

**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Sauls, Sandi

**CC:**

**Date:** 8/21/2009 1:40:02 PM

**Subject:** ?RE:

---

Great.....just let me know.

---

**From:** Sandi Sauls [mailto:ssauls@leeclerk.org]

**Sent:** Friday, August 21, 2009 2:23 PM

**To:** Carlin, John S.

**Subject:** RE:

I'm on the phone with the larger law firms at this very moment - I am trying to get a feel for numbers. I'll let you know what I come up with shortly.

Thank you,

Sandi C. Sauls  
Civil Division Manager  
P.O. Box 310  
Fort Myers, FL 33902  
239-533-9188

---

**From:** Carlin, John S. [mailto:**Fla. R. Court 2.420**]

**Sent:** Friday, August 21, 2009 2:17 PM

**To:** Sandi Sauls

**Cc:** Charlie Green; Linda Doggett

**Subject:**

Sandi-

You mentioned the need to add one day of high volume foreclosure hearings for September or October and I told you that I was in agreement with this idea. Do you have a date in mind and I will begin to look for coverage? Thanks, Sandi.

---

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

This footnote also confirms that this email message has been swept by Symantec Mail Security for the presence of computer viruses.

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Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** McHugh, Michael

**CC:**

**Date:** 8/24/2009 1:08:54 PM

**Subject:** ?RE:

---

It is not just 5 cases. I asked Sandi for some examples of the cases that they said was their biggest need. They have thousands of these type of cases.

---

**From:** McHugh, Michael  
**Sent:** Monday, August 24, 2009 1:07 PM  
**To:** Carlin, John S.  
**Subject:** RE:

If we are talking about five cases, it probably would not make sense to set a special docket for them. It probably makes sense to place them on the individual Judges docket. These might be more appropriately set on 15-30 minutes hearing slots as opposed to the normal foreclosure dockets.

---

**From:** Carlin, John S.  
**Sent:** Monday, August 24, 2009 1:01 PM  
**To:** McHugh, Michael  
**Subject:** FW:

Can you read the below email and let me know how best to proceed. Do we want to set a high volume docket with these cases? If so, how would it be scheduled?

---

**From:** Sandi Sauls [mailto:ssauls@leeclerk.org]  
**Sent:** Friday, August 21, 2009 4:02 PM  
**To:** Carlin, John S.  
**Subject:** RE:

The law firms I spoke with said their biggest need is for cases with opposing counsel (Affidavits in Opposition of Motion for Summary Judgment). LJ (justifiably) will not set these on the Fri docket. I just called Florida Default for 5 cases that fall into this category. They are **Fla. R. Court 2.420 (case specific)**. Please let me know what you think about these. Thanks.

Thank you,

Sandi C. Sauls  
Civil Division Manager  
P.O. Box 310  
Fort Myers, FL 33902  
239-533-9188

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**From:** Carlin, John S. [mailto:**Fla. R. Court 2.420**]  
**Sent:** Friday, August 21, 2009 2:40 PM  
**To:** Sandi Sauls  
**Subject:** RE:

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---

20TH CIR 02190

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P.O. Box 310  
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**From:** Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

**To:** Carlin, John S.

**CC:**

**Date:** 8/24/2010 2:39:44 PM

**Subject:** ?RE: Draft Schedule

---

Updated report attached.

1. The % of continuances for August is 62% (1,253 heard/727 continued). *Please note that the report displays a running total and shows 42% for Aug. since it is comparing against the total # of DS scheduled.*
2. I would estimate continuances in the early months of this project to be high: 70%.

JACS training set is scheduled this Thursday for the clerk's office.

Thank you

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**From:** Carlin, John S.

**Sent:** Tuesday, August 24, 2010 11:38 AM

**To:** Aloia, Nancy K

**Subject:** RE: Draft Schedule

If you need anything regarding the JACS training just let me know.

As we develop the Nov. and Dec. calendars, it might be helpful to answer a few questions:

1. What percent of cases are continuing from DS? My guess is 50% but I wanted to know your thoughts.
2. Is there a way for you to easily share with me the current number of DS cases set for Judges and Magistrates for September and October? I would like to see the exact number currently set per session. This would be helpful as we plan for November and December.

I would appreciate these items being answered today if you have the time. I want to get this schedule resolved this week to give staff sufficient time to get the new DS dates out to the parties with 60 days notice so hopefully we will get a lot of SJ hearings set in November and December. Thanks, Nancy.

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**From:** Aloia, Nancy K

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**Subject:** RE: Draft Schedule

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**From:** Carlin, John S.

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How long have we been waiting? Do you want me to meet with Sandi? This needs to happen asap for the good of everyone. Please keep me posted. Thank you.

-- Sent from my Palm Pre

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On Aug 24, 2010 10:06 AM, Aloia, Nancy K <NAloia@CA.CJIS20.ORG> wrote:

Yes- I am waiting on the clerks to provide me a date for training. It is important that we get this ~~2010 CIR 02192~~ sure this

---

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**Sent:** Tuesday, August 24, 2010 7:49 AM  
**To:** Aloia, Nancy K  
**Subject:** RE: Draft Schedule

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Yes. I have already thought about that and have offered a JACS training session for the clerks. As soon as they identify the training date for the new clerks we will allow them access to view JACs. This should help with the courtroom.

---

**From:** Carlin, John S. **Fla. R. Court 2.420**  
**Sent:** Friday, August 20, 2010 8:34 PM  
**To:** Aloia, Nancy K <NAloia@CA.CJIS20.ORG>  
**Subject:** RE: Draft Schedule

I want to talk with you about a system where the clerk informs the judge or mag the next available date for a DS that has room for the case to keep our numbers at 100 per session. Could they access JACS in the courtroom for this info? Just wanted to get this idea to you for your thoughts.

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On Aug 20, 2010 3:37 PM, Aloia, Nancy K <NAloia@CA.CJIS20.ORG> wrote:

Please disregard the previous attached Word document. Updated changes in this revision. Thank you

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**Sent:** Friday, August 20, 2010 3:31 PM  
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**Subject:** RE: Draft Schedule

Attached calendar with changes. Notes below

I have changed the docket soundings to the 100/100 formula for Nov/Dec. With the continued DS that may mean they hear about 250-280 DS per day –possibly higher because of the numbers of DS set in Sept.

I changed the 2 trial dates on the calendar for Mag. Hawthorne which now reflects DS. If she schedules a trial at DS she will need to roll it to Mag. Diamond's docket unless we keep one trial date open per month for her.

Thank you – Have a great week-end!

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**From:** Carlin, John S.  
**Sent:** Friday, August 20, 2010 2:14 PM  
**To:** Aloia, Nancy K  
**Subject:** RE: Draft Schedule

A few ideas regarding the schedule:

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20TH CIR 02193

This is an unregistered version of Total Outlook Converter Page 9  
the Senior Judges for 100 in October and the Magistrates for 75 in October. Based upon my experience and seeing some court recently, 100 cases is a good number. Done

For SR Judge hearings, 75 in the a.m. and 100 in the p.m. is reasonable and that is how we have scheduled in the past. Your calendar has only 75 in the p.m. Done

On Nov. 22 and Dec. 27, it has Trial days for Mag. Hawthorne which I believe is a mistake. She is only doing DS and these dates need to reflect DS for her. Done-notes above

On November 19, I would like to change that to a DS instead of trial for Mag. Diamond since we are short on a DS due to holiday and she has plenty of other trial days in the month. Done

In November, we need to add one more day of a SR Judge docket sounding as we have 9 days in Oct. but only 8 on the draft November schedule. Done – 11/3

Is Nov. 12 a trial day for a SR Judge in addition to a Friday foreclosure day for another SR Judge? Yes- Nov is a short month for us. Logic: If trial is not needed we already have a Snr Judge to sign on Friday.

On Nov. 19, the SR Judge calendar from Penelope has Starnes doing UFH and Mclver doing Friday foreclosures. This is an error and I believe that we can cancel out Mclver and have Starnes do the Friday foreclosure docket. Am I correct? Done-spoke with Penelope and email sent: Judge Starnes to cover/Judge Mclver cancelled

In December we need to add one more day for docket sounding to get 9 days. Done -12/22 added

On the calendar, Dec. 10 has Starnes doing trial and Friday foreclosure. Do you want to keep trial day and find another SR Judge? If so, that allows for 2 trial days with Judges. If not, then we need to add a second date on the calendar to get 2 trial days with SR Judges. Yes - keep the trial date. The holiday shortened available days in this month. Logic: If trial is not needed we already have a Snr Judge to sign on Friday.

When you have a minute, please let me know your thoughts and make any changes to a new calendar that you agree with. We can talk about any areas of disagreement. I want us to have everything resolved early next week so that we can begin noticing these dates giving ample time for the SJ to be set at the DS. Thanks, Nancy. Have a good week-end!

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**From:** Aloia, Nancy K  
**Sent:** Thursday, August 19, 2010 6:28 PM  
**To:** Carlin, John S.  
**Subject:** FW: Draft Schedule

## ***November***

### *Senior Judge Schedule:*

Hearing dates: November 1, 2, 8, 15, 22, 29 – (75 cases at 8:30 and 100 cases at 1:00)

Docket soundings: November 4, 9, 10, 16, 17, 18, 23, 30- 75 cases at 8:30 and 75 cases at 1:00

Trial Days Available: Nov. 12, 24

Friday Summary Judgment dockets: Nov. 5, 12, 19 at 8:30 and 250 cases at 1:00

### *Magistrate Diamond Schedule:*

Hearing dates: November 30

Docket soundings: November 2, 3, 4, 9, 10, 16, 17, 18, 23, 24, with 60 at 8:30 and 60 cases at 1:00

Trial Days Available: Nov. 1, 5, 8, 12, 15, 19, 22, 29

### *Magistrate Hawthorne Schedule:*

Docket soundings: November 2, 3, 4, 9, 10, 16, 17, 18, 23, 24, 30 with 60 at 8:30 and 60 cases at 1:00

Trial Days Available: Nov. 22

## ***December***

### *Senior Judge Schedule:*

Hearing dates: December 6, 7, 13, 14, 27, 28 – (75 cases at 8:30 and 100 cases at 1:00)

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Trial Days Available: Dec. 10, 21

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Hearing dates: Dec. 30 (15 mins. or longer) at 8:30, 9:30, 10:30, 1:00, 2:00, 3:00 and 4:00- set four hearings per hour

Docket soundings: Dec., 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 28, 29 with 60 at 8:30 and 60 cases at 1:00

Trial Days Available: Dec. 3, 6, 10, 13, 17, 20, 27

### *Magistrate Hawthorne Schedule:*

**20TH CIR 02194**

Docket soundings: Dec. 1, 2, 7, 8, 9, 14, 15, 16, 20, 21, 22, 28, 29 with 60 at 8:30 and 60 cases at 1:00

Trial Days Available: Dec. 27

Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

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Trial Days Available: Dec. 3, 6, 10, 13, 17, 20, 27

### *Magistrate Hawthorne Schedule:*

**20TH CIR 02198**

Docket soundings: Dec. 1, 2, 7, 8, 9, 14, 15, 16, 20, 21, 22, 28, 29 with 60 at 8:30 and 60 cases at 1:00

Trial Days Available: Dec. 27

Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

**From:** Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

**To:** McHugh, Michael

**CC:**

**Date:** 8/24/2010 3:29:32 PM

**Subject:** Order setting DS

---

**From:** McHugh, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MMCHUGH>

**To:** Carlin, John S.

**CC:**

**Date:** 8/24/2010 3:55:48 PM

**Subject:** Order Setting Docket Sounding

---

I have made changes to the Order setting the Docket Sounding in foreclosure cases, pursuant to our lunch meeting last week. The changes that I made are at the end of paragraph 1. Let me know if you think this addresses the issue that we talked about.

