

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. 3.312-3/13

IN RE: REQUIRED SUBMISSION OF SERVICE
LISTS IN RESIDENTIAL FORECLOSURE CASES
AND PROCEDURES FOR SCHEDULING TRIALS

In an effort to improve the administration of justice in the area of residential foreclosure litigation, it has become necessary for the Court to seek the assistance of plaintiff's counsel in clarifying case status and properly identifying service lists for the purpose of providing proper notice to all parties to pending residential foreclosure cases.

NOW, THEREFORE, pursuant to the authority conferred by Florida Rule of Judicial Administration 2.215, it is **ORDERED AND ADJUDGED** as follows:

A. SERVICE LISTS

1. Plaintiffs, through counsel, **with the exception of plaintiffs that are Associations governed by Florida Statute Chapters 718, 719, 720, or 723**, shall identify all open residential foreclosure cases pending in Division AW (**pending cases are cases that have not had a Final Judgment entered or, if previously entered, has been vacated**) in the Fifteenth Judicial Circuit (Palm Beach County) in which the firm acts as plaintiff's counsel and shall provide the following for each individual case:
 - a. A cover letter identifying the case number and the case style;
 - b. A current, accurate service list for ALL parties, including plaintiff's counsel, defense counsel, and pro se defendants as appropriate (mailing and e-mail addresses, as applicable);
 - c. Pre-addressed, postage paid **standard business** size mailing envelopes for the entire service list, including plaintiff's counsel, with the case number referenced on the face of the envelopes;
 - d. **An accurate and** fully executed Foreclosure Case Status Form (attached hereto as Exhibit A). **All parties listed on the Complaint must be addressed on the Status Form and it must indicate whether case is at issue.**
2. Plaintiff shall provide the information required in Section 1 above as follows:
 - a. The deadline for receipt for cases filed in 2007 or earlier is March 8, 2013;
 - b. The deadline for receipt of cases filed in 2008 is March 15, 2013;
 - c. The deadline for receipt of cases filed in 2009 is March 29, 2013;

d. The deadline for receipt of cases filed before July 1, 2010 is April 12, 2013;

e. **Currently, cases filed after July 1, 2010, are exempt from this Administrative Order.**

3. Plaintiff shall deliver the required items in Section 1 addressed to **Senior Judges, Foreclosure Division, Palm Beach County Courthouse, 205 North Dixie Highway, West Palm Beach, FL 33401.**

a. Items must be received within the applicable timeframes;

b. Early submissions are encouraged and will be accepted. Please do not hold these items until the deadline. Partial deliveries are encouraged and you may deliver these items as soon as they are ready.

4. In addition to the foregoing, for each individual case plaintiff shall file with the Clerk of the Courts its Notice of Compliance with this order and attach thereto a copy of the updated Service List and a copy of the Foreclosure Case Status Form.

5. Failure to comply with the foregoing requirements may result in the imposition of sanctions, including contempt of court and/or dismissal.

6. It is the Court's intention to allow plaintiffs to electronically provide all information required herein, with the exception of stamped, addressed envelopes for service lists which must still be delivered. Until the availability of such a system is announced, all parties must comply with the procedures specified herein in paper format. Postponing or delaying efforts to comply with this order while waiting for the availability of an electronic process will not be considered good cause to avoid the imposition of sanctions.

7. Plaintiff's counsel must register with the Fifteenth Judicial Circuit's eService system no later than March 29, 2013, by going to www.15thcircuit.com/onlineservices.

B. SCHEDULING TRIALS

1. For residential foreclosure cases pending 36 months or more, it is the intention of the Court to begin setting blocks of residential foreclosure cases for trial beginning with the oldest pending cases and working forward. Firms that wish to take advantage of group scheduling of trials are not exempted from compliance with this order. However, if a firm wishes to notice a group of cases for trial, it must check to make sure that each case is at issue and must provide the Court with courtesy copies of the Notices for Trial in a manner that allows the Court to identify those cases which should be set for trial as a group. The Court will determine the proper number of cases that should be grouped together for trial at any given time.

