



AF Divisional Instructions

Important Notice Regarding In Court Hearings

Effective March 17, 2020, the Supreme Court has prohibited any in-person hearings except for essential and critical trial court proceedings. Hearings in the civil division do not qualify as essential or critical. Therefore, all in-person hearings in Division AE are suspended immediately.

All hearings, UMC and special set hearings, shall be scheduled using Online Scheduling and Services System. All procedures and requirements concerning the setting of hearings remain in effect, including standards for reasonable notice and compliance with Local Rule 4.

Until further notice, remote hearings are mandatory. No party may object to the setting of a remote hearing because of a desire to conduct an in-person hearing at a later time.

The Uniform Motion Calendar (UMC) for Civil Division "AF" will only be held Tuesday - Thursday at 8:30am - 9:30am. There will be no Monday UMC docket and no UMC docket on calendar call days; 4/9/2020; 5/19/2020; 7/02/2020; 8/12/2020; 9/25/2020; 11/03/2020; 12/16/2020.

Delivery of Documents

All paperwork for the Judge's review (courtesy copies of notice of hearings, memos of law, briefs, responses, case law, etc..) must either be sent to the Judge's office via U.S. regular mail, FedEx, UPS, or via hand-delivery (to the 1st floor drop box) in the main courthouse. Our office does not accept the foregoing via e-mail. **(If the Court does not receive courtesy hard copies in Chambers for the hearing scheduled, the hearing WILL NOT BE HEARD AND WILL HAVE TO BE RESCHEDULED.)**

Civil Division "AF" online scheduling is for UMC Hearings and SPECIAL SET HEARINGS ONLY (15 or 30 minute hearings). Please visit the the Online Services to schedule a special set hearing. Beginning April 15, 2020 ALL UMC hearings (5 minutes or less) are TO BE scheduled via the [online scheduling system](#).

The Judicial Assistant will NOT be printing documents for parties, unless otherwise ordered by the Judge.

UMC Hearings

STARTING 4/15/2020- ALL UMC HEARINGS ARE TO BE SCHEDULED THROUGH THE 15th JUDICIAL CIRCUIT'S ONLINE SCHEDULING SYSTEM - PLEASE READ BELOW FOR FURTHER INFORMATION:

Division

**The Honorable
John S. Kastrenakes**



Biography

Assignment: Circuit Civil

Division: AF

Judicial Assistant:

Violeta Woxberg

Courtroom Number: 9D

Phone:(561) 355-7876

Room number: 9.1216

Courthouse:

Judge Daniel T. K. Hurley

Courthouse

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Judge Kastrenakes' Uniform Motion Calendar (UMC) is Tuesday - Thursday and begins at 8:30 a.m. and ends at 9:30 a.m. All hearings are held in Courtroom 9D.

At this moment the Court will only be having UMC hearing telephonically ONLY.
Parties must be in agreement to appear through one provider ONLY and make the appropriate arrangements. If Parties use anything other than Court Call, you need to contact the Judicial Assistant for Further Instruction.

All non-evidentiary motions, uncontested motions, etc.. can be set for a 10 minute hearing (5 minutes per side) that **DO NOT** require testimony. UMC hearings are scheduled through the [15th Judicial Circuit's Online Scheduling System](#) by the moving party, picking any Tuesday - Thursday that the Court is not suspended and that the parties (opposing counsel and/or pro se party) agree on. The attorney/moving party setting the hearing should **ALWAYS** clear the date chosen with opposing counsel/opposing party and immediately notify opposing counsel and/or the pro se party and **Judicial Assistant** if the hearing is cancelled and/or reset. (**If the Court does not receive courtesy hard copies in Chambers for the hearing scheduled, the hearing WILL NOT BE HEARD AND WILL HAVE TO BE RESCHEDULED.**)

The original Motion and Notice of Hearing must be filed at least 5 working days in advance of the UMC hearing date, with the Clerk of Court, Civil Division, MUST be uploaded when setting hearing and a courtesy hard copy MUST be sent to opposing counsel and Judge Kastrenakes' Judicial Assistant (send to the Judicial Assistant via U.S. regular mail - courtesy copies must be sent U.S. regular mail, NOT e-mail). The Judicial Assistant will NOT be printing documents for parties unless otherwise ordered by the Judge.

