

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

ADMINISTRATIVE ORDER NO.: 3.315 - 5/15

IN RE: REASSIGNMENT OF
RESIDENTIAL FORECLOSURE CASES

There are currently approximately 6,400 residential foreclosure cases pending in foreclosure division "AW". There are on average between 1,200-1,300 cases pending in the eleven Circuit Civil Divisions. The temporary supplemental funding provided by the Florida Legislature for the fifteen case managers and six rotating senior judges to assist with the backlog of pending foreclosure cases will end on June 30, 2015. In order to ensure that the foreclosure cases have adequate judicial resources, the approximately 2,800 pending foreclosure cases filed from 2007 through 2013 will be randomly reassigned to the Circuit Civil Divisions. The reassignment will occur in phases over a four week period.

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

A. 2007-2011 CASES WITHOUT A FINAL JUDGMENT

1. No later than May 22, 2015, Court Administration is directed to provide to the Clerk of Court a list of foreclosure cases pending in Division "AW" and which were initiated between January 2007 and December 2011 and which do not currently have a final judgment of foreclosure entered, including those cases where a Final Judgment has been vacated.
2. Effective May 26, 2015, the Clerk of Court is directed to randomly reassign from Division "AW" to the Circuit Civil Divisions the 2007-2011 cases identified by Court Administration.
3. No later than June 1, 2015, the Clerk of Court shall provide to Court Administration a list of the divisions to which the cases were reassigned.
4. The Clerk of Court shall prepare a Notice of Reassignment and serve either electronically or by United States Mail the Notice of Reassignment on the Plaintiff.

- a. The Notice shall be docketed and the case docket, which will list the new judicial division, will be updated on the Clerk and Comptroller's website within twenty-four (24) hours of the reassignment.
 - b. The Notice shall contain a directive to the Plaintiff to serve the Notice of Reassignment on all parties, in accordance with Rule of Judicial Administration 2.516. The Clerk of Court shall file and serve the Notice of Reassignment on the Plaintiff no later than June 1, 2015.
5. Within seven (7) business days of the service of the Notice of Reassignment, the Plaintiff shall serve in accordance with Rule of Judicial Administration 2.516 a copy of the Notice of Reassignment on all parties who have not been dismissed or dropped from the action. The Plaintiff shall also file a Notice of Service of the Notice of Reassignment ("Notice of Service") with the Clerk of Court. The Notice of Service is to include a complete service list.
- B. 2013 CASES FILED BETWEEN JUNE 2013 AND DECEMBER 2013 WITHOUT A FINAL JUDGMENT**
1. No later than May 29, 2015, Court Administration is directed to provide to the Clerk of Court a list of foreclosure cases pending in Division AW and which were initiated between June 2013 and December 2013 and which do not currently have a final judgment of foreclosure entered, including those cases where a Final Judgment has been vacated. This shall include foreclosure case numbers between 2013-CA-010000 through 2013-CA-020000.
 2. Effective June 1, 2015, the Clerk of Court is directed to randomly reassign from Division "AW" to the circuit civil divisions the 2013 cases identified by Court Administration.
 3. No later than June 8, 2015, the Clerk of Court shall provide to Court Administration a list of the divisions to which the cases were reassigned.
 4. The Clerk of Court shall prepare a Notice of Reassignment and serve either electronically or by United States Mail the Notice of Reassignment on the Plaintiff.
 - a. The Notice shall be docketed and the case docket, which will list the new judicial division, will be updated on the Clerk and Comptroller's website within twenty-four (24) hours of the reassignment.
 - b. The Notice shall contain a directive to the Plaintiff to serve the Notice of Reassignment on all parties, in accordance with Rule of Judicial Administration 2.516. The Clerk of Court shall file and serve the Notice of Reassignment on the Plaintiff no later than June 8, 2015.
 5. Within seven (7) business days of the service of the Notice of Reassignment, the Plaintiff shall serve, in accordance with Rule of Judicial Administration 2.516, a copy of the Notice of Reassignment on all parties who have not been dismissed or dropped from the

action. The Plaintiff shall also file a Notice of Service of the Notice of Reassignment ("Notice of Service") with the Clerk of Court. The Notice of Service is to include a complete, current and accurate service list.

