**SIXTEENTH JUDICIAL CIRCUIT**

**JUDGE GARCIA’S INFORMATION AND PROCEDURES**

**Honorable Luis M. Garcia**

Plantation Key Courthouse

88770 Overseas Highway, Suite 1

Plantation Key, FL 33070

305 852 7165

**Judicial Assistant, Wendy Dube**

**Wendy.dube@keyscourts.net**

**CIVIL CASES**

**Civil Case Manager, Denise Moore**

**Denise.moore@keyscourts.net**

**305 853 7383**

* Any hearings, with the exception of Probate Cases, that require 30 minutes or less and that are non-evidentiary shall be held with Magistrate Aislynn Thomas-McDonald through the Case Manager.
* Proposed Orders shall be submitted in Word in DJMCA format for the Court’s review and signature through the State of Florida E-Filing Portal. Please be advised that the E-filing Portal requires a separate cover letter in PDF format, with each proposed order. Any exhibits referenced in the body of the proposed order must be attached, otherwise, the order will be rejected. You may access the new protocol for submission of orders on the homepage under, New Protocol for Submission of Proposed Orders.
* All filings shall contain a list of parties and their email addresses.

**FAMILY CASES**

**Family Court Case Manager, Shelby Porter**

**Shelby.porter@keyscourts.net**

**305 853 7387**

* Any hearings that require less than 2 hours shall be set Magistrate Holly Aliprandi through the Case Manager.
* Proposed Orders shall be submitted in Word in DJMCA format for the Court’s review and signature through the State of Florida E-Filing Portal. Please be advised that the E-filing Portal requires a separate cover letter in PDF format, with each proposed order. Any exhibits referenced in the body of the proposed order must be attached, otherwise, the order will be rejected. You may access the new protocol for submission of orders on the homepage under, New Protocol for Submission of Proposed Orders.

**CRIMINAL CASES**

* All criminal hearings are held in person.
* Arraignments: If a Notice of Appearance has been filed, the attorney and their client’s appearance are waived.
* If there is an agreement to continue docket sounding, the attorney shall contact chambers to obtain a new date and time for docket sounding. Once a date has been obtained, the attorney shall upload an agreed order to include the new date and time.
* No plea in absentia will be accepted on a felony case, unless the plea is to a misdemeanor.

**SERVICE OF DOCUMENTS FOR SCHEDULED HEARINGS AND TRIALS**

* **COPIES OF NOTICES, MOTIONS, MEMORANDUM OF LAW, EXHBITS & EXHIBIT LIST SHALL BE FORWARDED TO THE JUDICIAL ASSISTANT VIA EMAIL AT LEAST 5 BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING. COURTESY COPIES TO THE JUDGE SHALL BE LIMITED TO FIFTY PAGES OR LESS. PLEASE NOTE, THE CLERK OF THE COURT REQUIRES HARD COPIES OF EXHIBITS, MARKED WITH LETTERS FOR IDENTIFICATION, SHALL BE SUBMITTED AT LEAST 5 BUSINESS DAYS PRIOR TO THE SCHEDULED HEARING. NUMBERED EXHIBITS WILL NOT BE ACCEPTED. NUMBERED EXHIBITS *WILL ONLY* ACCEPTED IF THEY ARE STIPULATED TO.**

**SCHEDULING HEARING TIME**

* Motions must be filed with the Clerk of the Court prior to requesting hearing time.
* Parties seeking hearing time may either call the office or send a request via email to the Judicial Assistant. Please provide the following information with your request: case number, amount of time necessary, title of motion(s) being set along with the date said motion was filed, and the name and phone number of the attorney that will be present at the hearing.
* You will be provided with three dates and times of availability. Once you have confirmed availability of all parties, **please confirm with our office prior to noticing for hearing.** It is not necessary to include the Judicial Assistant in communications regarding the scheduling of the hearing. Please contact this office to confirm the scheduling of the hearing.
* This Court does not permit add-on motions to be set unilaterally.
* After determination of entitlement to attorney’s fees and costs, the parties shall mediate to determine the amount of fees and costs. Once entitlement to fees and costs are determined, the parties may schedule a hearing.

**CANCELLING A HEARING**

* Please call or email the Judicial Assistant to cancel the hearing. Please note, the hearing may only be cancelled by the party that scheduled the hearing.

**SUBMISSION OF PROPOSED ORDERS**

* Attorneys must confer prior to forwarding a proposed order to the Judge.
* Proposed Orders shall be submitted in Word in DJMCA format for the Court’s review and signature through the State of Florida E-Filing Portal. Please be advised that the E-filing Portal requires a separate cover letter in PDF format, with each proposed order. Any exhibits referenced in the body of the proposed order must be attached, otherwise, the order will be rejected. You may access the new protocol for submission of orders on the homepage under, New Protocol for Submission of Proposed Orders.

**STIPULATED MOTIONS AND AGREED ORDERS**

* Stipulated motions must be filed with the Clerk of the Court. Once filed, proposed orders shall be submitted in Word in DJMCA format for the Court’s review and signature through the State of Florida E-Filing Portal. Please be advised that the E-filing Portal requires a separate cover letter in PDF format, with each proposed order. Any exhibits referenced in the body of the proposed order must be attached, otherwise, the order will be rejected. You may access the new protocol for submission of orders on the homepage under, New Protocol for Submission of Proposed Orders.

**NOTICE OF READY FOR TRIAL**

* Please forward a copy of your Notice of Ready for Trial to the Judicial Assistant via email. The notice shall include the type of trial that is requested: Trial by Court or Trial by Jury, amount of time requested, and a certificate of service to all parties with corresponding email addresses. Once the Notice of Ready has been received by this office, it will be held for twenty-one days to allow time for objections to be filed.

**MOTIONS IN LIMINE**

* Motions in Limine must be filed with the Clerk of the Court and a courtesy copy forwarded to the Judicial Assistant no later than the Wednesday before trial. Failure to do so, absent good cause, is sufficient basis for the Court to deny the motion.

**CASES SETTLED**

* Cases that have settled that are scheduled for a hearing and/or trial, must file a Notice of Settlement with the Clerk of Court and email a copy to the Judicial Assistant. A Notice of Settlement does not automatically cancel hearings previously scheduled.

**EMERGENCY MOTIONS**

**(PURSUANT TO ADMINISTRATIVE ORDER 5.039)**

* All motions requesting an emergency hearing shall be filed with the Clerk of the Court and forwarded to the Judicial Assistant via email. Once received, this office will contact the opposing counsel to request a response. The Judge will review the motion and response to determine whether a hearing is necessary.

**MOTIONS FOR REHEARING, RECONSIDERATION, CLARIFICATION OR NEW TRIAL**

* All Motions for Rehearing, Reconsideration or New Trial shall be filed with the Clerk of the Court with a courtesy copy to the Judicial Assistant via email. Once received, this office will contact the opposing counsel to request a response. The Judge will review the motion and the response to determine whether a hearing is necessary.
* **Do not schedule these motions for hearing until the Judge has directed that a hearing is necessary.**

**MOTIONS TO CONTINUE**

* Motions to Continue must be filed with the Clerk of the Court and emailed to the Judicial Assistant along with a proposed order, at least three business days prior to the scheduled hearing. Prior to forwarding to chambers, please confer with opposing counsel as to whether there is an agreement between parties for continuance. If there is no agreement between parties, please note the points of disagreement in the email.

Modified January 30, 2024 by Wendy Dube