

# Administrative Procedures for Judge Dyer

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Revision Date 12/28/23

## Civil – Hearing Time General Procedures

1. Verify Judge Dyer is the judge assigned to the case.
2. **PLEASE NOTE, for any matter that has not been set for hearing as of the effective date of this update, all hearings will be held IN PERSON (not via Zoom) at the Bay County Courthouse, unless the Court specifically grants a request to appear remotely (via Zoom). Just because an attorney’s office may be located outside of Bay County is not grounds to request to appear via Zoom.**
3. DO NOT call the judge’s office to request hearing a time.
4. Email any request for hearing time to Judge Dyer’s assistant, Brooke Stanford, and CC opposing counsel. These requests can be sent to [stanfordb@jud14.flcourts.org](mailto:stanfordb@jud14.flcourts.org). Use Bay County case number and style of case as your subject line
5. Provide the following information in the hearing time request email:
  - a. Type of motion(s) to be heard
  - b. If a remote hearing is requested
  - c. Actual amount of time needed for counsel to argue motion(s)
  - d. Names of attorneys that will attend hearing
  - e. Attach a copy of the motion(s) to the email
6. Please be accurate in the amount of time needed for the hearing. Failure to have sufficient time for the hearing may result in the motion or request being denied or the hearing continued.
7. Most motions, except dispositive motions, should be set for hearing within sixty (60) days of being filed, with simpler motions (such as motions to compel) being set for hearing within thirty (30) days of filing. Failure to timely set a hearing on a motion may result in the motion being summarily denied without hearing.
8. The judicial assistant will “reply all” to the email with available dates, times and instructions. **READ ENTIRE EMAIL. Be aware that Bay County is in the central time zone.** All hearing times are in thirty (30) minute increments and shall be noticed for central time zone.
9. The judicial assistant will provide up to six (6) dates and times for a hearing. **IN THE EVENT COUNSEL CANNOT AGREE** on a mutually convenient date and time for the hearing from the dates and times provided, **the Court may unilaterally set the matter for hearing or alternatively enter an order on the matter without hearing.** If the Court unilaterally sets the matter for hearing, the hearing cannot be canceled without a Court order. If the parties resolve the issue prior to the Court-scheduled hearing, they shall submit an agreed upon proposed order more than one (1) business day prior to hearing date to avoid the requirement for appearance at the Court-scheduled hearing.

Accordingly, to the extent possible, counsel should seek another attorney from their office to cover a hearing to avoid either having no choice in the date and time of a hearing or waiving a hearing on the matter.

10. Only email the judicial assistant to request dates and confirm the hearing date. DO NOT include the judicial assistant in email chains between counsel and/or staff to clear dates (or anything else).
11. If a *pro se* party is involved in the case, an attempt should be made to coordinate the hearing date and time with the *pro se* party. If counsel receives no response to an initial attempt to coordinate with the *pro se* party after two (2) business days, counsel may unilaterally set the hearing.
12. DO NOT file a notice of hearing before receiving a confirmation email from the judicial assistant confirming that the hearing has been calendared.
13. Email the judicial assistant a copy of all notices for hearing once filed.
14. Any motions noticed, but not scheduled and confirmed with the judicial assistant, will not be heard.
15. Additional motions cannot be piggybacked on a previously scheduled hearing time without being cleared with the judicial assistant and opposing counsel, and such motions may only potentially be added if sufficient time has been reserved. To add a motion to a previously scheduled hearing, obtain opposing counsel's consent to the addition, then email the judicial assistant about adding the motion to the hearing **and advise if additional time is required**. The judicial assistant will confirm the addition of the motion to the hearing time. If additional time is required but not available, the request to piggyback a motion will be denied and the motion will need to be reset at a different date and time. Do not prepare and file a notice of the added motion until receipt of the judicial assistant's confirmation.
16. Address: 300 E. 4<sup>th</sup> Street, Panama City, FL 32401. There is no room number – just list as Judge Dyer's Chambers.
17. The parties may stipulate to having a motion decided without the necessity of a hearing. If such is the case, the movant shall include at least a brief memorandum of law as part of the motion being filed or as a supplemental filing on the motion. Thereafter, the nonmovant shall file a response which shall include at least a brief memorandum of law as part of the response. Upon filing of the response, the movant's counsel shall contact the judicial assistant and advise that a non-hearing motion and response have been filed and provide copies of the filed motion and response. The Court shall consider the motion and response and issue a ruling.