Thanks,  
Mike.

**From:** Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

**To:** Carlin, John S.

**CC:**

**Date:** 8/25/2010 12:03:18 PM

**Subject:** DS recommendation-

---

Hello

I had a chance to speak with Judge Starnes concerning the # of DS to be set on a docket. He feels 220 per day is achievable when factoring in additional signing time.

For the Senior Judges, I would recommend:

- 1) Setting 170 new DS cases per day (85 morning/85 afternoon) and allowing for 50 additional cases to be set for continued DS. So the dockets will be at 220 per day and the Judges will continue to sign/review foreclosure paperwork on those dates.
- 2) In the event docket space is still available: I will use those times to reset DSs where an objection has been filed to the Magistrate since I do not need a 60-day notice for those cases.

For the Magistrates, I would recommend:

- 1) Setting 200 DS cases per day (100 morning/100 afternoon) and allowing for 50 additional cases to be set for continued DS. So the dockets will be at 250 per day.

Please let me know if you are OK with this and I will amend the notes on the master calendar. Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

**From:** McHugh, Michael </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=MMCHUGH>

**To:** Carlin, John S.  
Sauls, Sandi

**CC:** Aloia, Nancy K

**Date:** 8/25/2010 9:42:22 AM

**Subject:** ?RE: Orders to Cancel sales

---

I do think that this is a reasonable process. I have discussed it with Judge Fuller and Judge Winesett and they both agree with this procedure. The three of us make a majority, but I will try and get with Judge Rosman and Gerald and make sure there are no objections.

---

**From:** Carlin, John S.  
**Sent:** Thursday, August 19, 2010 4:01 PM  
**To:** Sauls, Sandi; McHugh, Michael  
**Cc:** Aloia, Nancy K  
**Subject:** RE: Orders to Cancel sales

Just a point of clarification. I wanted the civil judges input to make sure that they agreed that they would sign any Order to Cancel sale that are presented to them the day before the sale and they would have to sign it by 2:00 to get the next day sale cancelled. The Senior Judges are signing all other foreclosure orders but we can't guarantee this quick of a turn around by a Senior Judge as they typically spend most of the day in court and sign at the end of the day which would be too late to cancel the next day sale. I know that people do take vacations, attend conferences so we could have a system where they covered for each other and I would also be willing to sign these if someone was not available. Mike, do you think this is reasonable or do you have any other thoughts?

---

**From:** Sandi Sauls [mailto:ssauls@leeclerk.org]  
**Sent:** Thursday, August 19, 2010 3:45 PM  
**To:** McHugh, Michael  
**Cc:** Carlin, John S.; Aloia, Nancy K  
**Subject:** Orders to Cancel sales

If we receive an untimely Motion and Order to Cancel a (Foreclosure) Sale, may we return the pleadings to the attorney (with their \$50 reopen fee)? If yes, then the question is the definition of untimely. After talking to Judge Carlin we thought untimely could be any time after 10:00AM the day before the sale because we would have difficulty getting the Order to the Judge and having it returned to us in time to perform the cancellation process. Judge Carlin said we needed the Circuit Civil Judges approval before we could act on this. Also there may be "emergency" situations that need to be dealt with somehow. My only interest in this is to reduce the unnecessary paperwork for both the Judges and clerk. It may not even be a problem, but I have come to expect very little from the foreclosure mills. Could you possibly get a "ruling" from the Civil Judges on this if you think it has any merit? Thank you.

Thank you,

Sandi C Sauls  
Civil Division Manager  
239-533-9188

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

**From:** [Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton,Jeremy@ca.cjis20.org)

**To:** [Conderman, Ellen](mailto:Conderman, Ellen)

**CC:** [Embury, Jon](mailto:Embury, Jon)

**Date:** 8/25/2010 3:16:38 PM

**Subject:** ?RE: Summary Judgements on Foreclosure hearings

---

Ellen,

I'm planning to open the Senior Judge days in October on JACS for MSJ hearings soon, but I'm waiting a few more days to try to force the attorneys to use the available times in September. There are still over 200 MSJ timeslots available in September.

Beginning next week, I'm going to begin opening the October days, probably one at a time, to try to coerce the attorneys to schedule earlier rather than later, and to avoid days where only a few motions are scheduled.

Thank you,

*Jeremy J. Shelton*

Civil Case Manager

20th Judicial Circuit, Charlotte County

Administrative Office of the Courts

350 East Marion Avenue

Punta Gorda, Florida 33983

Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)

Phone: 941.637.2100

---

**From:** Embury, Jon  
**Sent:** Wednesday, August 25, 2010 4:04 PM  
**To:** Shelton, Jeremy  
**Subject:** FW: Summary Judgements on Foreclosure hearings

It looks like Ellen is getting calls about October time. You may want to give her a call. Maybe we can convince the attorney to use the last date in September..

Jon

---

**From:** Mause, Denise  
**Sent:** Wednesday, August 25, 2010 2:58 PM  
**To:** Embury, Jon  
**Subject:** FW: Summary Judgements on Foreclosure hearings

Jon – I'm not sure what to tell Ellen....

*Respectfully,*

*Denise P. Mause*

*Administrative Assistant*

*Administrative Office of the Courts*

*Twentieth Judicial Circuit*

*(941) 637-2110*

*Fax: (941) 637-2283*

20TH CIR 02204



[dmause@ca.cjis20.org](mailto:dmause@ca.cjis20.org)

*Our mission is to provide professional services to support the judiciary in their efforts to protect rights and liberties, uphold and interpret the law, and provide for the peaceful resolution of disputes.*

---

---

**From:** Conderman, Ellen  
**Sent:** Wednesday, August 25, 2010 2:53 PM  
**To:** Mause, Denise  
**Subject:** Summary Judgements on Foreclosure hearings

Hi Denise,

I know the Senior Judges will be hearing MSJ's beginning the end of September. I got a call asking for October dates but I don't see anything open yet. Can you find out if they can set up the dates for them in October?

Ellen Conderman  
Judicial Assistant  
Judge Lee Ann Schreiber  
239-533-2603 Lee County  
941-833-3033 Charlotte County  
[econderman@ca.cjis20.org](mailto:econderman@ca.cjis20.org)

**From:** [Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton,Jeremy@ca.cjis20.org)

**To:** [Conderman, Ellen](mailto:Conderman, Ellen)

**CC:** [Embury, Jon](mailto:Embury, Jon)

**Date:** 8/25/2010 3:16:38 PM

**Subject:** ?RE: Summary Judgements on Foreclosure hearings

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Thank you,

*Jeremy J. Shelton*

Civil Case Manager

20th Judicial Circuit, Charlotte County

Administrative Office of the Courts

350 East Marion Avenue

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Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)

Phone: 941.637.2100

---

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**Sent:** Wednesday, August 25, 2010 4:04 PM  
**To:** Shelton, Jeremy  
**Subject:** FW: Summary Judgements on Foreclosure hearings

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Jon

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**Sent:** Wednesday, August 25, 2010 2:58 PM  
**To:** Embury, Jon  
**Subject:** FW: Summary Judgements on Foreclosure hearings

Jon – I'm not sure what to tell Ellen....

*Respectfully,*  
**Denise P. Mause**  
**Administrative Assistant**  
**Administrative Office of the Courts**  
**Twentieth Judicial Circuit**  
**(941) 637-2110**  
**Fax: (941) 637-2283**

20TH CIR 02206

[dmause@ca.cjis20.org](mailto:dmause@ca.cjis20.org)

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---

---

**From:** Conderman, Ellen  
**Sent:** Wednesday, August 25, 2010 2:53 PM  
**To:** Mause, Denise  
**Subject:** Summary Judgements on Foreclosure hearings

Hi Denise,

I know the Senior Judges will be hearing MSJ's beginning the end of September. I got a call asking for October dates but I don't see anything open yet. Can you find out if they can set up the dates for them in October?

Ellen Conderman  
Judicial Assistant  
Judge Lee Ann Schreiber  
239-533-2603 Lee County  
941-833-3033 Charlotte County  
[econderman@ca.cjis20.org](mailto:econderman@ca.cjis20.org)

**From:** Winesett, Sherra </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=SWINESETT>

**To:** McHugh, Michael

**CC:**

**Date:** 8/25/2010 2:46:22 PM

**Subject:** Orders to Cancel Sales

---

I reviewed Sandi's and J Carlin's comments and have no problem with reviewing and signing orders on the motions in accordance with the suggested procedures. Once an order is signed, the judge's ja could simply e-mail the clerk of that fact so the sale could be timely cancelled.

In determining the procedure to use, I thought it important to determine the reason behind the adoption of new form 1.996(b) and whether an order to cancel and reschedule a f/c is mandatory. My review follows if anyone is interested:

New Civil form 1.996(b) entitled "Motion to Cancel and Reschedule Foreclosure Sale" simply states in a Note at the bottom of the form, " This form is used to move the court to cancel and reschedule a foreclosure sale." And rule 1.900 entitled "Forms" only states in (b) that the Forms for Use with Rules of Civil Procedure that follow are sufficient for the matters that are covered by them.

The supreme court, in their opinion adopting new form 1.996(b), does not say the order is mandatory but cites the Task Force's reasons for recommending that the new rule be adopted as follows:

" Currently, many foreclosure sales set by the final judgment and handled by the clerks of court are the subject of **vague last-minute motions to reset sales** without **giving any specific information as to why the sale is being reset**. It is important to know why sales are being reset so as to determine when they can properly be reset, **or whether the sales process is being abused**... Again, this is designed at promoting **effective case management** and **keeping properties out of extended limbo between final judgment and sale**." (My Emphasis added)

So I view the form as a case management tool to avoid last minute motions and orders and that as long as the procedure we set up is reasonable it should be ok. And I think the procedures set forth is entirely reasonable.

Further, as long as a rational reason is stated in a timely filed motion and the cancellations /resets are not being abused (i.e. if you see 7 cancellations and resets, it probably is and the judge will probably deny the motion.), reviewing these motions and signing orders will be pretty perfunctory.

