Rule of Civil Procedure 1.201. *All civil cases shall be designated as non-complex unless one or more parties file a motion to have the case designated as a complex case, and the request is approved by order of the Court.*
4. The Amended Order Setting Case Management Plan for all Non-Complex Cases filed in all non-complex civil cases will specify the deadlines for service of original pleadings. The Order also requires the parties to address deadlines related to motions directed to any pleadings, including motions to dismiss, motions for more definite statement, motions to strike, and any objections to the pleadings.
5. The Amended Order Setting Case Management Plan will direct that the plaintiff must and any party may file a notice that the action is at issue, pursuant to Florida Rule of Civil Procedure 1.440(b), and ready to be set for trial.
6. The Amended Order Setting Case Management Plan for all Non-Complex Cases will further direct the plaintiff to submit to the Court a completed Trial Set Memorandum no later than ten (10) days after the date the case is at issue as defined by Florida Rule of Civil Procedure 1.440(a) to schedule the matter for trial according to the division's procedures.
7. Pursuant to Florida Rule of Civil Procedure 1.440(c), if the Judge finds the action is ready to set for trial, the Judge will schedule a trial date and enter an Amended Order Setting Case for Trial and Pretrial Conference.

8. To avoid confusion and inefficiency in judicial administration, this Second Amended Administrative Order No. 2023-05 does not amend or otherwise change schedules already established in existing Case Management Orders or Trial Set Orders. Those cases will proceed as scheduled as to all deadlines and trial settings. All other civil cases filed after March 1, 2023, require compliance.
9. For cases filed on or after March 1, 2023, pursuant to Administrative Order No. 2023-05, the deadlines as specified in amended Paragraph 6 of the Amended Order Setting Case Management Plan as articulated in this Amended Administrative Order No. 2023-05 are effective *nunc pro tunc* to March 1, 2023.
10. This Second Amended Administrative Order No. 2023-05 shall be recorded by the Clerks of 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 in Chambers at Jacksonville, Duval County, Florida, this 3rd day of May 2023.



MARK H. MAHON
CHIEF JUDGE

Attachment 1: Order Setting Case Management Plan

cc: All Judges in the Fourth Judicial Circuit
All Magistrates in the Fourth Judicial Circuit
The Honorable Steven Whittington, Administrative Judge, Clay County
The Honorable James Daniel, Administrative Judge, Nassau County
The Honorable Jody Phillips, Clerk of Court, Duval County
The Honorable Tara S. Green, Clerk of Court, Clay County
The Honorable John A. Crawford, Clerk of Court, Nassau County
The Honorable Jason R. Teal, General Counsel, City of Jacksonville
Eve Janocko, Fourth Judicial Circuit Trial Court Administrator
Claude T. Colvin, Deputy Trial Court Administrator
Mike Smith, Court Technology Officer
Cecilia F. Birk, Court Counsel
Judicial Staff Attorneys, Fourth Judicial Circuit
Fourth Judicial Circuit Law Library, Duval County
Raymond Reid, Jr., Esq., President, ABOTA Jacksonville Chapter
Christopher Douglas, Senior Business Strategist, Clerk of Court, Duval County
Laura Lentini, Assistant to Court Counsel
Jacksonville Bar Association
Clay County Bar Association
Nassau County Bar Association

IN THE CIRCUIT COURT OF
THE FOURTH JUDICIAL CIRCUIT, IN
AND FOR DUVAL COUNTY FLORIDA

CASE NO.:

Plaintiff(s)

DIVISION:

v.

Defendant(s).

_____ /

**CORRECTED AMENDED ORDER SETTING CASE MANAGEMENT PLAN
FOR NON-COMPLEX CASES**

This civil action comes before the Court upon Plaintiff filing a complaint. The Court now establishes a Case Management Plan as set forth below. If a case is declared complex, the parties shall follow the procedures in Florida Rule of Civil Procedure 1.201, rather than this Case Management Plan.

DEADLINE OR EVENT	DATE
Deadline for Service of Process	120 days
Motions to Dismiss, Motion for More Definite Statement, Motions to Strike and any objections to the pleadings	Within 60 days of filing the motion/objection or, if such motion/objection was previously filed, within 60 days of date of entry of this Order approving this Case Management Plan, counsel must schedule with the Court's Judicial Assistant a hearing on the motion/objection. Failure to do so will result in the motion/objection being deemed abandoned and denied. Non-movant shall timely submit a proposed order if the motion/objection is deemed abandoned and denied.
Notice for Trial	Plaintiff must and any party may file a notice that the action is at issue and ready to be set for trial pursuant to Florida Rule of Civil Procedure 1.440 (b) and any party filing a notice for trial shall also submit to the Court a completed Trial Set Memorandum within ten (10) days from the date the case is at issue as defined by Rule 1.440(a). Each civil division's Trial Set Memorandum and any other procedures for setting trials are posted on the Fourth Judicial Circuit's website: jud4.org .

It is **ORDERED**:

1. **COMPLIANCE WITH THIS CASE MANAGEMENT PLAN:** The parties shall strictly comply with the terms of this Case Management Plan, unless otherwise ordered by the Court. *Failure to comply with all requirements of this order may result in the imposition of sanctions, including dismissal of the case.*
2. **ADDITIONAL FOURTH CIRCUIT AND DIVISION SPECIFIC GUIDELINES:** All counsel and unrepresented parties shall familiarize themselves and comply with the requirements of the Fourth Judicial Circuit's Second Amended Administrative Order 2023-05, *In Re: Civil Case Management and Resolution in Circuit Court of Non-Complex Cases*, found at jud4.org, and any division-specific guidelines that may apply.
3. **MODIFICATION OF THIS ORDER:** The parties may not, individually or by agreement, alter or extend the deadlines in this Order, or waive any of the provisions of this Order. The provisions of this Order may be modified only upon motion/stipulation *and* Court order, according to applicable law.
4. **NOTICE FOR TRIAL:** Plaintiff shall and any party may file a notice that the action is at issue and ready to be set for trial pursuant to Florida Rule of Civil Procedure 1.440(b) and submit to the Court a completed Trial Set Memorandum no later than ten (10) days after the date the case is at issue as defined by Florida Rule of Civil Procedure 1.440(a) to schedule the case for trial pursuant to the division's procedures.
5. **DISCOVERY:** All counsel and unrepresented parties shall familiarize themselves with the current edition of the Florida Handbook on Civil Discovery Practice and seek to resolve discovery issues without Court intervention whenever possible.
6. **SERVICE OF THIS ORDER:** When serving the Complaint on a party, Plaintiff must also serve a copy of this Order Setting Case Management Plan for Non-Complex Cases on that party. Plaintiff shall file a Certificate of Service of this Order within ten (10) days of service.

DONE at Jacksonville, Duval County, Florida, on _____, 20__.

CIRCUIT JUDGE

If you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator, at least seven (7) days before your scheduled court appearance or immediately upon receiving this notice if the time before the scheduled appearance is less than seven (7) days. If you are hearing or voice impaired, call 711.

ADA Coordinator: Debra Marchant, Human Resources Manager, Duval County Courthouse, 501 W. Adams Street, Jacksonville, FL 32202. (904) 255-1695.