

## **16<sup>th</sup> CIRCUIT COURT – JUDGE GARCIA’S INFORMATION AND PROCEDURES**

### **JUDGE’S NAME and CHAMBERS INFORMATION:**

Honorable Luis M. Garcia  
Plantation Key Courthouse  
88820 Overseas Hwy., [Suite 202] **(Use when sending documents to the office.)**  
Tavernier, FL 33070  
Phone #: 305-852-7165  
Facsimile #: 305-852-7113

### **JUDICIAL ASSISTANT (JA) NAME & E-MAIL:**

Susan Johnson

E-mail Address: Susan.Johnson@KeysCourts.net

- We do not accept email correspondence, responses or requests. Parties must file their Motions and Responses with the Clerk of Court first and then send such to the Judge’s office. It is improper to argue a case via email.
- **Please note: When emailing in a response, reply, proposed order or Motion you must copy all counsel/parties in the same e-mail.**
- Do not put “SERVICE OF COURT DOCUMENTS” in the subject line of any email to the Court. Subject lines should contain the style of the case with the case number.

### **TIME CALENDAR BEGINS EACH DAY:**

9:00 a.m. and 1:30 p.m., unless indicated differently on an Order.  
Jury selection commences at 8:30 a.m.

### **REQUESTING AND SCHEDULING HEARING TIME BEFORE JUDGE GARCIA**

**We will not schedule any hearings on motions that have not been filed with the clerk of court.**

### **REQUESTING TIME BEFORE JUDGE GARCIA**

All parties need to call the Judge’s office to obtain available dates and times for hearing. (No exceptions, we will not address email requests.) Judge Garcia books in 15-minute increments and does not allow telephonic appearances.

You will be asked the following questions and you will need to have this information available:

- Case Number?
- How much **time** will you need?
- What Motion would you like to set? When was it filed?
- Is your Motion Evidentiary?

Our office will give you three dates and times before the Judge on the motion calendar. Upon conferring with opposing counsel(s)/pro se we will ask you to call our office to set the hearing. Any hearings more than two-hours long must get special approval before the Court in order to schedule.

### **SCHEDULING A HEARING ON JUDGE GARCIA'S DOCKET**

After conferring dates and times with the opposing side, the party setting the hearing needs to call the Judge's office to place this hearing on the Judge's docket. We will need the following information available to schedule a hearing:

- Case Number, Style of the Case, Motion that is coming forward before the court, Time Requested and the Attorney/Pro Se name who is bringing the motion forward with their phone number.

Our office will answer any questions you may have and also mention any special requirements at that time. Any hearing requiring more than two (2) hours must get special approval before the Court in order to place this on Judge's docket. The Court does not permit add-on motions unilaterally set by the parties.

**It is essential to note: A hearing is not confirmed until you call our office and speak with the Judicial Assistant or Case Manager. No exceptions.**

### **REQUESTING AND SCHEDULING TIME BEFORE JUDGE SANDRA TAYLOR**

Judge Garcia has Senior Judge Sandra Taylor who will hear his 5-15 minute simple Civil motion calendar as a Magistrate. Magistrate Taylor will allow telephonic appearance via CourtCall. These motions are to be non-evidentiary and 15 minutes or less in length. These hearings are scheduled through Case Manager, Denise Moore. (305) 853-7383

## **SCHEDULING A HEARING ON JUDGE/MAGISTRATE TAYLOR'S DOCKET**

The party setting the hearing needs to call Case Manager, Denise Moore at: (305) 853-7383 to obtain the next available dates and times. After conferring dates and times with the opposing side(s), you will need to call Ms. Moore to place the hearing on the Magistrates docket. She will need the following information to schedule the hearing:

- Case Number, Style of the Case, Time Requested, the filed Motion that is coming forward before the Court; and the Attorney/Pro Se name and telephone number who is bringing the motion forward.