If a matter has been scheduled on the UMC docket and it was resolved, re-set or cancelled, Parties need to make sure to cancel the Hearing Online. If no one appears at a scheduled UMC hearing, the Court assumes that the issue was resolved between the parties or a conflict exists, and that the Motion will be reset for hearing if need be. Please **DO NOT CALL** the Judicial Assistant to Cancel the UMC for you. However, please do contact the Judicial Assistant to advise that the hearing has been resolved/ reset or cancelled.

The judicial assistant strongly encourages you to check Judge Kastrenakes' suspension dates before scheduling any UMC hearing. View the [Suspension Calendar](#).

Please be advised that motion for attorney's fees; motion for summary judgment and any evidentiary motion should not be set and/or addressed with the Judge at uniform motion calendar. These types of motions must be set for a special set hearing.

Motions that Require a 15 or 30 Minute Hearing

[Online Scheduling](#)

These are special set hearings that **MUST** be scheduled through the [15th Judicial Circuit's Online Scheduling System](#).

These are motions that cannot be heard on the Uniform Motion Calendar because they require testimony and are longer than 10 minutes in duration. The moving attorney shall coordinate a mutually agreeable date and time with opposing counsel/pro se party and shall prepare the appropriate Notice of Hearing for said hearing. The original Motion and Notice of Hearing must be filed at least 5 working days in advance of the special set hearing date, with the Clerk of Court, Civil Division, and a courtesy copy MUST be sent to opposing counsel and Judge Kastrenakes' Judicial Assistant (send to the Judicial Assistant via U.S. regular mail - courtesy copies must be sent U.S. regular mail, to be **received in Chambers 5 business days** before the special set hearing, **NOT e-mail**). **If courtesy copies are not received by the court at least 5 days before the hearing date, the motion scheduled will be DENIED by the Court.** The Judicial Assistant will NOT be printing documents for parties unless otherwise ordered by the Judge.

You CANNOT cancel a special set hearing once the hearing date and time has been secured. The ONLY way a special set hearing can be cancelled (absent an extreme emergency) is if the Motion has been RESOLVED and/or WITHDRAWN with Prejudice. The judicial assistant can cancel a special set hearing ONLY after the appropriate motions for continuation/ cancellation have been heard by the court. If the special set motion has been resolved and/or withdrawn with prejudice, then you MUST call the judicial assistant to request to cancel the special set hearing. If a 60 minute Special Set Hearing is required please contact the Judicial Assistant for availability.

Until further notice, remote hearings are mandatory. No party may object to the setting of a remote hearing because of a desire to conduct an in-person hearing at a later time.

Until further notice, all hearings shall be conducted remotely either telephonically or by video conference as follows:

A. Non-evidentiary Special Set Hearings shall be conducted either **telephonically or by video conference**.

- PLEASE NOTE: Conducting telephonic hearings requires more time than in-person hearings. It is critical that you are on the phone line when the Court joins the call. Please be patient and wait on line until the Court joins the call.
- **For special set hearings that want to utilize Video Conferencing**, once a hearing has been scheduled using the Online Scheduling Services System the party responsible for setting the hearing shall, at least 48 hours prior to the scheduled hearing, shall contact the Judicial Assistant for further Instructions.
- If your office would like to explore other forms of court approved video conferencing such as CourtCall, Visual Evidence, or CourtScribes; you may refer to the list of [Court Approved Vendors](#) and contact the JA for detailed instructions.

B. Evidentiary Special Set Hearings shall be conducted by **video conferences**. Oaths shall be administered remotely in accordance with Supreme Court Administrative Order No. AOSC20-16. Once a hearing has been scheduled using the Online Scheduling Services System, the party responsible for setting the hearing shall, at least 48 hours prior to the scheduled hearing, shall contact Court's Judicial Assistant directly for further instructions.