**From:** [Judi Kennington-Korf <jkennington-korf@hendryfla.net>](mailto:jkennington-korf@hendryfla.net)

**To:** [Mann, Sheila](#)

[Cicchesi, Dawn](#)

[Redden, Shannon](#)

[Siracusa, Joanne](#)

[Suhar, Sharon](#)

[Wegis, Ginny](#)

[Smith, Carrie](#)

[Kiesel, Lisa](#)

[Harkey, Sandra D](#)

[Callanan, Richard](#)

[Smith, Joan](#)

[Sodergren, Christina](#)

[Melvin, Lisa](#)

[Marik, Nancy](#)

[Nelson, Brianna](#)

[McLean, Craig](#)

[Fishbeck, Eric](#)

[Ballard, Dolly](#)

[DeBow, Brenda](#)

[Bauer, Terri](#)

[Ederr, Suzanne](#)

[Eskin, Allison](#)

[Thompson, Christine](#)

[Hendrickx, Jo-Ann](#)

[Gutshall, Tilena](#)

[Sanchez, Marilu](#)

[Salmon, Marcia](#)

[Boone, R. Charles](#)

[Buendia, Glenda](#)

[Elliott, Sharon](#)

[Connell, Marguerite](#)

[Judith Mcelhaney](#)

[Clayton, Betsy](#)

[LORITOMASELLI@comcast.net](mailto:LORITOMASELLI@comcast.net)

[CapeRlt@aol.com](mailto:CapeRlt@aol.com)

[Lazorik, Rachael A.](#)

[Waddell, Bruce](#)

**CC:** [Aida Barnhart](#)

**Date:** 8/26/2010 7:38:08 AM

**Subject:** ?RE: call regarding homestead foreclosure

---

20TH CIR 02209



Sheila, thank you for sharing this story. Everyone's life is going through, or will go through, some kind of battle – that's what it is, a battle. It is very difficult to hear stories like this – literally hundreds of thousands in FL alone are effected by foreclosure – and as is the case in this story, much worse than foreclosure.

I could not tell where the woman was called from, so in the event it's Lee... the following is offered. Lee County may have a strategy through their SHIP program that may be able to help. Social Services also has the HPRP (I think it stands for the Homeless Prevention and Rapid Rehousing Program). The Human Services Department would be a good place to start: 239-533-8549 or dial 211 for United Way. They have counseling, and other assistance programs that may be able to help this family. United Way has a program that can help to keep a person in their home for 30 days. [This information was provided courtesy of our SHIP Director, Aida Barnhardt. Thanks, Aida.]

Sincerely, I hope this may be able to help someone..... This is being shared with a reply to all in the event it may be able to help this family or another that has a similar problem. Sad to say that even with all of this help, it is sometimes not enough.

All the best.....and thank you for having a caring heart – we need more of those!

**From:** Mann, Sheila [mailto:SMann@CA.CJIS20.ORG]

**Sent:** Thursday, August 26, 2010 8:12 AM

**To:** Cicchesi, Dawn; Redden, Shannon; Siracusa, Joanne; Suhar, Sharon; Wegis, Ginny; Smith, Carrie; Kiesel, Lisa; Harkey, Sandra D; Callanan, Richard; Smith, Joan; Sodergren, Christina; Melvin, Lisa; Marik, Nancy; Nelson, Brianna; McLean, Craig; Fishbeck, Eric; Ballard, Dolly; DeBow, Brenda; Bauer, Terri; Ederr, Suzanne; Eskin, Allison; Thompson, Christine; Hendrickx, Jo-Ann; Gutshall, Tilena; Sanchez, Marilu; Salmon, Marcia; Boone, R. Charles; Buendia, Glenda; Elliott, Sharon; Connell, Marguerite; Judi Kennington-Korf; Judith Mcelhaney; Clayton, Betsy; LORITOMASELLI@comcast.net; CapeRlt@aol.com; Lazorik, Rachael A.; Waddell, Bruce

**Subject:** call regarding homestead foreclosure

Hi All,

I had a conversation with a woman yesterday that I thought should be shared.

I returned the call of a woman who was losing her home to foreclosure. The conversation began with her apologizing for bothering me but she didn't know who else to contact. She was embarrassed that she was going through foreclosure and said that nothing like this had ever happened to her. That she was sure I had heard the same story from other people b/c lots of people were going through foreclosure, but that this was devastating to her. Nevertheless she wanted to do the right thing and follow procedure to the letter of the law. She had written a response but didn't know what to do with it and the letter she received was confusing and full of legal terms. What she needed was to file her response with the clerk. I provided her with the information she needed and she thanked me- profusely.

During the conversation she told me that she fell into financial difficulties b/c her husband had an organ transplant a couple years ago and they were buried in medical bills. Over the last year he had upwards of 10 strokes and had just been released from the hospital the day before after having open heart surgery. Also, he was going into kidney failure. In addition to all this, her son had returned from Iraq this past year and has had multiple surgeries b/c he returned home badly wounded. Finally, both her parents had died during the last two years. She was clearly overwhelmed and distraught and began crying- but just a little. She said if I had called her the afternoon before it wouldn't have been pretty b/c she had a meltdown and had been crying all afternoon. (I think anyone would agree this is entirely understandable.) Then she said to me that she pulled herself together because "other people have it worse than she does...what else can you do but just go on".

She ended the conversation thanking me for listening to her "complain" and for being understanding.

I am sharing this for two reasons:

**20TH CIR 02210**

1. To show that taking some extra time to be kind to someone could be the lifeline that person needs at that particular moment;
2. To remind us all that there really are "other people who have it worse"

This woman touched me in a profound way. I was having a rough morning-or so I thought- then I realized was rough really was.

Sheila

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**From:** Thompson, Lucinda </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LTHOMPSON>

**To:** McHugh, Michael

**CC:**

**Date:** 8/3/2010 8:26:48 AM

**Subject:** ?FW: Procedure for Emergency Motions on Mortgage Foreclosures

---

*Lucinda Thompson  
Judicial Assistant to Judge Fuller  
Lee County Justice Center  
1700 Monroe Street  
Fort Myers, FL 33901  
(239) 533-2831*

---

**From:** Thompson, Lucinda  
**Sent:** Tuesday, August 03, 2010 9:03 AM  
**To:** Repperger, Kathryn  
**Subject:** Procedure for Emergency Motions on Mortgage Foreclosures

Kathy,

Do you know what the new procedure is for Emergency Motions on Mortgage Foreclosure hearings??

*Lucinda Thompson  
Judicial Assistant to Judge Fuller  
Lee County Justice Center  
1700 Monroe Street  
Fort Myers, FL 33901  
(239) 533-2831*



**From:** [Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>](mailto:Embury, Jon </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JEMBURY>)

**To:** [Richards, George](mailto:Richards, George)

[Schreiber, Lee Ann](mailto:Schreiber, Lee Ann)

**CC:** [Davis, Dana](mailto:Davis, Dana)

**Date:** 8/31/2010 8:13:42 AM

**Subject:** ?RE: Foreclosures

---

I agree with you. Thank you for keeping me updated with this information. I will also send this over to Mr. Shelton.  
Jon

---

**From:** Richards, George

**Sent:** Tuesday, August 31, 2010 8:48 AM

**To:** Schreiber, Lee Ann; Embury, Jon

**Cc:** Davis, Dana

**Subject:** Foreclosures

I'm starting to see a number of motions on the following:

Motions to Abate foreclosure case while they "work something out" with the homeowner. Some of these are 2008 cases. I am denying these motions. My position is either dismiss the case and work it out or proceed with the foreclosure. If we abate these cases they could sit on the docket forever.

Motions to Cancel the Foreclosure Sale which are set in mid October. Again, working something out. I'm denying these motions. They have almost two months to work it out.

I think denying these motions will make them reach a resolutions sooner than later.

Your input please. George

**From:** [Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>](#)

**To:** [Richards, George](#)

[Embury, Jon](#)

**CC:** [Davis, Dana](#)

**Date:** 8/31/2010 7:55:12 AM

**Subject:** ?RE: Foreclosures

---

I agree with you. On the more recent filings, I am willing to abate for a specific period of time – 90 days max and I cc the case manager for follow up after 90 days. All filings after July 1 will require the “managed mediation,” in essence front ending the efforts to “work it out.” I suspect we will see fewer abatement requests in light of the Supreme Court mandated mediation.

---

**From:** Richards, George

**Sent:** Tuesday, August 31, 2010 8:48 AM

**To:** Schreiber, Lee Ann; Embury, Jon

**Cc:** Davis, Dana

**Subject:** Foreclosures

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Motions to Abate foreclosure case while they “work something out” with the homeowner. Some of these are 2008 cases. I am denying these motions. My position is either dismiss the case and work it out or proceed with the foreclosure. If we abate these cases they could sit on the docket forever.

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I think denying these motions will make them reach a resolutions sooner than later.

Your input please. George

**From:** [Connell, Marguerite </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=MCONNELL>](mailto:Connell, Marguerite </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=MCONNELL>)

**To:** [Gutshall, Tilena](#)

**CC:**

**Date:** 8/4/2010 10:35:34 AM

**Subject:** ?RE: November Foreclosure

---



I agree with you. I thought that when I read her e-mail. He's in Glades on the 16<sup>th</sup> so maybe she didn't notice that.

---

**From:** Gutshall, Tilena  
**Sent:** Wednesday, August 04, 2010 10:53 AM  
**To:** Connell, Marguerite  
**Subject:** RE: November Foreclosure

*I don't have Magistrate Larsen here on the 16<sup>th</sup> of November. Unless it's changed.....He's here on the 8, 9, 15, 29, 30*

---

**From:** Connell, Marguerite  
**Sent:** Wednesday, August 04, 2010 10:47 AM  
**To:** Gutshall, Tilena  
**Subject:** FW: November Foreclosure

---

**From:** Mann, Sheila  
**Sent:** Tuesday, August 03, 2010 12:13 PM  
**To:** Brantley, Kelly  
**Cc:** Hendrickx, Jo-Ann; Connell, Marguerite  
**Subject:** November Foreclosure

Judge McIver will cover 11/16, pm, for your foreclosures.  
Ed Larsen can still do cases in the morning.

Thanks,  
Sheila

**From:** Golden, Diana </O=SAO20/OU=CACJIS/CN=RECEIPTS/CN=DG2228>

**To:** Aloia, Nancy K

English, Sharon

**CC:** Hamsharie, Deborah

Trammell, Cindy

Thompson, Lucinda

Repperger, Kathryn

Conderman, Ellen

**Date:** 8/4/2010 1:58:04 PM

**Subject:** ?RE: OSC Foreclosure Residential

---

Thank you I will contact Henderson Franklin back.