The party shall file the Notice of Hearing with the following information:

- a. Date, Time, Magistrate Sandra Taylor, Location: (Plantation Key Courthouse, 88820 Overseas Hwy, Tavernier, FL 33070), Room (TBD) and also;
- b. **"ALL PARTIES MAY APPEAR TELEPHONICALLY VIA COURT CALL"** (Parties appearing telephonically must make their CourtCall Reservations no later than three (3) days prior to the hearing date by calling 1-888-882-6878.)

We will specify any special requirements at that time. The above-captioned bolded quote will only appear for the telephonic motion calendar. Should a party file an objection to the Magistrate, all hearings before Judge Garcia are in person only.

## **CANCELLING A HEARING**

- You must call and physically speak with the Judicial Assistant to cancel a hearing that you have placed on the Judge's docket. Should your hearing cancel within 24 hours of the scheduled hearing time, you shall **also** fax a copy of the filed Notice of Cancellation of Hearing to the Judge's office at 305-852-7113. **No exceptions.**
- We will not acknowledge messages left on the answering machine, emails or cancelling a hearing, without a prior telephone call.

## **SENDING DOCUMENTS TO THE COURT FOR AN UPCOMING HEARING.**

- Sending in a Notice of Hearing, Motions, Proposed Orders, Case Law and Memorandum of Law to the Court may be sent to the Judge's office prior to a hearing no less than 5 working days prior to the hearing date via US Mail or another courier.
- You may email a proposed order to the Judge's office. All proposed orders must have either an e-mail address or a fax number on the service list, next to the attorney's name. Should any of the parties require a mailed copy to be sent to them, you will need to send in self-addressed stamped envelopes along with the order. No order will go out until envelopes are received.
  - The Judge's office will not print any case law submitted via email or Orders exceeding the 10-page printing limit. **(Please see printing limit requirements of proposed orders under 10-Page Printing Limit)**

## **SUBMITTING ORDERS FOR SIGNATURE FOLLOWING A HEARING**

- Following a hearing, the Court will often ask the prevailing attorney to draft a proposed order and send to the Judge's office. When sending an order to the Judge, the cover letter or email shall state the date the hearing was before the Court, when the order was sent to the other parties and if all parties have agreed to the submission of the order. Attorneys must confer prior to sending an order to the judge. Should there be objections to the contents, please note the points of disagreement or advise the Court that more than one order is being submitted.
- All proposed orders must have either an e-mail address or a fax number on the service list, next to the attorney's name.
- Should any of the parties require a mailed copy to be sent to them, you will need to send in self-addressed stamped envelopes along with the order. No order will go out until envelopes are received.

## **STIPULATED MOTIONS with AGREED (proposed) ORDERS**

- Stipulated Motions with agreed orders, including a cover sheet/email detailing the request, may be e-mailed or faxed to our office as long as they do not exceed the 10-page printing limit. **(Please see printing**

**limit requirements of proposed orders under 10-Page Printing Limit)**

- All proposed agreed orders must have either an e-mail address or a fax number on the service list, next to the attorney's/pro se name.
- Should any of the parties require a mailed copy to be sent to them, you will need to send in self-addressed stamped envelopes along with the order. No order will go out until envelopes are received.

**10-PAGE PRINTING LIMIT**

- Our office has a 10-page, accumulative/combined, printing limit. Should you want to email or fax a cover letter, stipulated motion and/or proposed order to our office this cannot exceed ten pages. Should the combination exceed the ten-page limit, please send the documents via US Mail or another courier to our office.

