

UNIVERSITY OF FLORIDA
LEVIN COLLEGE OF LAW

FLORIDA CIVIL PROCEDURE
COURSE 6303 3-CREDITS

COURSE SYLLABUS



Course: Florida Civil Procedure
Spring Semester 2023

Class time: M, T, W 11:00 AM – 11:55 AM Room: HH 360

Physical Office Hours:

Monday and Tuesdays between 2:00 PM – 3:00 PM by appointment or any other day at a mutually agreeable time by appointment.

Virtual Office Hours:

By appointment. My Zoom address is <https://ufl.zoom.us/j/4591597877>
(Passcode EDISCO).

Course Description:

This course will provide a through introduction to the rules, statutes, cases and principles of Florida civil procedure. The course will emphasize concrete litigation

problems and strategies. This course is essential for anyone anticipating a career that involves litigation in Florida courts. This course will give you a good feel for what it means to be a practicing litigator and how to hit the ground running when you start practicing.

Course Learning Objectives:

After completing this course, you will have obtained:

1. Knowledge of the principal rules governing pretrial civil practice
2. Knowledge of how to utilize the rules to obtain litigation goals.
3. Knowledge of the relationship between Florida civil procedure rules and statutory requires governing civil procedure
4. The structure and jurisdiction of Florida courts
5. The Florida civil procedure rule making process.

Who Is Your Professor?

I joined the UF Law faculty after 30 years practicing complex civil litigation in state and federal courts with Holland & Knight in Miami and Tampa and with Quarles & Brady in Tampa. Prior to joining the faculty on a full-time basis, I had the privilege of teaching at UF Law as an adjunct professor for 10 years.

I earned a BA in philosophy from Lehigh University in Bethlehem, Pennsylvania, and an MA in philosophy from Washington University in St. Louis, Mo. I graduated from UF Law in 1983.

Here are a few links where you can learn more about me.

<https://www.law.ufl.edu/faculty/william-hamilton>
<https://www.law.ufl.edu/areas-of-study/institutes/icaire>
<https://www.linkedin.com/in/williamfhamilton>
<http://www.quarles.com/william-bill-hamilton/>

I am married to Cindy Tejcek. Cindy graduated from Loyola in Chicago with a BS in mathematics. She holds an MBA from Kellogg School of Management at Northwestern University. We meet when she was the Chief Information Officer of the American Bar Association.

We have a son who is an Army captain.



We have another son who is a RN supervisor at Lakeland's Memorial Hospital Emergency Department.



Our daughter is a sergeant with the Florida Department of Corrections.



How Can You Get In Touch with me?

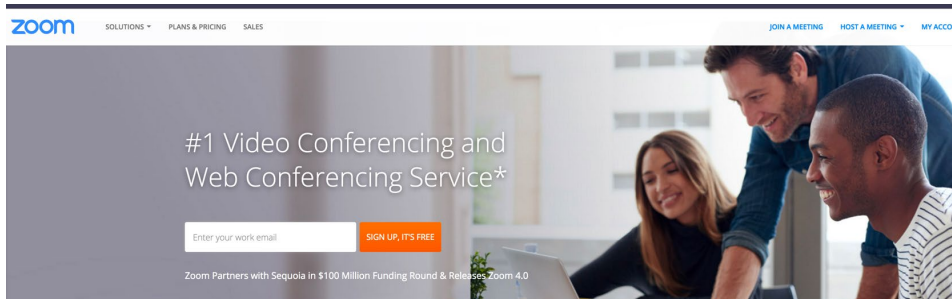
I want to hear from you. Send me an email, call, or text.

Email	Telephone	Text	Office
hamiltonw@law.ufl.edu	480.993.8777	480.993.8777	HH 376

Please let me know If you have something to share with me – an inspiration, a new thought, a frustration, or concern.

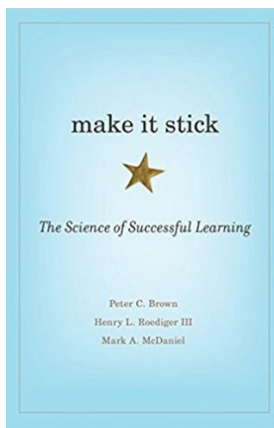
Zoom is my videoconferencing tool. We can have a face-to-face video conference any time (even on tablets and smartphones).

Zoom	SKYPE
https://ufl.zoom.us/j/4591597877	william.hamilton.1120

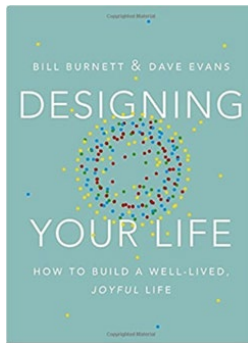


Teaching Philosophy and Instructional Methods: This course has a practical orientation. While you will learn the Florida Rules of Civil procedure, study applicable statutes, and read cases. The course emphasis is on solving the practical problems. We will have lots of class discussions, practical exercises, and periodic low stakes quizzes.