Diana J

---

**From:** Aloia, Nancy K

**Sent:** Wednesday, August 04, 2010 1:57 PM

**To:** Golden, Diana; English, Sharon

**Subject:** RE: OSC Foreclosure Residential

Hello

The OSC should be sent to us (central location) and we will provide them with a date and obtain judicial signature for them.

Stamped and addressed envelopes will need to be provided.

Thank you- Nancy

---

**From:** Golden, Diana

**Sent:** Tuesday, August 03, 2010 2:13 PM

**To:** Aloia, Nancy K; English, Sharon

**Subject:** OSC Foreclosure Residential

**Importance:** High

Hi Nancy and Sharon,

I have received a call from Henderson Franklin regarding FS 702.10 and the Order to Show Cause Why Final Judgment of Foreclosure should not be entered. In these orders a date for the Final Summary Judgment hearing is given 60 days out. Respondent is then served and then directed by the order to respond and file any answer or objection to this and show up and show why it should not be entered. If they don't show up a default final judgment in foreclosure is entered. If someone shows to contest then it will have to be forwarded to mediation??? I am not sure if this is the procedure you plan to use but I need to know how to direct these firms to handle their orders.

I would direct them to request a hearing from [Massforeclosure@leeclerk.org](mailto:Massforeclosure@leeclerk.org) for 60 days out prioritize them for signing and let the senior judges handle them on their foreclosure dockets. What do you think or who should I pose this question to?

Diana Golden, BS, FRP

Judicial Assistant

Honorable Lynn Gerald, Jr.

Circuit Judge

(239) 533-9152

20TH CIR 02216

12\_6\_2010

## Starnes, Hugh E

---

**From:** Aloia, Nancy K  
**Sent:** Wednesday, August 04, 2010 12:24 PM  
**To:** Johnston, Linda; Sauls, Sandi; Sandra Jones  
**Cc:** Baas, Kimberly; McHugh, Michael; Thompson, James; Starnes, Hugh E; Repperger, Kathryn; Rose, Penelope  
**Subject:** RE: Clerk

**Importance:** High

Hello

A meeting has been scheduled for 2pm today in Judge McHugh's hearing room. I am also copying Judge Starnes and Judge Thompson so that they may attend if available.

*Penelope – I know that Judge Thompson is aware and will attend. I believe that Judge Starnes may also be aware but have not personally spoken with him. If he passes through before 2pm, please let him know about the meeting.*

Thank you

---

**From:** Linda Johnston [<mailto:ljohnston@leeclerk.org>]  
**Sent:** Wednesday, August 04, 2010 8:49 AM  
**To:** Sauls, Sandi; Sandra Jones  
**Cc:** Baas, Kimberly; Aloia, Nancy K; McHugh, Michael  
**Subject:** RE: Clerk

Is there anyway that we could have a meeting this afternoon to clarify the proper procedure for our responsibilities regarding the Docket Sounding?

*LJ*  
*Senior Court Clerk*  
*Judge Carlin's Clerk*  
*[ljohnston@leeclerk.org](mailto:ljohnston@leeclerk.org)*  
*Phone: 533-2505 ext. 42690*

---

**From:** Sandi Sauls  
**Sent:** Tuesday, August 03, 2010 6:39 PM  
**To:** Sandra Jones; Linda Johnston  
**Subject:** Fw: Clerk

Guess this answers your question. The next question is whether you need to learn JACs.

Sent From Verizon Blackberry Device.

---

**From:** Aloia, Nancy K [<mailto:NAloia@CA.CJIS20.ORG>]  
**Sent:** Tuesday, August 03, 2010 06:29 PM  
**To:** Sandi Sauls  
**Subject:** Clerk

Hello

Just received your voicemail. A court clerk is needed at the Magistrates' docket soundings. Sharon English will be going back to Civil CM shortly and will not be in the courtroom. We had her there to help out with establishing courtroom practice so that we could release the process -and because I cannot be in 2 places at once :.] Thank you

*Nancy Aloia*  
*Family/Civil Director*  
*Twentieth Judicial Circuit*  
*1700 Monroe Street, Ft. Myers, FL 33901*  
*239-533-2991/Mobile 357-5641*

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**From:** [Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JSHELTON>)

**To:** [Kyle, Keith](mailto:Kyle, Keith)

**CC:** [Embury, Jon](mailto:Embury, Jon)

**Date:** 8/6/2010 8:01:36 AM

**Subject:** Trial Order

---

Judge Kyle,

Attached is the final version of the trial order that I will be using to set foreclosure trials.

Thank you,

*Jeremy J. Shelton*

Civil Case Manager  
20th Judicial Circuit, Charlotte County  
Administrative Office of the Courts  
350 East Marion Avenue  
Punta Gorda, Florida 33983  
Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)  
Phone: 941.637.2100

**From:** Kyle, Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KKYLE>

**To:** Cary, G. Keith

Carlin, John S.

**CC:** Aloia, Nancy K

Embury, Jon

Callanan, Richard

**Date:** 8/9/2010 2:25:04 PM

**Subject:** Charlotte Foreclosure Trial Order FYI/Random Comments

---

Here is a copy of the final order that we are using up here in Charlotte setting some of the really old foreclosure cases for trial. (Our case manager, Jaremy, is doing a great job by the way.) We've already started using this order and are awaiting the first round of responses in the next month or so. We are using about a sixty day lag between the order going out and the trial date. A local attorney apparently has advised that he disputes the court's ability to set matters for trial, hence the specific inclusion of the reference to FRCP 1.440(c). (The rule requires only a minimum of thirty days notice.)

I hope all is well down there. This last month (July) we had the lowest number of foreclosure filings here in Charlotte since May, 2007!



**From:** [Kyle, Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KKYLE>](mailto:Kyle, Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=KKYLE>)

**To:** [Shelton, Jeremy](mailto:Shelton, Jeremy)

**CC:** [Embury, Jon](mailto:Embury, Jon)

**Date:** 8/9/2010 10:17:38 AM

**Subject:** ?RE: Trial Order

---

It was not attached – you'll see a little paperclip to the left if it successfully attaches... can you try again? Thanks! Happy Monday.

*Keith R. Kyle*

*Circuit Court Judge of the Twentieth Judicial Circuit*

*Charlotte County Justice Center*

*350 East Marion Avenue*

*Punta Gorda, FL 33950*

*(941) 637-2186*

---

**From:** Shelton, Jeremy

**Sent:** Friday, August 06, 2010 9:02 AM

**To:** Kyle, Keith

**Cc:** Embury, Jon

**Subject:** Trial Order

Judge Kyle,

Attached is the final version of the trial order that I will be using to set foreclosure trials.

Thank you,

*Jeremy J. Shelton*

Civil Case Manager

20th Judicial Circuit, Charlotte County

Administrative Office of the Courts

350 East Marion Avenue

Punta Gorda, Florida 33983

Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)

Phone: 941.637.2100

This is unregistered version of Total Outlook Converter

**From:** Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JSHELTON>

**To:** Cambareri, Kimberly

**CC:**

**Date:** 8/9/2010 7:52:18 AM

**Subject:** ?RE: Forms / word documents

---

Kim,

Ideally, I would like to have the ability to merge data into the forms from the database. I already have the forms as word docs. Also, Judge Kyle altered the language in the trial order, so you can toss out the one I gave you before, and replace it with the one attached to this email.

Thanks,

Thank you,

*Jeremy J. Shelton*

Civil Case Manager  
20th Judicial Circuit, Charlotte County  
Administrative Office of the Courts  
350 East Marion Avenue  
Punta Gorda, Florida 33983  
Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)  
Phone: 941.637.2100

---

**From:** Cambareri, Kimberly  
**Sent:** Monday, August 09, 2010 8:00 AM  
**To:** Shelton, Jeremy  
**Subject:** Forms / word documents

Jaremy

Hello, sorry for the delay. But do you want these as forms just as word document with text boxes to type in or to be able to merge the data from the database.

Kimberly Cambareri  
Computer Programmer/Analyst  
20th Judicial Circuit Courts  
(239) 533-9103 work  
(239) 357-4506 mobile  
<mailto:kcambareri@ca.cjis20.org>

**From:** [Shelton, Jaremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton, Jaremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=JSHELTON>)

**To:** [Kyle, Keith](#)

**CC:** [Embury, Jon](#)

**Date:** 8/9/2010 10:19:02 AM

**Subject:** ?RE: Trial Order

---

I apologize for the mistake. Hopefully it is successfully attached this time.

---

**From:** Kyle, Keith  
**Sent:** Monday, August 09, 2010 11:18 AM  
**To:** Shelton, Jaremy  
**Cc:** Embury, Jon  
**Subject:** RE: Trial Order

It was not attached – you'll see a little paperclip to the left if it successfully attaches... can you try again? Thanks! Happy Monday.

*Keith R. Kyle*  
*Circuit Court Judge of the Twentieth Judicial Circuit*  
*Charlotte County Justice Center*  
*350 East Marion Avenue*  
*Punta Gorda, FL 33950*  
*(941) 637-2186*

---

**From:** Shelton, Jaremy  
**Sent:** Friday, August 06, 2010 9:02 AM  
**To:** Kyle, Keith  
**Cc:** Embury, Jon  
**Subject:** Trial Order

Judge Kyle,

Attached is the final version of the trial order that I will be using to set foreclosure trials.

Thank you,

*Jaremy J. Shelton*  
Civil Case Manager  
20th Judicial Circuit, Charlotte County  
Administrative Office of the Courts  
350 East Marion Avenue  
Punta Gorda, Florida 33983  
Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)  
Phone: 941.637.2100

## Starnes, Hugh E

---

**From:** Aloia, Nancy K  
**Sent:** Monday, August 09, 2010 1:12 PM  
**To:** Thompson, James; Starnes, Hugh E  
**Subject:** FW: Judicial Memorandum Requiring Order to Cancel Sale 8-10.pdf  
**Attachments:** Judicial Memorandum Requiring Order to Cancel Sale 8-10.pdf

This memo was signed by Judge McHugh and is being distributed. Sandi is sending out to the primary attorneys in foreclosure cases rather than in the local attorneys mailboxes. I can also have copies available for you on the bench.

I will check with Judge McHugh to see if he would like posted on our webpage so we can get the word out.

---

**From:** Sandi Sauls [<mailto:ssauls@leeclerk.org>]  
**Sent:** Monday, August 09, 2010 1:04 PM  
**To:** Aloia, Nancy K  
**Subject:** Judicial Memorandum Requiring Order to Cancel Sale 8-10.pdf

**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Sauls, Sandi

Johnston, Linda

**CC:** Aloia, Nancy K

**Date:** 9/1/2010 3:08:50 PM

**Subject:** Foreclosure time available in October on Fridays

---

Hello,

I noticed that for October Friday Summary Judgment dates, we have very few hearings currently scheduled. We have 198 cases set for Oct. 1, 98 cases on Oct. 8, 102 cases on Oct. 15, 50 cases set on Oct. 22 and 58 cases set for Oct. 29. This is a month with 5 Fridays so it would be great to set as many cases as possible on these Fridays. Would you all be willing to call your contacts at the foreclosure firms and see if they would set a lot of hearings for these dates. We allow 500 cases per Friday which is 250 in the a.m. and 250 in the p.m. Any other ideas would also be appreciated. Thank you!