2. Foreclosure trials will be scheduled in blocks by the Court and may be distributed among the various civil division judges as well as among the Senior Judges assigned to the Foreclosure Division. The Court reserves the right to schedule trials among the various other judges of this county and circuit as their schedules permit.

3.
 - a. In an effort to promote consistency and improve the administration of justice, all motions to continue trial, to strike trial date, to reschedule trial, or any other motions which affect the scheduling of trials already set, including but not limited to motions to amend, motions for extension of time, and motions to withdraw, shall be heard only by the Chief Judge or his or her designee on Wednesdays between 10:30 and 11:45 a.m. or Thursdays between 10:30 and 11:45 a.m. in locations to be announced.
 - b. Motions specified in 3.a. above shall not be heard by the Senior Judges in the Foreclosure Division or by the Judges assigned to the standard civil divisions, even those divisions in which the case is set for trial.
 - c. Failure to comply with the provisions of this section may result in the imposition of sanctions.
4. Continuances shall be granted only for good cause and all parties requesting a finding of good cause shall bring with them to the hearing on the motion a proposed order specifying the good cause, and providing a space for the Court to specify by date a deadline for the parties to bring the case to issue or to otherwise eliminate the good cause supporting the continuance. The same order shall provide a space for the Court to set a status hearing for the parties before the same judge within seven (7) days after the previously specified deadline date. The same order shall also include an option for denial of the motion. (A copy of the form Order Granting / Denying Motion to Continue Trial is attached hereto as Exhibit B.)
5. The proposed order shall specify that, absent exceptional circumstances, the failure to appear for the status hearing or to comply with the deadline to bring the case to issue may result in sanctions, including dismissal. The party bringing the motion and proposed order shall also bring stamped, addressed envelopes for all parties, including the moving party.

DONE and **SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 22 day of March, 2013.



Peter D. Blanc, Chief Judge

*supersedes admin. order no. 3.312-2/13

FORECLOSURE CASE STATUS FORM

CASE NO.: _____ CA _____

Is this case at issue? (See Fla.R.Civ.P. 1.440(a)) Y or N

Amount of time needed for trial _____

Outstanding Motion to Dismiss DE# _____ currently set? Y or N

PLAINTIFF(S)

vs.

Outstanding Motion for Default DE# of Motion _____

DEFENDANT(S)

| DEFENDANT(S) (Every defendant MUST be listed) | RETURN OF SERVICE Date Served | TYPE OF SER. P - S - C - PU* | ANSWER DE # | DEFAULT DE# | PARTIES DROPPED DE # | AFFIRMATIVE DEFENSES STRICKEN DE# |
|---|-------------------------------------|---------------------------------|----------------|----------------|----------------------------|---|
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ |

*P- personal service; S - substitute service; C - corporate service; PU - publication

PREPARED BY ATTORNEY: _____ Print name: _____

FBN: _____ Firm Name: _____

EXHIBIT A

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT IN AND FOR PALM
BEACH COUNTY, FLORIDA

CIVIL DIVISION AW

CASE NO.

_____,
Plaintiff(s),

VS

_____,
Defendant(s).
_____ /

ORDER GRANTING / DENYING MOTION TO CONTINUE TRIAL

THIS MATTER came before the Court upon the Motion to Continue Trial filed by the Plaintiff(s) / Defendant(s). The Plaintiff(s) / Defendant(s) allege(s) that good cause for continuation of trial is based upon the following facts:

(to be completed by moving party)

Based upon the circumstances of the instant case, the Court finds these facts sufficient / insufficient to establish good cause. It is therefore

ORDERED AND ADJUDGED as follows:

_____ The Motion to Continue Trial is DENIED and this case remains set for trial.

OR

_____ The Motion to Continue Trial is GRANTED and this matter is stricken from the current trial docket. The parties shall have until _____ to eliminate the good cause for continuance specified above or to resolve any other issues that would prevent the Court from setting this matter for trial.

A status hearing is set for _____, 2013, at _____ a.m./p.m. to determine compliance with this order.

Failure to timely comply with the terms of this order may result in the imposition of sanctions, including dismissal, without prejudice.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this _____ day of _____, 2013.

PETER D. BLANC, Chief Judge

EXHIBIT B