## **Civil – Good Faith Certification for Motions**

1. For most motions (other than truly dispositive motions), the moving party is required to include a certification in the motion that counsel made a “good faith attempt” to resolve the issue(s) raised in the motion with opposing counsel prior to filing the motion.
2. A “good faith attempt” is not satisfied by counsel sending one or two emails to opposing counsel and claiming no response was received. Counsel may initiate the “good faith attempt” via email. However, if no response is received, counsel shall call opposing counsel’s office at least twice if no response is received to an email or initial phone call before certifying that counsel has made a “good faith attempt” to resolve the issue(s) raised in the motion.
3. The judicial assistant may reject offering hearing time if a motion does not include certification of a “good faith attempt” to resolve the issue(s) in the motion prior to filing the motion.
4. The only circumstances where a “good faith attempt” certification is not required is for dispositive motions (motions to dismiss with prejudice, motions for judgment on the pleadings, motions for summary judgment, etc.), emergency motions where counsel is not able to attempt contact because of the circumstances (however, counsel delaying filing a motion that could be filed earlier is not considered an emergency just because the deadline is approaching), and post-trial or post-judgment motions (such as motions for rehearing or reconsideration). For motions to dismiss that raise primarily technical issues which, under applicable law would likely result in the pleading party being given leave to amend, counsel shall make a “good faith attempt” to resolve the issue(s) before filing the motion (e.g., where a party omits a copy of a contract or document from the complaint in an action for breach of contract).

## Setting Final Hearings (Non-Jury)

1. Email a request to Judge Dyer's judicial assistant including the case number and the amount of time needed.
2. The judicial assistant shall "reply all" with up to six (6) available dates and times (central time).
3. If a *pro se* party is involved in the case, an attempt should be made to coordinate the hearing date and time with the *pro se* party. If counsel receives no response to an initial attempt to coordinate with the *pro se* party after two (2) business days, counsel may unilaterally set the hearing.
4. Do not include the judicial assistant with any email chains between parties until a date and time have been selected.
5. Upon selection of a date and time, the parties shall confirm the selection of such date and time with the judicial assistant via email. The judicial assistant shall "reply all" confirming the selection.
6. Plaintiff's counsel shall be responsible for preparing and filing the Notice of Final Hearing. If the opposing party is *pro se*, Plaintiff's counsel shall be responsible for service of such notice via email or mail. Do not prepare and file a Notice of Final Hearing until receipt of the judicial assistant's confirmation email.
7. Please note that **ALL** Final Hearings shall be held in person at the Bay County Courthouse. Judge Dyer may allow certain witnesses to appear remotely (via Zoom) but all attorneys shall appear in person. Attorneys shall not file motions seeking to appear remotely. The Court shall consider all such motions frivolous and subject to sanctions. All motions for witnesses to appear remotely shall be filed a minimum of thirty (30) days prior to the Final Hearing.

## **Setting Jury Trials**

1. Notify the judicial assistant via email the request for all jury trials.
2. The judicial assistant shall “reply all” with the available weeks.
3. Do not include the judicial assistant in email chains concerning the selection of such dates until such time as a date has been agreed to and selected by the parties.
4. The judicial assistant will “reply all” confirming the week selected.
5. A uniform scheduling order shall be prepared by Judge Dyer notifying the parties of the case management conference and discovery/motion cut off dates.
6. Any conflicts arising from the uniform scheduling order shall be brought to the Court’s attention within five (5) days of such order being entered via email to the judicial assistant. Failure to timely advise the Court of any conflicts shall be waiver of such conflicts.
7. All parties shall be bound by the terms of the uniform scheduling order.

## Civil – Zoom Instructions

1. These Zoom Instructions apply to any hearing for which the Court permits appearance via Zoom.
2. Each participant shall be responsible to ensure they have an adequate internet connection prior to logging into Zoom.
3. Counsel, parties, witnesses, court reporter and the judge will all appear via video.
4. Video Zoom connection information is as follows:

<https://zoom.us/j/2347650967>

Meeting ID: 234 765 0967

Dial (for United States)

+1 786 635 1003

+1 301 715 8592

5. Include Zoom instructions above in any notices for hearing.
6. All counsel and parties attending a hearing shall do so using video, unless video is impossible.
7. As a video Zoom conference hearing is a court proceeding, counsel and any party attending a hearing will be properly attired and behave as if appearing in person in court.
8. So that hearings can promptly start, please log into the Zoom video conference at least five (5) minutes before the hearing start time. The judge will admit you to the hearing from the waiting room. DO NOT disconnect from Zoom just because you may not be admitted right at the hearing time.
9. So that Judge Henry can identify which persons in the waiting room are associated with a particular hearing, please set your Zoom user/screen name to your name or your firm's name (as opposed to a nickname or phone number).