John

P. S. Sandi- Do we have the August clearance rate yet for foreclosures?

**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Ederr, Suzanne

**CC:** Starnes, Hugh E

McHugh, Michael

Aloia, Nancy K

**Date:** 9/1/2010 12:19:36 PM

**Subject:** ?RE:

---

Thanks, Suzanne, for researching this issue for us. Much appreciated.

---

**From:** Ederr, Suzanne

**Sent:** Wednesday, September 01, 2010 12:44 PM

**To:** Carlin, John S.

**Subject:** RE:

Judge Carlin:

Rule 2.505 specifically addresses the way in which an attorney may appear in a case and the way in which an attorney's appearance may be terminated. An attorney may appear "[b]y substitution of counsel, but only by order of court and with written consent of the client, filed with the court." (emphasis added). Fla. R. Jud. Admin. 2.505(e)(2). Likewise, in the context of substitution of counsel, the appearance of the first attorney shall terminate "[b]y order of court, under the procedure set forth in subdivision (e)(2) of this rule." The filing of the stipulation is just the first step, but the firm language of the rule shows that the intent is that counsel cannot actually be considered substituted absent an order from the Court, and counsel cannot be considered relieved of his/her obligation absent an order from the Court.

I hope this helps to answer your question. Please advise if I can provide any further assistance.

- Suzanne

---

**From:** Carlin, John S.

**Sent:** Tuesday, August 17, 2010 1:57 PM

**To:** Ederr, Suzanne

**Cc:** Starnes, Hugh E; Aloia, Nancy K; McHugh, Michael

**Subject:**

Suzanne-

An issue came up today at a meeting discussing foreclosure matters. We are receiving a lot of Stipulations to Substitute Counsel with Orders for our judges to sign. The volume is quite high. My question is do we have to sign these Orders or can the original stipulation filed in the court file end the matter? Thank you for researching this issue for us.

**From:** Mravic, Deborah </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DMRAVIC>

**To:** Pivacek, Cynthia

**CC:** Middlebrook, Mark

**Date:** 9/1/2010 12:09:20 PM

**Subject:** ?RE: scheduling hearings

---

I agree there is some confusion when many calls are getting transferred from office to office. At this point, any paperwork regarding hearings that need to be scheduled with the Magistrate or Senior judge, please forward to me and I will distribute to the appropriate person(i.e. Melanie, Diane or Nancy).

Regarding the phone calls, if it is regarding any type of scheduling problems, questions or cancellations on JACS please continue to forward to Nancy or Diane. Melanie is NOT knowledgeable enough on that to handle at this time nor can I handle the volume.

Melanie and I are going to Fort Myers on Tuesday to observe a backlog foreclosure docket (200 cases before Judge Starnes). I am trying to plan the next phase on what we need to do with our backlog cases and HOW.

I will get everyone together (Jodie, Jan, Diane, Lynn, Nancy, Melanie) in the next week to make sure there is an understanding regarding who is doing what!! It should be much smother once we have Judge Monaco as our Senior Judge on a weekly basis!!

Debbie

From: Pivacek, Cynthia  
Sent: Wednesday, September 01, 2010 9:24 AM  
To: Mravic, Deborah  
Cc: Middlebrook, Mark  
Subject: scheduling hearings

Debbie,

So far you are doing a great job with taking over and supervising this daunting task of organizing the foreclosure dockets. Thank you.

In the past, when hearings needed to be set, we would send to Diane/Nancy. Now that additional time is being opened through the magistrate, I understand some scheduling is being done by Melody. I might be incorrect on this assumption.

Concern..I am sure we are all receiving many calls..unfortunately, not one person has been involved with the case so calls are being directed among the various offices. Due to the volume it is hard to know who they have talked to and what has been communicated...so the calls are very time consuming..plus the staff is having to communicate among themselves to straighten out the confusions. (generally created by the litigant)

Can we strategize and come up with one procedure for scheduling and one way to get the files to that person/office? That way, when we all get calls, we will know where to start . Diane and Nancy are doing a great job as well..but I think there is some general frustration with the phone calls.



**From:** [Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>](mailto:Schreiber, Lee Ann </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSCHREIBER>)

**To:** [Richards, George](mailto:Richards, George)

**CC:** [Embury, Jon](mailto:Embury, Jon)

[Shelton, Jeremy](mailto:Shelton, Jeremy)

**Date:** 9/10/2010 3:54:48 PM

**Subject:** Motions For Continuance of trials

---

I wanted to share my thoughts on motions for continuances and let you know how I intend to approach these motions. With a view towards trying to be relatively uniform Yes, we have a firm policy against continuances, especially on these old cases, but we cannot have blanket no continuance rule in all cases

I am finding the request for continuances (mostly from Plaintiffs) to fall into a couple categories:

- 1) we wish to pursue settlement
- 2) there is insufficient time to set the motion for SJ (even though when we served the Order, we allowed sufficient time; they sat on it)
- 3) Discovery is not concluded
- 4) A Counter-claim is pending and a responsive pleading or motion direct to that counterclaim has not been filed &/or disposed; i.e. a Mo Dismiss)
- 5) I have a (documented) schedule conflict (which cannot be resolved by Admin Order 2.10) and my client will be prejudiced (I've gotten these from Defendant's attorneys because they are scheduled to be on other foreclosure trials (Collier County) on older cases than ours)

I will deny the Mo Continue on all but the last 2.

If the case is not at issue under Rule 1.440, it is reversible error to compel them to go to trial. This may happen on occasion given that MANY old foreclosure cases were set for trial on the Court's own motion (and upon cursory review that made the case appear as if it was at issue and ready to be placed on the trial docket when, in fact, it is not "at issue" within the meaning of the Rule). If a counterclaim is pending and the Complaint is set for trial, I am converting the 10" trial to a 10" case management conference on the Court's own motions and entering an Order accordingly.

If there is a documented, genuine conflict with the trial date, I am granting the motion to continue to another trial date. In other words I'm not just granting the motion and letting the case sit. It will automatically be set on the next trial docket approx 30 days away and the Order granting continuance will re-set the date and time for trial.

Because of the # of requests for continuances, I have developed a couple of templates that I just started using today. The templates for Order Denying Mo Continuance and Order Granting Continuance/convert to Case management conference are attached in cases you might find them helpful or something you could enhance. Either Ellen or I are hand-writing the case name & number and hand writing in the blanks which helps it go faster. On the "service list" we copy the one attached to the motion for continuance (doctor it up on copier if needed) and serve all parties.

Jon/Jeremy, is there a way to streamline these Orders (including the Order setting trial date) so that the case style & # and ALL the attorneys/parties names do not have to be re-typed? We have software capabilities in Lee County to do this (Kim Cambareri wrote the program to integrate with the family court docket in Lee County). Is there a way to have a forms data base that we populate w standard info? I think Jeremy had to hand type all the trial orders? Not an efficient good use of his or our time.

Your thoughts?

LAS

20TH CIR 02229

11\_24\_2010

**From:** [Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=GRICHARDS>](mailto:Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>)

**To:** [Schreiber, Lee Ann](#)

**CC:** [Embury, Jon](#)

[Shelton, Jeremy](#)

[Davis, Dana](#)

**Date:** 9/12/2010 11:04:50 AM

**Subject:** ?RE: Motions For Continuance of trials

---

I think resetting it for trial on the next trial docket is a great idea, but what if the party states they cannot be ready by then. I suggest a status in 45-60 days. No progress, then #1 for trial on the next docket.

George

---

**From:** Schreiber, Lee Ann  
**Sent:** Friday, September 10, 2010 4:55 PM  
**To:** Richards, George  
**Cc:** Embury, Jon; Shelton, Jeremy  
**Subject:** Motions For Continuance of trials

I wanted to share my thoughts on motions for continuances and let you know how I intend to approach these motions. With a view towards trying to be relatively uniform Yes, we have a firm policy against continuances, especially on these old cases, but we cannot have blanket no continuance rule in all cases

I am finding the request for continuances (mostly from Plaintiffs) to fall into a couple categories:

- 1) we wish to pursue settlement
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- 3) Discovery is not concluded
- 4) A Counter-claim is pending and a responsive pleading or motion direct to that counterclaim has not been filed &/or disposed; i.e. a Mo Dismiss)
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I will deny the Mo Continue on all but the last 2.

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Jon/Jeremy, is there a way to streamline these Orders (including the Order setting trial date) so that the case style & # and ALL the attorneys/parties names do not have to be re-typed? We have software capabilities in Lee County to do this (Kim Cambareri wrote the program to integrate with the family court docket in Lee County ). Is there a way to have a forms data base that we populate w standard info? I think Jeremy had to hand type all the trial orders? Not an efficient good use of his or our time.

Your thoughts?

LAS

From: [Kest, Kristopher J. <Kristopher.Kest@lowndes-law.com>](mailto:Kristopher.Kest@lowndes-law.com)  
To: [Shelton, Jeremy](mailto:Shelton, Jeremy)  
CC:  
Date: 9/13/2010 3:36:16 PM  
Subject: ques re foreclosure trial deadlines

---

Jaremy,

According to the court's foreclosure trial order, any motions not heard prior to the day of trial are deemed waived. We have filed a Motion to Dismiss the Defendant's Counterclaim in several cases, and attempted to schedule those motions for hearing before Judge Schreiber. However, we understand from Judge Schreiber's JA that she is not available again for hearing in Charlotte County until the day of trial (October 4).

I would like to discuss my options with you, as I'm sure it is not the court's intent to foreclose the possibility of any motions being heard between now and the trial date.

Thanks for any assistance you can provide.

**Kristopher Kest (bio)**

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

450 S. Orange Ave., Suite 800

Orlando, FL 32801

407-418-6285

Fax: 407-843-4444

[kristopher.kest@lowndes-law.com](mailto:kristopher.kest@lowndes-law.com)

[www.lowndes-law.com](http://www.lowndes-law.com)

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[v4.30]

**From:** Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

**To:** Kellum, Ken

**CC:**

**Date:** 9/13/2010 9:16:52 AM

**Subject:** ?FW: August 2010 SJ Foreclosure Report

---

FYI:

---

**From:** Rose, Penelope  
**Sent:** Monday, September 13, 2010 10:17 AM  
**To:** Carlin, John S.  
**Subject:** RE: August 2010 SJ Foreclosure Report

Good Morning Your Honor:

No the 90 days remaining for Lee County for foreclosures does not include the additional foreclosure dates for November and December. I only heard back from Judge Thompson this morning regarding the new dates Nancy Aloia wanted me to arrange. She gave me 40 days to work with for November and December. So the balance through December 31 for foreclosure days will be 50.