C. **2013 CASES FILED BETWEEN JANUARY 2013 AND JUNE 2013 WITHOUT A FINAL JUDGMENT**

1. No later than June 5, 2015, Court Administration is directed to provide to the Clerk of Court a list of foreclosure cases pending in Division "AW" and which were initiated between January 2013 and June 2013 and which do not currently have a final judgment of foreclosure entered, including those cases where a Final Judgment has been vacated. This shall include foreclosure case numbers between 2013-CA-000001 through 2013-CA-009999.
2. Effective June 8, 2015, the Clerk of Court is directed to randomly reassign from Division AW to the circuit civil divisions the 2013 cases identified by Court Administration.
3. No later than June 15, 2015, the Clerk of Court shall provide to Court Administration a list of the divisions to which the cases were reassigned.
4. The Clerk of Court shall prepare a Notice of Reassignment and serve, either electronically or by United States Mail, the Notice of Reassignment on the Plaintiff.
 - a. The Notice shall be docketed and the case docket, which will list the new judicial division, will be updated on the Clerk and Comptroller's website within twenty-four (24) hours of the reassignment.
 - b. The Notice shall contain a directive to the Plaintiff to serve the Notice of Reassignment on all parties, in accordance with Rule of Judicial Administration 2.516. The Clerk of Court shall file and serve the Notice of Reassignment on the Plaintiff no later than June 15, 2015.
5. Within seven (7) business days of the service of the Notice of Reassignment, the Plaintiff shall serve a copy of the Notice of Reassignment, in accordance with Rule of Judicial Administration 2.516, on all parties who have not been dismissed or dropped from the action. The Plaintiff shall also file a Notice of Service of the Notice of Reassignment ("Notice of Service") with the Clerk of Court. The Notice of Service is to include a complete service list.

D. **2012 CASES WITHOUT A FINAL JUDGMENT**

1. No later than June 12, 2015, Court Administration is directed to provide to the Clerk of Court a list of foreclosure cases pending in Division "AW" and which were initiated between January 2012 and December 2012 and which do not currently have a final judgment of foreclosure entered, including those cases where a Final Judgment has been vacated.

2. Effective June 15, 2015, the clerk is directed to randomly reassign from Division "AW" to the circuit civil divisions the 2012 cases identified by Court Administration.
3. No later than June 22, 2015, clerk shall provide to Court Administration the divisions to which the cases were reassigned.
4. The Clerk of Court shall prepare a Notice of Reassignment and serve, either electronically or by United States Mail, the Notice of Reassignment on the Plaintiff.
 - a. The Notice shall be docketed and the case docket, which will list the new judicial division, will be updated on the Clerk and Comptroller's website within twenty-four (24) hours of the reassignment.
 - b. The Notice shall contain a directive to the Plaintiff to serve the Notice of Reassignment on all parties, in accordance with Rule of Judicial Administration 2.516. The Clerk of Court shall file and serve the Notice of Reassignment on the Plaintiff no later than June 22, 2015.
5. Within seven (7) business days of the service of the Notice of Reassignment, the Plaintiff shall serve a copy of the Notice of Reassignment, in accordance with Rule of Judicial Administration 2.516, on all parties who have not been dismissed or dropped from the action. The Plaintiff shall also file a Notice of Service of the Notice of Reassignment ("Notice of Service") with the Clerk of Court which Notice of Service is to include a complete service list.

E. **POST JUDGMENT CASES**

1. All Division AW cases that are currently closed or in a "reopen" status as of June 22, 2015 and which have had a final judgment entered and which have not been vacated, will remain in Division "AW" for all post judgment motions.
2. Cases transferred from Division "AW" to a circuit civil division and which are subsequently closed and reopened will remain in the newly assigned circuit civil division.

F. **PENDING 2014 AND 2015 CASES AND NEWLY FILED CASES**

1. 2014 and 2015 cases will remain in Division "AW".
2. Newly filed residential foreclosure cases will be assigned to Division "AW".