## Civil – Submission of Proposed Orders

1. All proposed orders must be submitted via the e-filing portal or via email if a request for such is granted by Judge Dyer.
2. All proposed orders must include a cover letter in .pdf format. The cover letter should indicate whether the proposed order is agreed to by opposing counsel/party or not.
3. **Only the cover letter and proposed order** should be submitted via the e-filing portal. Copies of motions, responses, exhibits, case law or other items should not be included with the cover letter or uploaded in the e-filing portal (see Submission of Hearing Materials, *infra*).
4. All proposed orders must be submitted in Word format. **Counsel and parties preparing orders are directed to remove any hidden formatting or codes.** Failure to remove hidden formatting may result in the order being rejected.
5. All proposed orders must be in DJCMA format (see #6 & 7 below), **but counsel/parties are directed to omit the service portion for the judicial assistant to sign and certify service of the order (the M and A portions of the DJCMA format).**
6. Proposed orders do not need to include the addresses or email addresses of recipients of the order at the end. A copy of the signed order will be served on all counsel/parties registered for service via the e-portal.
7. If the case involves a pro se party who is not registered to receive filings from the e-portal, the proposed order shall include as the last paragraph (before DONE AND ORDERED) the following statement:

Counsel who submitted this proposed order to the Court for approval shall serve a copy of this Order on any party not registered to receive service via the Court's e-portal.

Counsel receiving the served copy of an order entered is then charged with responsibility for serving (via mail or email) a copy of the signed order on any party not registered to receive service via the e-portal. The judge's office will not mail out copies of any orders.

8. A memo with instructions on submission of proposed orders and the DJCMA format can be accessed at: [Microsoft Word - Memo-Submission of Proposed Orders to Judiciary.doc \(flcourts.org\)](https://www.flcourts.org/~/media/Supreme%20Court/Files/Proposed%20Orders%20to%20Judiciary.doc)



9. A video with instructions on submission of proposed orders and the DJCMA format can be accessed on the 14<sup>th</sup> Judicial Circuit website under Announcements & Notices at: [Fourteenth Judicial Circuit of Florida | \(flcourts.org\)](http://flcourts.org)
10. Any proposed order not complying with the above instructions will not be entered.

## **Civil – Submission of Hearing Materials (Pleadings, Memoranda, Exhibits, Case Law)**

1. Any documentation being used or relied upon at a hearing that a party wants the Court to review and consider must be submitted at least two (2) business days prior to the date of the hearing. This includes:
  - a. Exhibits
  - b. Memoranda not previously filed with the clerk
  - c. Copies of case law, statutes or other citations
  - d. Any demonstrative aides
  - e. Any other documentation that a party intends to use at the hearing

**However, additional copies of motions, memoranda already filed with the clerk or other documents which are already in the court file** (unless attached to or incorporated in other filings and not easily accessible or identifiable) **DO NOT need to be submitted again** prior to the hearing.

2. In lieu of hard copies of hearing materials, all hearing materials should be submitted via Microsoft OneDrive drop box. **DO NOT MAIL HARD COPIES OR A BINDER OF CASE LAW OR OTHER HEARING MATERIALS** unless specifically directed by the judicial assistant. The procedures for obtaining the drop box are:
  - a. Any counsel or party that desires to provide hearing materials shall contact the judicial assistant and request a OneDrive drop box for the case at least two (2) business days prior to the hearing. Please be sure to include the email addresses of all parties/counsel who require access. The judicial assistant will send out an email to all parties with a link to the drop box.
  - b. Either the movant or party opposing the motion may submit documents to the drop box
  - c. Please label the documents submitted to the drop box so that they can be easily identified
  - d. Any case law or other items being submitted should be uploaded as separate .pdf documents
  - e. DO NOT upload documents as a zip file/folder as the Court will be unable to access those
  - f. If documents being submitted include exhibits for an evidentiary hearing, please premark the exhibits and identify the party intending to introduce the exhibit. Counsel should agree on the method being used to identify the exhibits (such as one side using numbers and the opposing side using letters, or using party ID before the number/letter).
  - g. **Counsel are responsible for redacting ALL confidential information on any document that will be offered into evidence.**
  - h. All uploaded documents must be completed one (1) business day prior to the hearing.

3. Use of the OneDrive drop box is the preferred method to submit materials to the Court in advance of a hearing. If it is impossible to use the drop box, materials may be submitted in hard copy format, to be mailed so that the documents are received at least two (2) business days prior to the hearing.
4. DO NOT email copies of hearing documents to the judicial assistant.

## **Civil – Cancellations**

1. In the event of a cancellation of a hearing, please notify the judicial assistant as promptly as possible to open the time for other cases.
2. In the event of a settlement of a case set for trial, please notify the judicial assistant that the matter has settled so it can be removed from the trial docket, even if there are still matters remaining to be concluded (filing dismissal, signing of agreed upon settlement agreement, exchange of payment, etc.). However, if a settlement is contingent upon the agreement to the form of an agreement and/or release, please wait until the language of the agreement and/or release is agreed to by all parties prior to requesting a matter be removed from the trial docket.
3. Notices to the judicial assistant of a cancellation or settlement should be sent via email.
4. Upon receipt by the judicial assistant of the email canceling a hearing or notifying of a settlement, the matter will be removed from the calendar. It is suggested that counsel file and serve a notice of cancellation of a hearing, and upon filing, send a copy via email to the judicial assistant.
5. Counsel and parties cannot cancel a hearing scheduled by Court Order by simply filing a notice of cancellation without getting approval of the Court.