My September report will reflect the additional foreclosure dates for Lee County.

You had mentioned that Joanne is out today – so if can be of assistance to help you with anything please let me know.

Thanks.

Penelope

---

**From:** Carlin, John S.  
**Sent:** Monday, September 13, 2010 10:07 AM  
**To:** Rose, Penelope  
**Subject:** RE: August 2010 SJ Foreclosure Report

Thanks, Penelope, for the report. Quick question: does my 90 days remaining include Senior Judge scheduling through December?

---

**From:** Rose, Penelope  
**Sent:** Monday, September 13, 2010 9:25 AM  
**To:** Carlin, John S.  
**Subject:** August 2010 SJ Foreclosure Report

**From:** [Kest, Kristopher J. <Kristopher.Kest@lowndes-law.com>](mailto:Kest,Kristopher.J.<Kristopher.Kest@lowndes-law.com>)

**To:** [Shelton, Jeremy](#)

**CC:**

**Date:** 9/14/2010 11:02:38 PM

**Subject:** ?RE: ques re foreclosure trial deadlines

---

Thanks Jeremy. The court has granted our Motions to Continue as to the cases that are not at issue, so the particular issues raised below have been avoided.

**Kristopher Kest**

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.  
450 S. Orange Ave., Suite 800  
Orlando, FL 32801  
407-418-6285  
kristopher.kest@lowndes-law.com  
www.lowndes-law.com

---

**From:** Shelton, Jeremy [mailto:JShelton@CA.CJIS20.ORG]

**Sent:** Tuesday, September 14, 2010 11:12 AM

**To:** Kest, Kristopher J.

**Subject:** RE: ques re foreclosure trial deadlines

Counselor Kest,

The Judge will hear the motion at the outset of the trial (notice it for the same date and time as the trial.) If the motion is denied, the Judge may grant time to file an answer to Defendant's counterclaim if you have not already done so, in which case the allotted trial time will be converted to a case management hearing. If the motion is granted, the trial will proceed immediately thereafter.

Let me know if you have any other questions I might be able to answer.

Thank you,

*Jeremy J. Shelton*

Civil Case Manager  
20th Judicial Circuit, Charlotte County  
Administrative Office of the Courts  
350 East Marion Avenue  
Punta Gorda, Florida 33983  
Email: jshelton@ca.cjis20.org  
Phone: 941.637.2100

---

**From:** Kest, Kristopher J. [mailto:Kristopher.Kest@lowndes-law.com]

**Sent:** Monday, September 13, 2010 4:36 PM

**To:** Shelton, Jeremy

**Subject:** ques re foreclosure trial deadlines

Jeremy,

20TH CIR 02234

11\_24\_2010

According to the court's foreclosure trial order, any motions not heard prior to the day of trial are deemed waived. We have filed a Motion to Dismiss the Defendant's Counterclaim in several cases, and attempted to schedule those motions for hearing before Judge Schreiber. However, we understand from Judge Schreiber's JA that she is not available again for hearing in Charlotte County until the day of trial (October 4).

I would like to discuss my options with you, as I'm sure it is not the court's intent to foreclose the possibility of any motions being heard between now and the trial date.

Thanks for any assistance you can provide.

**Kristopher Kest (bio)**

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

450 S. Orange Ave., Suite 800

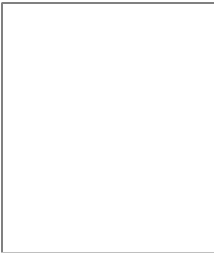
Orlando, FL 32801

407-418-6285

Fax: 407-843-4444

kristopher.kest@lowndes-law.com

[www.lowndes-law.com](http://www.lowndes-law.com)



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[v4.30]

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[www.symantec.com](http://www.symantec.com)

**From:** [Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=GRICHARDS>](mailto:Richards, George </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=GRICHARDS>)

**To:** [Schreiber, Lee Ann](mailto:Schreiber, Lee Ann)

**CC:**

**Date:** 9/14/2010 12:22:28 PM

**Subject:** ?FW: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

FYI.

**From:** Davis, Dana

**Sent:** Tuesday, September 14, 2010 1:22 PM

**To:** Richards, George

**Subject:** RE: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

**SCHEDULE WITH MAGISTRATE**

Please schedule **ALL OF THE** following Motions with the Magistrate via JACS. Discovery; Compel; Withdraw as Counsel; Sever; Orders to Show Cause; Transfer Venue; Vacate Default; Leave to File Amend; Dismiss and Strike Affirmative Defense. Please select Magistrate Porter's schedule on the main JACS page for instructions on reserving hearing time.

Dana Davis  
Judicial Assistant to Hon. George C. Richards  
Charlotte County Circuit Judge  
Telephone 941-637-2375  
Fax 941-637-2358 (new fax)



**LEAVE A GREEN IMPRESSION**

Please consider the environment before printing this e-mail

**From:** Richards, George

**Sent:** Tuesday, September 14, 2010 1:17 PM

**To:** Davis, Dana

**Subject:** FW: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

???????

**From:** Schreiber, Lee Ann

**Sent:** Tuesday, September 14, 2010 11:28 AM

**To:** Richards, George

**Subject:** FW: Is GM Lisa Porter taking referrals for motions on foreclosure cases?

I meant to send this to George Richards. Sorry. Donna's email was returned via postmaster, so she must no longer work for Lee County Clerk

**From:** Schreiber, Lee Ann

**20TH CIR 02236**



**Sent:** Tuesday, September 14, 2010 11:21 AM

**To:** Kyle, Keith

**Cc:** Richards, Donna

**Subject:** Is GM Lisa Porter taking referrals for motions on foreclosure cases?

I have my first ex-parte motion for referral to GM filed by Plaintiff to refer Defendant's Motion to Dismiss to the Magistrate? I was not sure if her family, dependency & Baker/Marchman proceedings have her scheduled maxed out OR whether she is also taking civil matters? Thank you.

[Shelton, Jeremy </O=SAO20/OU=EXCHANGE  
ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/  
CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton,Jeremy@ca.cjis20.org)  
From: [Conderman, Ellen](mailto:Conderman, Ellen)  
To: [Conderman, Ellen](mailto:Conderman, Ellen)  
CC:  
Date: 9/14/2010 8:11:56 AM  
Subject: question from attorney

---

An attorney has cases scheduled for trial with Judge Schreiber next month (his email is below), and has filed a Motion to Dismiss the Defendant's Counterclaim in those cases. The trial order indicates that if any filed motions are unheard by the time of trial, they are considered waived or withdrawn. He wants to know how he can have this motion heard since Judge Schreiber will be in Lee County until the date of the trial here in Charlotte County. These are the two options I can think of:

1. Judge Schreiber can hear the motion at the date/time of trial then proceed with the trial after the motion is heard

2. The attorney can schedule the motion to be heard before Judge Richards before the trial date

Let me know how Judge Schreiber wants to handle this.

Thank you,

Jaremy J. Shelton

Civil Case Manager

20th Judicial Circuit, Charlotte County

Administrative Office of the Courts

350 East Marion Avenue

Punta Gorda, Florida 33983

Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)

Phone: 941.637.2100

From: Kest, Kristopher J. [<mailto:Kristopher.Kest@lowndes-law.com>]

Sent: Monday, September 13, 2010 4:36 PM

To: Shelton, Jaremy

Subject: ques re foreclosure trial deadlines

Jaremy,

According to the court's foreclosure trial order, any motions not heard prior to the day of trial are deemed waived.

We have filed a Motion to Dismiss the Defendant's Counterclaim in several cases, and attempted to schedule those motions for hearing before Judge Schreiber. However, we understand from Judge Schreiber's JA that she is not available again for hearing in Charlotte County until the day of trial (October 4).

I would like to discuss my options with you, as I'm sure it is not the court's intent to foreclose the possibility of any motions being heard between now and the trial date.

Thanks for any assistance you can provide.

Kristopher Kest ([bio](#))

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

450 S. Orange Ave., Suite 800

Orlando, FL 32801

407-418-6285

Fax: 407-843-4444

[kristopher.kest@lowndes-law.com](mailto:kristopher.kest@lowndes-law.com)

[www.lowndes-law.com](http://www.lowndes-law.com)

---



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[v4.30]

??

Page 1

Shelton, Jeremy </O=SAO20/OU=EXCHANGE  
From: ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/  
CN=RECIPIENTS/CN=JSHELTON>  
To: Kest, Kristopher J.  
CC:  
Date: 9/14/2010 10:12:10 AM  
Subject: RE: ques re foreclosure trial deadlines

Counselor Kest,

The Judge will hear the motion at the outset of the trial (notice it for the same date and time as the trial.) If the motion is denied, the Judge may grant time to file an answer to Defendant's counterclaim if you have not already done so, in which case the allotted trial time will be converted to a case management hearing. If the motion is granted, the trial will proceed immediately thereafter.

Let me know if you have any other questions I might be able to answer.

Thank you,

Jaremy J. Shelton

Civil Case Manager

20th Judicial Circuit, Charlotte County

Administrative Office of the Courts

350 East Marion Avenue

Punta Gorda, Florida 33983

Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)

Phone: 941.637.2100

From: Kest, Kristopher J. [<mailto:Kristopher.Kest@lowndes-law.com>]

Sent: Monday, September 13, 2010 4:36 PM

To: Shelton, Jaremy

Subject: ques re foreclosure trial deadlines

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Thanks for any assistance you can provide.

Kristopher Kest ([bio](#))

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

450 S. Orange Ave., Suite 800

Orlando, FL 32801

407-418-6285

Fax: 407-843-4444

[kristopher.kest@lowndes-law.com](mailto:kristopher.kest@lowndes-law.com)

[www.lowndes-law.com](http://www.lowndes-law.com)

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20TH CIR 02240

page 2

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[v4.30]

**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Aloia, Nancy K

**CC:**

**Date:** 9/15/2010 12:07:50 PM

**Subject:** ?RE: Trial/Foreclosure update

---

Thanks for the update. Please let Penelope know when dates are cancelled so we don't pay the Senior Judge and we gain a day for future use. Thanks for staying on top of the mediations as these are critical to our success.

---

**From:** Aloia, Nancy K

**Sent:** Wednesday, September 15, 2010 12:43 PM

**To:** Carlin, John S.

**Subject:** Trial/Foreclosure update

Hello

Just an update: The foreclosure trial cancelled 2 hours before trial time because of settlement- so good news there. Judge Starnes did come in for signing which actually worked out to our benefit because Judge Thompson will not be in tomorrow. He was scheduled for trial/signings but he does not have any trials set. I have already notified him of the cancellation. In the event there are any time-sensitive matters that need review tomorrow, I will bring it to your attention or Judge McHugh's attention. Any general foreclosure signings will wait until Friday when Judge Starnes is in for review and the Foreclosure Friday docket.