- If your office would like to explore other forms of court approved video conferencing such as CourtCall, Visual Evidence, or CourtScribes; you may refer to the list of [Court Approved Vendors](#) and send a request to the JA for detailed instructions.

Motions that Require 60 Minute or More Hearing Time

The online scheduling system will only allow you to schedule a hearing for a 30 minute maximum time limit. **If the motion requires 60 minutes, please contact the Judicial Assistant for dates and times available, since they are calendared in a specific time slot.** If your motion requires **more than 60 minutes** of hearing time, the moving party is required to send the Judicial Assistant, a cover letter with a copy of the Motion, indicating to the Judge how much hearing time they are requesting. Upon Judge Kastrenakes' review, he will then determine how much time will be allotted for said Motion. Please be advised that lengthy motions are put on a trial docket with a calendar call date and time to be provided to the parties, via Court Order. Telephonic appearance is not permitted.

CourtCall

IMPORTANT NOTICE REGARDING IN COURT HEARINGS

(The 48 Hr. Cutoff Time for Court is temporarily suspended due to the COVID-19 Pandemic)

If you are scheduled for a Lack of Prosecution Hearing/ Case Management Conference, you MUST call the Judicial Assistant for authorization to appear by

phone before contacting Court Call or provider * (Temporarily Suspended- Please make the appropriate arrangements to appear telephonically only. All parties must agree to use only one provider. If Parties use anything other than Court Call, please contact the Judicial Assistant immediately and advice.**

Appearance at non-evidentiary hearings by telephone: Courtcall.com is a service provider used for the purposes of scheduling and appearing at a non-evidentiary hearing via telephone. Parties may also use other telephonic providers. However, all parties must agree in using only ONE provider. Please be advised the Court does not set the fees imposed by CourtCall or other telephonic providers and the Court has no control over same. If you wish to appear at a hearing via telephone, you will be required to pay CourtCall's or other provider's service fee/charge.

To set a telephonic appearance for a hearing that is presently set, please go to Courtcall.com and/or call 1-888-882-6878 and follow the instructions. No Motion or Order for telephone appearance is required, however, your opposing counsel/party must be aware that you are appearing via telephone.

If you wish to appear at a non-evidentiary hearing via telephone, you MUST contact Courtcall.com or your provider and make the appropriate arrangements at least 48 business hours prior to the scheduled hearing date and time. THE JUDGE'S OFFICE STRICTLY ENFORCES THIS RULE SO PLEASE ABIDE BY SAME, ABSENT AN EMERGENCY CIRCUMSTANCE.

~~Please be advised that you may not appear by telephone at the following matters: Calendar Call, Evidentiary Hearings or Hearings scheduled for 60 minutes or longer. (There is an exception, due to COVID-19 Pandemic, until further notice.)~~

Agreed Orders

If a Motion(s) is resolved, an Agreed Order on that Motion(s) can be submitted to the Judge's office and the Order must say "Agreed Order on Motion (Title of Motion)". The Agreed Order MUST be sent to the Judge's office via Judicial E-service, NOT via e-mail or U.S Mail. Please be sure to include a cover letter/cover sheet and Motion to the Judge indicating the all parties have reviewed and agreed to the language of the proposed Agreed Order. The names and addresses of all persons receiving copies must appear in the Agreed Order, pursuant to [Administrative Order 2.306](#).

Proposed Orders/Final Judgments

All proposed Orders and Final Judgments submitted for the Judge's signature must say "Order on Motion (Title of Motion) or Final Judgment". All Orders/Final Judgments MUST be sent to the Judge's office via Judicial E-service , NOT via e-mail. Please be sure to submit proposed orders electronically within 24 hrs. after the Court's ruling on the matter. The names and addresses of all persons receiving copies must appear in the Order or Final Judgment, pursuant to [Administrative Order 2.306](#).