You may wish to review literature on experiential learning. My philosophy is in large part captured in ***Make It Stick: The Science of Successful Learning*** by Peter C. Brown.



In part, this course is designed to introduce students to a variety of career paths involving litigation. I recommend the book ***“Designing Your Life: How to Build a Well-Lived Joyful Life,”*** by Burnett and Evans, Alfred A. Knopf (2016), for helpful strategies to find career directions that will work for you.



Attendance: You are expected to attend all class sessions. Each class is worth 2 points. Each week you will be asked to read certain basic cases, statutes and text. At approximately every three weeks there will be an in-class 20-minute low stakes quiz to give you and me or some feedback on how we are doing. Each quiz is worth 30 points.

Is this Course Graded on a Curve?

This course is graded on a curve. I am provided a curved grade range by the Registrar and my class grades average **must** be within that range. In past semesters my curved average has been 3.35.

Course points may be earned as follows:

1. Final examination: 200 points.

The examination will be administered by the Registrar's office. The examination will include materials and topics discussed in class in addition to the readings.

2. Class Attendance and Participation: 80 points (2 points per class).

Class attendance and participation is expected. Each class is worth 2 points. Per ABA requirements, please attend all classes. Requirements for class attendance and make-up exams, assignments, and other work in this course are consistent with university policies that can be found at:

<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>.

Class participation requires:

- (1) Asking and answering questions that illuminate the issues,
- (2) Asking and answering questions that enrich the class dialogue and advance the classes understanding of the issues,

- (3) Participating in the class dialogue and discussions,
- (4) Participation team debates and mock exercises,
- (5) Engaging in class activities, exercises and projects.
- (6) Demonstrating class preparation.

I recognize that you may have legitimate and compelling personal and professional requirements that may cause a class absence. If you will not be attending a class for personal or professional reasons, please notify me in advance as a professional courtesy. I will provide attendance points for students who notify me in advance of an absence. When you have not provided me with advanced notice, attendance points will be provided for missed classes on a showing of compelling circumstances excusing prior notification.

It is important that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name.

3. Low Stakes Check-Ups: 120 points

There will be three 20-minute in class “check-ups” that will consist of multiple choice, true/false, and matching or short answer questions. Each of the checkups will be worth 40 points. The multiple-choice check-ups are designed to give you feedback and a reality check on how well you understand the course materials presented so far and to provide feedback to me on what course areas and topics may need additional coverage

Class Cancellations

Occasionally, I may have to reschedule a class due to professional demands. If this happens, I may record video lectures for the class to watch or conduct the class remotely by Zoom.

Are Smartphones and Laptops Permitted in the Classroom?

You may use laptops in class to take notes. Please restrict the use of your laptop to taking notes. Do not visit social media websites, texting, or emailing. Keep your browser closed to avoid temptation. Do not abuse this privilege. I expect your attention in class. Nothing life changing will happen while you are offline in class. I will randomly ask questions in class.

What Notes Should I Take in Class?

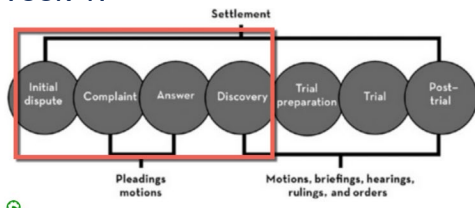
I recommended that you do not take “word-for-word” notes. This is not a court reporting class! Instead, think about what is happening in class and record the key ideas. Actually, handwriting your notes is better for you than typing notes. Check out this article: [Note-Taking: Writing vs. Typing Notes](#). Beyond that, it is a good legal skill. You will need to learn to take good witness interview notes, deposition notes, and trial notes. A computer will not always be available or good to use.

Assigned Text:

In addition to selected cases, we will be using various **LexisNexis Practice Guides** and Trawick's **Florida Practice & Procedure**. All class resources are online and freely available to you.