Also, I am running the numbers now for the foreclosure project and we have scheduled over 4,300 docket soundings for October. We are presently setting the backlog for cases filed in April 2010. After we complete this list, we will go back to review the 2008 backlog to determine if we missed any cases needing to be set.

I have also been working with the Conant Center on the managed mediation cases. All appears to be going well with these cases and we are setting Order to Show Causes for non-compliance. These cases are being set before the Senior Judge's docket but parties are complying once scheduled. These numbers will affect our results for this project so I am in constant communication with Simon/Jonathon.

Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

**From:** Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

**To:** Kellum, Ken

**CC:**

**Date:** 9/16/2010 2:32:02 PM

**Subject:** ?FW: 2011 SJ Felony Days

---

**From:** Carlin, John S.

**Sent:** Thursday, September 16, 2010 3:31 PM

**To:** Rose, Penelope

**Subject:** RE: 2011 SJ Felony Days

Thank you! I better get busy with 2011.

---

**From:** Rose, Penelope

**Sent:** Thursday, September 16, 2010 2:46 PM

**To:** Carlin, John S.

**Subject:** 2011 SJ Felony Days

Hello Your Honor:

We have nothing scheduled yet for 2011.

Thanks.

Penelope

PS: Dropped off the current calendar to Joanne a few minutes ago

---

**From:** Carlin, John S.

**Sent:** Thursday, September 16, 2010 1:03 PM

**To:** Rose, Penelope

**Subject:**

Hi Penelope,

I would like to have a new hard copy of the Senior Judge schedule after you put in the names for the November and December foreclosure dates. Also, I would like to have a hard copy through whatever month we have scheduled the last court event for a Senior Judge, possibly June, 2011 if we have scheduled felony that far. Thank you.

**From:** Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

**To:** Kellum, Ken

**CC:**

**Date:** 9/16/2010 5:03:16 PM

**Subject:** ?FW: conforming copies

---

I had no idea Barbara had orders dating back to August 26th. But then, again these huge buckets were coming every day and there is only so much a person can do. She worked really hard to get them done.

---

**From:** Aloia, Nancy K  
**Sent:** Thursday, September 16, 2010 5:04 PM  
**To:** Rose, Penelope  
**Subject:** conforming copies

Hello

I pulled staff to conform the copies so they should be out today or first thing in the morning. There were items dating back to August 26<sup>th</sup> in the stack. I would recommend that they target a 3 day turn-around on these. If they are unable to conform, please have them let you know so we can figure something out. We may possible need to bring in reinforcements to help with the job. The ECR department has offered to assist with the project but can only help in between jobs.

Also, please forward the foreclosure mail sent to the Senior Judges to us (Scott) so that the clerk may open and prepare them for review by the Senior Judge The clerk needs to immediately scan in the motions and handle the checks before they come back to us for the Senior Judges' review. This also helps save time for all of us and actually saves them some grief because the motions are not showing up in the court record until days later.

Thank you

*Nancy Aloia  
Family/Civil Director  
Twentieth Judicial Circuit  
1700 Monroe Street, Ft. Myers, FL 33901  
239-533-2991/Mobile 357-5641*



**From:** Williams, Diane </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=DIANEW>

**To:** Hayes, Hugh  
Pivacek, Cynthia  
Pedrotty, Jodi  
Metcalf, Jan

**CC:** Middlebrook, Mark  
Figueroa-Ibanez, Nancy  
Mravic, Deborah

**Date:** 9/16/2010 1:55:18 PM

**Subject:** Foreclosure dockets

---

Good afternoon,

I wanted to update you on a few changes implemented in scheduling foreclosure hearing.

Yesterday I added several foreclosure hearing timeslots to the foreclosure docket. These hearings are on Fridays from 9-noon in front of Magistrate David Friedman. Therefore, you will be receiving some Order of Referral for Mag. David Friedman in Hearing Room 3-1.

Eventually we will be separating the foreclosure docket into 2 dockets. One for the Magistrate and one for the Judge. Each docket will have instructions that will hopefully help to guide the scheduling parties a little better.

We anticipate adding Magistrate Friedman to the Foreclosure docket up till the end of this year and possibly longer if the need arises. If you have any questions concerning foreclosure scheduling, please refer them to Nancy or Diane.

Thank you

Diane Williams

Court Administration - Naples

20th Judicial Circuit Court

239-252-8133

239-252-8785

20TH CIR 02245



**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Poulston, Lisa

**CC:**

**Date:** 9/2/2009 2:19:20 PM

**Subject:** ?RE: Foreclosure Hearings

Thanks, Lisa, for following up with this email.

**From:** Poulston, Lisa

**Sent:** Wednesday, September 02, 2009 3:11 PM

**To:** Golden, Diana; Trammell, Cindy; Hamsharie, Deborah; Thompson, Lucinda

**Cc:** Carlin, John S.; McHugh, Michael; Gerald, Lynn; Rosman, Jay; Winesett, Sherra; Fuller, Joseph; Sauls, Sandi; Johnston, Linda

**Subject:** Foreclosure Hearings

I just met with Judge Carlin, Judge McHugh, Sandi Sauls and LJ regarding the foreclosure cases. It has been decided that starting immediately we can refer all calls regarding hearings for residential foreclosure cases to LJ for scheduling on Judge Richards' calendar. Please DO NOT give out LJ's phone number. They must contact her by email at [ljohnston@leeclerk.org](mailto:ljohnston@leeclerk.org). This will be the procedure for all summary judgment hearings, motions to dismiss, motions to substitute plaintiff, etc. Again, this is for residential cases, not commercial. Please feel free to contact me if you have any questions.

Lisa K. Poulston  
Judicial Assistant to  
Honorable Michael T. McHugh  
Lee County Justice Center  
1700 Monroe Street  
Fort Myers, FL 33901  
239-533-2775  
[lpoulston@ca.cjis20.org](mailto:lpoulston@ca.cjis20.org)

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\*\*\*\*\*

**From:** Sandi Sauls <ssauls@leeclerk.org>

**To:** [McHugh, Michael](#)

**CC:**

**Date:** 9/2/2010 1:49:46 PM

**Subject:** ?RE: Orders to Cancel sales

---

Did you ever get a response from Judges Rosman & Gerald? May we proceed?

Thank you,  
Sandi

---

**From:** McHugh, Michael [mailto:[Fla. R. Court 2.420](#)]

**Sent:** Wednesday, August 25, 2010 10:42 AM

**To:** Hon. John S. Carlin; Sandi Sauls

**Cc:** Nancy Aloia

**Subject:** RE: Orders to Cancel sales

I do think that this is a reasonable process. I have discussed it with Judge Fuller and Judge Winesett and they both agree with this procedure. The three of us make a majority, but I will try and get with Judge Rosman and Gerald and make sure there are no objections.

---

**From:** Carlin, John S.

**Sent:** Thursday, August 19, 2010 4:01 PM

**To:** Sauls, Sandi; McHugh, Michael

**Cc:** Aloia, Nancy K

**Subject:** RE: Orders to Cancel sales

Just a point of clarification. I wanted the civil judges input to make sure that they agreed that they would sign any Order to Cancel sale that are presented to them the day before the sale and they would have to sign it by 2:00 to get the next day sale cancelled. The Senior Judges are signing all other foreclosure orders but we can't guarantee this quick of a turn around by a Senior Judge as they typically spend most of the day in court and sign at the end of the day which would be too late to cancel the next day sale. I know that people do take vacations, attend conferences so we could have a system where they covered for each other and I would also be willing to sign these if someone was not available. Mike, do you think this is reasonable or do you have any other thoughts?

---

**From:** Sandi Sauls [mailto:[ssauls@leeclerk.org](#)]

**Sent:** Thursday, August 19, 2010 3:45 PM

**To:** McHugh, Michael

**Cc:** Carlin, John S.; Aloia, Nancy K

**Subject:** Orders to Cancel sales

If we receive an untimely Motion and Order to Cancel a (Foreclosure) Sale, may we return the pleadings to the attorney (with their \$50 reopen fee)? If yes, then the question is the definition of untimely. After talking to Judge Carlin we thought untimely could be any time after 10:00AM the day before the sale because we would have difficulty getting the Order to the Judge and having it returned to us in time to perform the cancellation process. Judge Carlin said we needed the Circuit Civil Judges approval before we could act on this. Also there may be "emergency" situations that need to be dealt with somehow. My only interest in this is to reduce the unnecessary paperwork for both the Judges and clerk. It may not even be a problem, but I have come to expect very little from the foreclosure mills. Could you possibly get a "ruling" from the Civil Judges on this if you think it has any merit? Thank you.

Thank you,

Sandi C Sauls  
Civil Division Manager  
239-533-9188

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**From:** [Porter, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSPADER>](mailto:Porter, Lisa </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=LSPADER>)

**To:** [Embury, Jon](mailto:Embury, Jon)

**CC:** [Wolff, Luanne](mailto:Wolff, Luanne)

**Date:** 9/22/2010 11:36:10 AM

**Subject:** motions to dismiss, etc.

---

<http://www.ca.cjis20.org/web/services/jacs.asp>

I think Judge Richards JACS page needs to be changed to reflect new policies – please look under “Schedule With the Magistrate.”

Perhaps we need to make a policy that the Magistrate should not hear ANY foreclosure matters. I hear non-foreclosure motions to dismiss, and I think it would be asking Amelia a little much to discern between a foreclosure motion to dismiss and a motion to dismiss in a negligence action. I think it gets confusing trying to figure out what kind of cases goes to the Magistrate, and what should be scheduled and that we need just a blanket policy like no foreclosure cases - that way Amelia can ask the attorney if it's a foreclosure case, and if they say yes, she can direct them to the Judge. Or, in the alternative, have the Magistrate just hear “discovery matters only” regardless of the type of case. I think either one of these scenarios would be less confusing and make it easier on everyone.

Amelia just got an email from a law firm that wants to schedule two motions to dismiss with me in a foreclosure action. Does she tell them to call Judge Schreiber's office or Judge Richard's office for hearing time? She gets close to 10 calls a day on these currently.

Thanks Jon.

Lisa

Lisa S. Porter  
Magistrate, Twentieth Judicial Circuit  
Charlotte County Justice Center  
350 E. Marion Avenue  
Punta Gorda, FL 33950  
(941) 637-2213  
(941) 637-2337 (fax)

**From:** [Shelton, Jeremy </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=JSHELTON>](mailto:Shelton,Jeremy@ca.cjis20.org)

**To:** [Embury, Jon](mailto:Embury,Jon@ca.cjis20.org)

**CC:**

**Date:** 9/22/2010 3:50:32 PM

**Subject:** JACS wording

---

**Foreclosure Hearings:** All Motions for Summary Judgment, Default Final Judgments and Motions for Default are heard before Judge Lee Ann Schreiber or a Senior Judge and will be scheduled on Judge Schreiber's Charlotte County JACS calendar. These motions are heard on Tuesdays and Thursdays during the last two weeks of each month. Foreclosure cases that have been noticed for trial on the Court's own motion will be heard before Judge Schreiber on Mondays and Wednesdays during the first two weeks of each month. The following motions (foreclosures only) should be set before Judge Richards: Discovery; Compel; Withdraw as Counsel; Sever; Orders to Show Cause; Transfer Venue; Vacate Default; Leave to File Amend; Dismiss and Strike Affirmative Defense. If the case has already been set for trial, the motion must be set for hearing before the trial date. Please contact Judge Richard's Judicial Assistant to schedule hearing time for these motions.

