

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

CIRCUIT CIVIL DIVISION "AA"

IN RE: STANDING ORDER ON  
OUTSTANDING  
MOTIONS IN DIVISION  
"A A"

---

There appears to be no rule or law that requires a trial court to entertain oral argument on a pretrial, non-evidentiary motion or as to objections to discovery. *Nudel v. Flagstar Bank, FSB*, 52 So. 3d 692, n. 3 (Fla. 4th DCA 2010); *First City Dev. of Fla., Inc. v. Hallmark of Hollywood Condo. Ass'n*, 545 So.2d 502, 503 (Fla. 4th DCA 1989). A party's right to be heard on a motion does not equate to a right to present oral argument as memoranda of law may be considered for non-evidentiary motions. *Gaspar, Inc. v. Naples Federal Sav. and Loan Ass'n*, 546 So. 2d 764 (Fla. 5th DCA 1989). A party may waive its right to make oral argument on a motion that has not been set for hearing. *Allstate Ins. Co. v. Montgomery Ward*, 538 So. 2d 974 (Fla. 5th DCA 1989).

**NOW THEREFORE**, as the trial judge assigned to Circuit Civil Division "AA", it is hereby

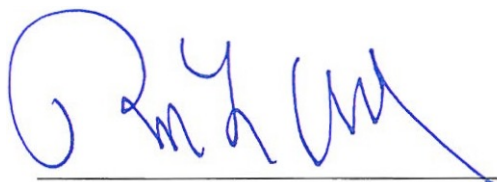
**ORDERED** that when a motion has not been set for hearing within forty-five (45) days from the date of the filing of the motion, the matter may be decided by the court, no earlier than the sixty (60) days from the date the motion was filed, on the written motion, filed memorandum of law, and any response filed by the parties. Any party may submit memoranda of law to be considered by the Court when ruling on the motion, but such memoranda of law cannot exceed twenty-five (25) pages unless there is an order by this Court granting otherwise. The order granting a page limit greater than twenty-five (25) pages must be entered prior to the sixtieth (60) day from the filing of the motion. This standing order does not apply to Motions for Summary Judgment, motions for which the law requires an evidentiary hearing, or any other motion for which the law requires oral argument to be presented.

It is further **ORDERED** that the Court may *sua sponte* specially set for hearing any motion that has been pending for forty-five (45) days or longer.

It is further **ORDERED** that motions currently pending as of the date of this standing order and which have not yet been set for hearing will have forty-five days (45) from the date of this order to set the hearing. Parties may file responses to such currently pending motions up to sixty days (60) from the date of this order. Upon the sixty-first (61) day, the Court may rule on those motions which have not yet been set for hearing based only upon the filed motion, filed memoranda of law, and responses filed by the opposing parties.

It is further **ORDERED** that this standing order supersedes the standing order entered on May 1, 2014.

**DONE and ORDERED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 5<sup>th</sup> day of August, 2015.



---

RICHARD OFTEDAL, Circuit Judge  
Circuit Civil Division "AA"