Circuit Civil Division "AF" DOES participate in Judicial E-service, IF all parties are represented by counsel and have a valid e-mail address. When submitting a proposed Order and Judgment to our office (please via Judicial E-service) for Judge Kastrenakes' signature, the Judicial Assistant will e-mail the signed Order/Judgment back to counsel.

Notices to Set Cause for Trial

The moving party must file with the Clerk of Court, the original Notice for Trial with their estimated time of trial, and whether the case is to be set for a non-jury or jury trial. A courtesy copy of the Notice should be sent via U.S. regular mail to the Judicial Assistant for the setting of a trial date. To determine when Civil Division AF is currently scheduling lengthy

motions, non-jury trials and jury trials, please click on the "Trial Calendar" icon on the left side of this homepage.

Motions for Default Final Judgment

When submitting a proposed Default Final Judgment packet to the Judge's office for his review and entry of the Default Final Judgment, please be sure to include the following courtesy copies for the Judge's review: a cover letter, the Motion for Default Final Judgment, all Affidavits in support of the Default Final Judgment, a Non-Military Affidavit, a Affidavit of Costs and Interest, the Default that was entered by the Clerk of Court, the Return of Service, and the Complaint.

Motions to Continue Trial

A Motion to Continue Trial **MUST** be set for a **UMC hearing** (even if said Motion is agreed to by all parties). Please see the instructions above in regards to the setting of UMC hearings on Judge Kastrenakes' calendar. Judge Kastrenakes will NOT sign an Agreed Order Granting a Motion to Continue Trial.

Withdrawal of Counsel and Stipulation for Substitution of Counsel

All Motions to Withdraw must be set for a UMC hearing, with proper notice to the client, per Fla. R. Jud. Admin. 2.505(f)(i), and all parties/attorneys.

Stipulations for substitution of counsel: All Stipulations for Substitution of Counsel **MUST** have the signature of the client's consent on the Stipulation. If your client's consent is not included, all documents will be sent back to the moving party, in order for the client's consent to be obtained on the Stipulation.

Ex parte motions to compel discovery: No hearing is necessary if the Motion is in compliance with [Administrative Order 3.202](#). The moving attorney must submit the Motion and Order using [Online Services](#) for electronic review and electronic signature.

Emergency Motions/Request for Emergency Hearings

File your original emergency Motion with the Clerk of Court, Civil Division. The Clerk's Office will then forward to Judge Kastrenakes, or an alternate Judge in his absence, for review and directive to determine whether an emergency hearing should be scheduled. DO NOT set an Emergency Motion for hearing unless directed to do so by the Court's Judicial Assistant.

Motions for Rehearing/Clarification and Motions for New Trial

In accordance with Local Rule No. 6, file your original Motion for Rehearing/Clarification with the Clerk of Court, Civil Division, and forward a copy, via U.S. regular mail, to the Judicial Assistant for the Judge's review and directive to determine whether a hearing should be scheduled. DO NOT set a Motion for Rehearing/Clarification for hearing unless directed to do so by the Court's Judicial Assistant. Motions for New Trial should be submitted in the same manner as described above, and the Judge will determine the amount of time needed for the hearing. DO NOT set a Motion for New Trial for hearing.

Preparation of Judgments and Orders

Some portion of the text of the Judgment or Order specific to the case **MUST** be included on Judge Kastrenakes' signature page. PLEASE include the style of the case, the case number

and the page number in the upper left-hand corner for Judgments and Orders more than one page. The Judgment or Order WILL be sent back to the moving attorney if the signature page of the Judgment or Order only includes the Judge's signature line and is not in compliance with [Administrative Order 3.204](#).

Settlement, Dismissal or Stay of Cases

If your case settles, is voluntarily dismissed, or stayed, and there are future hearings or a trial scheduled on the Court's docket, PLEASE CALL the Court's Judicial Assistant immediately to inform her of same, so the Court can cancel all scheduled hearings and/or the trial, in order to free up hearing/trial time for other cases to be set.



Circuit Courier



Professionalism



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