#### **SCHEDULE WITH MAGISTRATE**

Please schedule **ALL OF THE** following Motions with the Magistrate via JACS for non-foreclosure cases. Discovery; Compel; Withdraw as Counsel; Sever; Orders to Show Cause; Transfer Venue; Vacate Default; Leave to File Amend; Dismiss and Strike Affirmative Defense. Please select Magistrate Porter's schedule on the main JACS page for instructions on reserving hearing time. **NOTE:** For foreclosure cases, these motions should be scheduled for hearing before Judge Richards. If the foreclosure case has already been set for trial, the motion must be heard before the trial date. Please contact Judge Richard's Judicial Assistant to schedule hearing time for these motions.

Thank you,

*Jeremy J. Shelton*

Civil Case Manager  
20th Judicial Circuit, Charlotte County  
Administrative Office of the Courts  
350 East Marion Avenue  
Punta Gorda, Florida 33983  
Email: [jshelton@ca.cjis20.org](mailto:jshelton@ca.cjis20.org)  
Phone: 941.637.2100

**From:** Aloia, Nancy K </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=NKW2884>

**To:** McHugh, Michael

Carlin, John S.

**CC:**

**Date:** 9/23/2010 4:31:44 PM

**Subject:** Foreclosure reduction project

---

Hello

We have set the foreclosure backlog for cases filed until the end of April 2010. We are ready to set cases filed in May 2010 but I am wondering if this may be too soon. Please let me know if you think we should hold on setting the May cases. I am concerned that we may receive an influx of calls/motions because we are setting too soon. We are presently using the DS dates for 11/30 and 12/1 to set these cases.

*We are in the process of reviewing our 2009 backlog right now to determine if we have missed any cases that should have been set for docket sounding. This should buy us a little time but this group moves quickly.... They will be done in the next 2 weeks.*

Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*



**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Aloia, Nancy K

McHugh, Michael

**CC:**

**Date:** 9/23/2010 7:00:38 PM

**Subject:** ?Re: Foreclosure reduction project

---

We need to fill all of our Nov and Dec DS dates because we only have 50 Sr judge days left for foreclosures through June. Most of these May cases should be ready for a DS even if it turns out that the case needs some case management.

Are we using foreclosure Friday dates for continued DS dates?

-- Sent from my Palm Pre

---

On Sep 23, 2010 5:31 PM, Aloia, Nancy K <NAloia@CA.CJIS20.ORG> wrote:

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Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

**From:** Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>

**To:** Aloia, Nancy K

McHugh, Michael

**CC:**

**Date:** 9/23/2010 7:00:38 PM

**Subject:** ?Re: Foreclosure reduction project

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Thank you

*Nancy Aloia*

*Family/Civil Director*

*Twentieth Judicial Circuit*

*1700 Monroe Street, Ft. Myers, FL 33901*

*239-533-2991/Mobile 357-5641*

From: [Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>](mailto:Carlin, John S. </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=JSC5225>)  
 To: [Aloia, Nancy K](mailto:Aloia, Nancy K)  
 CC:  
 Date: 9/24/2010 9:02:50 AM  
 Subject: RE: Foreclosure reduction project

I really do not want to save SR days in December. I just want to set the number that we agreed to set on each DS date in December and we can go into June for December DS dates since that will be 6 months from June to the December DS. Keep on going through these cases.....charge ahead!! We can talk more if you want to.

From: Aloia, Nancy K  
 Sent: Thursday, September 23, 2010 9:26 PM  
 To: Carlin, John S.  
 Subject: RE: Foreclosure reduction project

Yes we can use those dates. I will economize and try to save some senior judge days. My biggest concern is that I may actually run out of cases to set. I will start setting the May cases and I will let you know when we are ready to set June.

From: Carlin, John S. <Fla. R. Court 2.420>  
 Sent: Thursday, September 23, 2010 8:00 PM  
 To: Aloia, Nancy K <NAloia@CA.CJIS20.ORG>; McHugh, Michael <Fla. R. Court 2.420>  
 Subject: Re: Foreclosure reduction project

We need to fill all of our Nov and Dec DS dates because we only have 50 Sr judge days left for foreclosures through June. Most of these May cases should be ready for a DS even if it turns out that the case needs some case management.

Are we using foreclosure Friday dates for continued DS dates?

-- Sent from my Palm Pre

On Sep 23, 2010 5:31 PM, Aloia, Nancy K <NAloia@CA.CJIS20.ORG> wrote:

Hello

We have set the foreclosure backlog for cases filed until the end of April 2010. We are ready to set cases filed in May 2010 but I am wondering if this may be too soon. Please let me know if you think we should hold on setting the May cases. I am concerned that we may receive an influx of calls/motions because we are setting too soon. We are presently using the DS dates for 11/30 and 12/1 to set these cases.

*We are in the process of reviewing our 2009 backlog right now to determine if we have missed any cases that should have been set for docket sounding. This should buy us a little time but this group moves quickly.... They will be done in the next 2 weeks.*

Thank you

Nancy Aloia

Family/Civil Director

Twentieth Judicial Circuit

1700 Monroe Street, Ft. Myers, FL 33901

239-533-2991/Mobile 357-5641

20TH CIR 02255

**From:** Rose, Penelope </O=SAO20/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=PROSE>

**To:** Kellum, Ken

**CC:**

**Date:** 9/27/2010 10:47:12 AM

**Subject:** ?FW: foreclosure signing

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-----Original Message-----

**From:** Carlin, John S.  
**Sent:** Monday, September 27, 2010 11:00 AM  
**To:** Rose, Penelope  
**Cc:** Starnes, Hugh E; Aloia, Nancy K  
**Subject:** RE: foreclosure signing

Thank you for the correction. I looked at the wrong date on the calendar. Yes, please ask Judge Thompson to cover for Judge Reese on Oct. 4 and we do already have Judge Starnes booked for foreclosures for Oct. 4. My mistake!

-----Original Message-----

**From:** Rose, Penelope  
**Sent:** Monday, September 27, 2010 10:56 AM  
**To:** Carlin, John S.  
**Subject:** RE: foreclosure signing

Good Morning Your Honor:

Judge Thompson is not scheduled to do foreclosures on October 4. Only Judge Starnes is working that day.

I could ask Judge Thompson to come in to cover for Judge Reese on October 4 if you like as he not presently scheduled to work that day.

Let me know.

Penelope

-----Original Message-----

**From:** Carlin, John S.  
**Sent:** Monday, September 27, 2010 10:40 AM  
**To:** 'Hugh Starnes'  
**Cc:** Rose, Penelope; Aloia, Nancy K  
**Subject:** RE: foreclosure signing

We need a Felony Judge to cover for Judge Reese on Monday, October 4. Judge Thompson is currently scheduled to cover foreclosure cases. Would you be available to do foreclosures and we could switch Judge Thompson to Felony? If you are willing to sign as you mentioned, we can use a Senior Judge for the signing. Thank you for thinking of this option and for only charging us for one day.

-----Original Message-----

**From:** Hugh Starnes [mailto:hstarnes@mindspring.com]

**20TH CIR 02256**

11\_29\_2010

To: Carlin, John S.

Cc: Rose, Penelope

Subject: foreclosure signing

I see that Judge Thompson has foreclosures for virtually the whole week this week. I will be there for EID and can do signing Wednesday. I had some Collier work I was going to do Thursday by conference call from the courthouse, but it cancelled. If it is acceptable, I would be willing to come in and do all the signing for the day on Thursday. I am doing a seminar on Friday AM, and can come in to do the PM signing that day. I would turn in one day of Sr. Judge work.

Just an offer, I'll do the Friday PM regardless.

??

From: [Cary, G. Keith </O=SAO20/OU=CACJIS/CN=RECIPIENTS/CN=GKC2460>](mailto:Cary.G.Keith@SAO20.OU=CACJIS/CN=RECIPIENTS/CN=GKC2460)

To: [McHugh, Michael](mailto:McHugh.Michael)

CC:

Date: 9/29/2010 7:05:58 PM

Subject: FW: Question

Can you call me on this.....not sure what to tell her ??

G. Keith Cary

239-Fla. R. Court 2.420

From: [soozg@ggdrs.com](mailto:soozg@ggdrs.com) [mailto:[soozg@ggdrs.com](mailto:soozg@ggdrs.com)]

Sent: Friday, September 24, 2010 5:21 PM

To: Cary, G. Keith

Subject: RE: Question

Okay, here is the question:

On docket soundings for mortgage foreclosures, where our client is a defendant (homeowners associations or condo associations) where the debtor is current with their assessments to our client, our clients are not wanting us to attend the docket soundings or any other activity in a mortgage foreclosure action and run up attorney fees. Attorneys are faced with the delimma of being under a court order for their appearance at the docket sounding and do not want to be in contempt or *look bad in the court's eyes* for ignoring a required attendance.

Can you please give me some insight on how we should handle this?

Hopefully I explained this well enough...if not, call me when you get a free minute. Thank you.

Susan M. Galbraith

12239 Championship Circle

Fort Myers, FL 33913

Phone: 239-851-4777

Email: [soozg@ggdrs.com](mailto:soozg@ggdrs.com)

----- Original Message -----

Subject: RE: Question

From: "Cary, G. Keith" <Fla. R. Court 2.420>

Date: Fri, September 24, 2010 4:10 pm

To: "[soozg@ggdrs.com](mailto:soozg@ggdrs.com)" <[soozg@ggdrs.com](mailto:soozg@ggdrs.com)>

Susan

Fire away, i am always open to questions. However, i have left the office for today and will be gone out of town until next Thursday, so will not be able to get back with you until end of next week.

gkc

From: [soozg@ggdrs.com](mailto:soozg@ggdrs.com) [[soozg@ggdrs.com](mailto:soozg@ggdrs.com)]

Sent: Friday, September 24, 2010 3:03 PM

To: Cary, G. Keith

Subject: Question

Keith, I wonder if I can ask a question of you regarding the massive docket soundings. It does not have to do with any particular case, but merely a general procedure question regarding attendance of attorneys in certain circumstances. I am being vague with my email only because I wanted to ask you if it was appropriate for me to ask a question of you. Just let me know, please.

Susan M. Galbraith

12239 Championship Circle

Fort Myers, FL 33913

Phone: 239-851-4777

Email: [soozg@ggdrs.com](mailto:soozg@ggdrs.com)

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