

**IN THE CIRCUIT COURT OF THE
FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR BAY COUNTY, FLORIDA**

Case No.:

,

Plaintiff(s),

v.

,

Defendant(s).

**ORDER REQUIRING GOOD FAITH CONFERRAL AND REVIEW OF PROCEDURES
RELATED TO CIVIL DISCOVERY MATTERS**

THIS CAUSE comes before the Court on the Court's own review of the file. As part of measures to address efficient case management and to maximize the Court's availability to hear matters that are in dispute, and in keeping with Guidelines for Professional Conduct, it is appropriate to require that every non-dispositive motion filed in this case include a Certificate of Good Faith Conferral and an acknowledgment that each party has reviewed the Court's Procedures Related to Civil Discovery Matters. Said acknowledgment demonstrates that the moving party made a good faith effort to resolve the relief requested in the motion prior to seeking the Court's intervention and understands the Court's requirements regarding discovery disputes.

Accordingly, it is now

ORDERED and ADJUDGED that:

1. Every non-dispositive motion filed in this case after the date of this Order must include a "Certificate of Good Faith Conferral" in the motion itself, using the language provided below:

2. Recognizing that the intent of the requirement of a Certificate of Good Faith Conferral is to increase the availability of hearing time for matters that require judicial intervention and cannot be resolved by agreement, a non-dispositive motion that fails to include the Certificate of Good Faith Conferral may be summarily denied without prejudice on the Court's own motion if the motion contains no other indication that the moving party attempted to confer in good faith. Likewise, if a hearing is scheduled on the motion, the hearing may be canceled by the Court. A motion denied without prejudice on this basis may be immediately re-filed with the required certificate and the canceled hearing may be immediately rescheduled once the motion has been re-filed with the required certificate;
3. Where a non-dispositive motion is filed without a Certificate of Good Faith Conferral, a party opposing the motion may upload to the e-filing portal a proposed order denying the motion for failure to confer in good faith;
4. Where the Court finds that a Certificate of Good Faith Conferral adequately reflects reasonable, repeated efforts by the moving party to converse in good faith as required, but the opposing party unreasonably failed to respond to the efforts to confer, the Court may grant the motion as unopposed without the necessity of a hearing. A party seeking to invoke this paragraph may upload a proposed order granting the motion as unopposed after first sending a copy of the proposed order to the opposing party or counsel. The cover letter must certify that the proposed order was provided to the opposing party or counsel at least five (5) days prior to submission to the Court and the opposing party or counsel has completely failed to respond to efforts to confer or reach an agreement on the form and content of the proposed order;
5. Within twenty (20) days of filing a non-dispositive motion, the moving party *shall* contact the undersigned's judicial assistant via e-mail and request a hearing on the motion. Should the moving party fail to timely request a hearing on the motion as required herein, such failure shall be deemed a waiver of the motion and the Court may dismiss the motion without prejudice for the moving party's failure to timely pursue the matter.
6. In all cases where attorney's fees or costs are being sought based on a motion to compel under Fla. R. Civ. P. 1.380, and this Court grants or denies the motion based on the failure to appropriately meet the requirements contained herein, the party seeking such fees and costs shall within 30 days of the Court granting or denying the motion, contact the

undersigned's judicial assistant via e-mail to secure a date for a hearing on such requests for fees and costs. The failure to reach out to the Court within 30 days shall be deemed a waiver of such requests for fees and costs.

7. The language of the Certificate of Good Faith Conferral should be as follows:

Certificate of Good Faith Conferral

"I certify that prior to filing this motion, I personally attempted to resolve the matter by discussing the relief requested in this motion by [date and method of communication] with the opposing party or counsel and the [opposing party or counsel did not agree that the motion could be resolved without the necessity of hearing] OR [the opposing party or counsel did not respond and (describe with particularity the efforts undertaken to accomplish dialogue with the opposing party or opposing party's counsel prior to filing the motion)}. Further, I have read the Court's standing "Procedures Related to Civil Discovery Matters" prior to filing this motion and have complied therein to the best of my ability."

DONE AND ORDER this DDDD, in Panama City, Bay County, Florida.

JJJ

Copies provided to all parties via the e-service portal.