**PROPOSED ORDERS**

- When sending a proposed order to the Judge, it should have a cover letter or email detailing the request, a copy of the motion, and the proposed order. The cover letter/email needs to indicate when the order was sent to the other parties and if **all parties** have approved the order. If not an agreed order, please note the points of disagreement or advise the Court that more than one order is being submitted.
- All proposed orders must have either an e-mail address or a fax number next to the recipient's name.
- Should any of the parties require a mailed copy to be sent to them, you will need to send in self-addressed stamped envelopes along with the order.
- Proposed orders may be e-mailed or faxed to our office as long as they do not exceed the 10-page printing. **(Please see printing limit requirements of proposed orders under 10-Page Printing Limit.)**

**NOTICE OF READINESS FOR TRIAL**

- Once your case is at issue and ready for trial, file your Notice of Readiness for Trial and **fax** a courtesy copy to our office.
- The Notice should include the following information:
  - Requesting trial by court or trial by jury.
  - How much time? (Days or hours)

- Certificate of Service must have the current email addresses for all parties.
- After our office receives the facsimile, the Notice will be held for 21 days for any objections.
- Barring any objections, the case will be set on the next available trial docket. Please note that this may be several months.

## **MOTIONS IN LIMINE**

- Motions in Limine must be filed and a courtesy copy sent to our office no later than the Wednesday before trial. Failure to do so, absent a good cause, is sufficient basis for the Court to deny the Motion.

## **SETTLEMENTS**

- Cases settled at mediation or otherwise that are set for hearing, pretrial conference or trial, must file a Notice of Settlement and email a courtesy copy to our office.
- Please note: Filing a Notice of Settlement does not automatically take you off of a scheduled Case Management Conference, Pretrial or Trial Docket. The Judge will make this decision on a case-by-case matter.

## **EMERGENCY MOTIONS (Please refer to Administrative Order 5.039)**

- All motions requesting emergency hearing time shall be filed with the Clerk of Court and then faxed or delivered directly to the Judge's office, accompanied by a cover letter. Please advise the Judicial Assistant, via email or phone accordingly. The motion should be detailed, include the amount of hearing time needed and the nature of the emergency. We will reach out to opposing counsel for a response. The judge will review the motion and determine whether an expedited hearing is required. **All Emergency Hearings will be coordinated through the Judicial Assistant.**

## **MOTIONS FOR A: NEW TRIAL, REHEARING, RECONSIDERATION OR CLARIFICATION**

- All Motions for Rehearing, Reconsideration or New Trial are to be submitted directly to the judge along with a cover letter. The motion should be detailed. We will reach out to opposing counsel for a

response. The judge will first review the motion and response to determine whether a hearing is required.

- **Do not schedule said Motions for hearing until the Judge has requested a hearing.**

## **MOTIONS TO CONTINUE**

- Motions to continue in all Civil, Family Law or Foreclosure matters must be filed with the Clerk of Court and e-mailed or faxed to our office, with a proposed order, at least 3 business days prior to the hearing date as long as they do not exceed the 10-page printing. **(Please see printing limit requirements of proposed orders under 10-Page Printing Limit.)**
- When sending the Motion and proposed order to the Judge, please indicate on the cover letter or email if all parties have agreed to the order. Attorneys must confer prior to sending an order to the judge. If not an agreed order, please note the points of disagreement or advise the Court that more than one order is being submitted.
- All proposed orders must have either an e-mail address or a fax number of the attorneys on the service list.
- Should any of the parties require a mailed copy to be sent to them, you will need to send in self-addressed stamped envelopes along with the order.
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## **PROBATE MOTIONS AND ORDERS**

- Probate Motions and proposed Orders may be sent/emailed directly to Denise Moore, Case Manager at: [denise.moore@keyscourts.net](mailto:denise.moore@keyscourts.net)
- All proposed orders must have either an e-mail address or a fax number of the attorney(s) on the service list.

## **MISCELLANEOUS**

- The Judge's office is not permitted to send or forward court files to parties. Please contact the Clerk of Court – 305-853-7456.
- Family Court, Case Manager, Wendy Dube: 305-853-7387
- Family Law Forms may be found at: [www.flcourts.org](http://www.flcourts.org)
- Foreclosure & Probate Case Manager, Denise Moore: 305-853-7383
- We do not have e-courtesy and do not receive a copy of filed documents immediately.

Modified: March 10, 2020