G. **CASES SET FOR UNIFORM MOTION CALENDAR**

1. Cases that are set for Uniform Motion Calendar (UMC) in Division "AW" prior to the redistribution of cases, will remain as currently scheduled on the Division "AW" UMC calendar regardless of year.
2. Once the case is reassigned, the on-line scheduling program for Division "AW" will only permit scheduling for cases which remain in Division "AW". The Clerk's docket, www.mypalmbeachclerk.com, should be checked prior to scheduling a UMC hearing to ensure that a reassignment has not been made.

H. **2007-2013 CASES SET FOR SUMMARY JUDGMENT HEARING, SPECIAL SET HEARING OR CASE MANAGEMENT CONFERENCE IN DIVISION "AW"**

1. 2007-2013 cases currently scheduled for a summary judgment hearing, special set hearing or case management conference in Division "AW" from the date of this order through June 30, 2015, will have the summary judgment hearing, special set hearing, or case management conference heard by the judge assigned to Division "AW" despite the reassignment.
2. If the parties file a motion to continue the summary judgment hearing, special set hearing or case management conference and are precluded from scheduling Motions for Continuance on the Division "AW" online UMC calendar due to the reassignment, the motions for continuances will be heard by the Division "AW" judge at the time of the scheduled motion for summary judgment, special set hearing or case management conference.
3. No reassigned cases shall have motions set for hearing in Division "AW" after June 30, 2015.

I. **CASES SET ON A CIRCUIT CIVIL DIVISION'S TRIAL DOCKET THROUGH JUNE 30, 2015**

1. 2007-2013 cases that have been set on a circuit civil division's trial docket, will remain set for trial regardless of the new divisional assignment.
 - a. If the parties file a motion to continue the trial and are precluded from scheduling Motions for Continuance on the Division "AW" online UMC calendar due to the reassignment, the motions for continuances will be heard by the trial judge at the time of the scheduled trial.
 - b. Any motions for new trial, rehearing or reconsideration will be heard by the Judge that conducted the trial. Any other post judgment motions will be heard in the newly assigned division.
2. 2014- 2015 cases that have been set on a circuit civil division's trial docket shall remain set for trial.

- a. Any pretrial motions, including Motions for Continuances are to set in accordance with the procedures outlined in the trial order.
- b. Any motions for new trial, rehearing, or reconsideration will be heard by the judge who conducted the trial. Any other post judgment motions will be heard in Division AW.
- c. The cases shall remain assigned to division AW, and will return to AW following the trial date, regardless of continuance or a post judgment proceeding.

J. **2007-2013 CASES WHERE THE FINAL JUDGMENTS ARE SUBSEQUENTLY VACATED, DISMISSALS ARE SUBSEQUENTLY SET ASIDE OR ARE REMANDED BY THE FOURTH DISTRICT COURT OF APPEALS**

Any 2007-2013 cases where the final judgments are vacated, dismissals set aside or are reversed by the Fourth District Court of Appeals shall be randomly reassigned to one of the eleven circuit civil divisions.

K. **LIST OF REASSIGNED CASES**

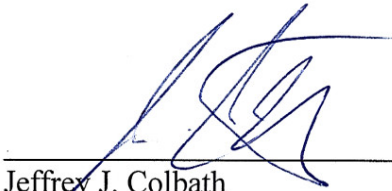
Court Administration shall post a complete listing of reassignments on the Fifteenth Judicial Circuit Website at www.15thcircuit.com.

L. **CASE MANAGEMENT**

As defined in the Foreclosure Initiative Data Collection Plan, adopted by the Florida Supreme Court, Court Administration shall continue to monitor the:

1. Time to Disposition - this statistic measures the length of time between filings and disposition and is frequently presented as an average percentage of cases that have been resolved within established time frames
2. Age of pending foreclosure case- this statistic measures the age of the active cases that are pending before the court.
3. Clearance Rate - this statistic measures the ratio of dispositions to new case filings and assesses whether the court is keeping pace with its incoming caseload.

DONE AND ORDERED this 5 day of May, 2015 in chambers in West Palm Beach, Palm Beach County, Florida.



Jeffrey J. Colbath
Chief Judge