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| **IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR** | | | | | | | |
| **LEE COUNTY, FLORIDA** |  | | | | **CIVIL DIVISION** | | |
|  |  |  |  | | |  | | |
| **Plaintiff**  **vs**  **Defendant** | |  | | **Case No.:** |  | |  | | |
|  |  | |  | | |
| **Judge:** |  | | | | |

**ORDER OF REFERRAL TO MAGISTRATE**

THIS CAUSE comes before the Court on its own Motion and, upon due consideration, it is hereby ORDERED:

That this cause is referred to **Magistrate Joseph Bernardo,** Civil Division, for further proceedings, pursuant to Rule 1.490, Florida Rules of Civil Procedure.

This case is referred for the following:

AND ANY OTHER MATTER RELATED THERETO.

A time and place shall be assigned for the proceedings as soon as is reasonably possible after this referral is made and notice shall be given to each of the parties or their counsel of record by the party scheduling the hearing. Any party wishing to object to the referral to the Magistrate must file a timely objection no later than the date of the scheduled hearing.

The General Magistrate is authorized to administer oaths and conduct hearings, as may deemed necessary, which may include the taking of evidence. As soon as practicable, the General Magistrate shall file a Report and Recommendation that contains findings of fact, conclusions of law, and the recommendation as to a ruling by the Court, and shall submit, as may be appropriate, a Recommended Order of General Magistrate.

If required by the General Magistrate, the attorneys shall prepare a Recommended Order of General Magistrate. Failure to submit said Recommended Order of General Magistrate in a timely manner may result in sanctions being imposed by the Circuit Court Judge.

Review of the Report and Recommendation made by the General Magistrate shall be by exceptions filed within ten (10) days after it is served, as provided in Rule 1.490(h), Florida Rules of Civil Procedure. Any party may file cross-exceptions within five (5) days from the service of the exceptions. If no exceptions are timely filed, the Court shall take appropriate action on the report. If exceptions are timely filed, the Court shall resolve the exceptions at a hearing on reasonable notice.

Any party filing exceptions will be required to provide the Court with a record sufficient to support the exceptions or the exceptions may be denied. A record sufficient to support exceptions may require a written transcript of the relevant proceedings. The record shall include the court file, designated portions of the transcript of proceedings before the General Magistrate, and all depositions and evidence presented to the General Magistrate. The designated transcript portions must be delivered to the Court and all other parties at least 48 hours before the hearing. If the party filing exceptions has less than a full transcript of the proceeding before the General Magistrate prepared, that party must promptly file a notice designating the portions of the transcript that will be transcribed, and the other parties must be given reasonable time after service of the notice to arrange for the preparation and designation of other portions of the transcript for the Court to consider at the hearing.

Though civil proceedings before a Judge are not electronically recorded by the Court, parties are advised that civil proceedings before a Magistrate will be electronically recorded by the Court, or, alternatively, any party may elect to provide a live Court Reporter at that party’s own expense. If a live Court Reporter is provided by a party, requests for transcripts must be submitted to that Court Reporter. If no live Court Reporter is provided by a party, a party may request an electronic certified copy of the proceeding on CD, at that party’s expense, and may then have the recording transcribed, at that party’s expense. Providing the Court with a copy of the CD, instead of a certified written transcript, is insufficient for review by the Court of exceptions. Media request forms, procedures and fees, and a list of approved Transcriptionists are available on the Court’s website, [www.ca.cjis20.org](http://www.ca.cjis20.org), or by calling the Court’s Electronic Court Reporting Department at 239-533-8207.

DONE AND ORDERED in Lee County, Florida.

**AMERICANS WITH DISABILITIES ACT**

**If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the Court Operations Division Manager, whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239) 533-1771, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. If you are hearing or voice impaired, call 711.**