Weekly Class Objectives, Schedule, and Assignments:

Week 1:



Tuesday:

The Complaint:

- [LN Practice Guide: FL Pretrial Civil Procedure 6.11](#) ↗
- [Beckler v. Hoffman, 550 So. 2nd 68 \(Fla. 5th DCA\)](#) ↗
- [Myers v. High. 46 Holdings, L.L.C., 65 So. 3d 58 \(Fla. 5th DCA 2011\)](#) ↗

Pleading Special Matters

- [Bankers Mut. Capital Corp. v. United States Fid. & Guar. Co., 784 So. 2d 485 \(Fla. Dist. Ct.](#)

Wednesday:

Pleading in the Alternative and Election of Remedies:

- [Monco of Orlando v. Itt Indus. Credit Corp., 458 So. 2d 332 \(Fla. 5th DCA 1984\)](#) ↗
- [E. Portland Cement Corp. v. F.L. Smidth, Inc. 2009 U.S. Dist. LEXIS 113537 \(Middle Dist. F](#)

Amendments and Relation Back:

- [Fabbiano v. Demings, 91 So. 3d 893 \(Fla. 5th DCA 2012\)](#) ↗
- [Kopel v. Kopel, 42 Fla. L. Weekly S26 \(Fla. January 26, 2017\)](#) ↗
- [Fahed v. Univ. of Miami, 45 Fla. L. Weekly D1762 \(Fla. 3d DCA July 22, 2020\)](#) ↗

Week 2:

The Answer, Defenses, and Affirmative Defenses [⚡]



Monday:

Module One Review Problem: [🔗 The Troubled Joint Venture](#) ↓

Preliminary Motions:

- [LN Practice Guide: FL Pretrial Civil Procedure 8.10](#) - [🔗](#)

The Answer and Reply:

- [LN Practice Guide: FL Pretrial Civil Procedure 8.12 - 8:18 \(2018\)](#) [🔗](#)

Tuesday:

Affirmative Defenses:

- [Storchwerke, GMBH v. Mr. Thiessen's Wallpapering Supplies, Inc., 538 So. 2d 1382 \(Fla. 5th DCA 1989\)](#) [🔗](#)
- [Model Affirmative Defenses](#) [🔗](#)

Wednesday:

- [Florida Statute of Repose](#) [🔗](#) [🔗](#)
- [Florida Statute of Limitations](#) [🔗](#)
- [Allan & Conrad, Inc. v. Univ. of Cent. Fla., 961 So. 2d 1083](#) [🔗](#)
- [Statute of Repose Problem](#) ↓

Week 3: Counterclaims and Punitive Damages Claims [⚡]



Monday:

Counterclaims and Crossclaims:

- [LN Practice Guide: FL Pretrial Civil Procedure 9.03 - 9.15 \(2018\)](#) [🔗](#)
- [Fla. Fuel Oil, Inc. v. Springs Villas, Inc., 95 So. 2d 581 \(Fla. 1957\)](#) [🔗](#)
- [Fersom Mortg., Inc. v. Moreno, 254 So. 3d 519 \(Fla. Dist. Ct. App. 2018\)](#) [🔗](#)
- [Piquet v. Clareway Props. Ltd., No. 3D20-0839, 2020 Fla. App. LEXIS 16059 \(3d DCA Nov. 12, 2020\)](#) [🔗](#)
- Florida Rule of Civil Procedure 1.170

Tuesday:

Pleading and Proffering Evidence for a Punitive Damage Claim:

- [LN Practice Guide: FL Pretrial Civil Procedure 25.09 \(2018\)](#) [🔗](#)
- [§ 768.72, Fla. Stat.](#) [🔗](#)
- [§ 768.725, Fla. Stat.](#) [🔗](#)
- [§ 768.73, Fla. Stat.](#) [🔗](#)
- [Fla. R. Civ. P. 1.190\(f\)](#)
- [Globe Newspaper Co. v. King, 658 So. 2d 518 \(Fla. 1995\)](#) [🔗](#)

Wednesday:

- [Holmes v. Bridgestone/Firestone, Inc., 891 So. 2d 1188 \(Fla. 4th DCA 2005\)](#) [🔗](#)
- [Royal Marco Point I Condo. Ass'n v. QBE Ins. Corp., No. 3:07 CV 16, 2010 U.S. Dist. LEXIS 75216 \(M.D. Fla. June 30, 2010\)](#) [🔗](#) [🔗](#) [🔗](#)
- [Watt v. Lo, 302 So. 3d 1021 \(Fla. 1st DCA 2020\)](#) [🔗](#)
- [In re: Amendment to Florida Rule of Appellate Procedure 1.930](#) ↓
- [Recommendation of Florida Bar Appellate Committee on punitive damage rule change](#) ↓

Week 4:

Consolidation, Multiparty Litigation and Class Actions ^{AB}



Monday:

Pretrial Consolidation of Claims and Parties: Intervention, Interpleader, Misjoinder and NonJoinder

- [Fla. R. Civ. P. 1.210](#)
- [Fla. R. Civ. P. 1.230](#)
- [Fla. R. Civ. P. 1.240](#)
- [Fla. R. Civ. P. 1.250](#)
- [Fla. R. Civ. P. 1.270](#)
- [Agrofoliajes, S.A. v. E.I. Du Pont de Nemours & Co., 48 So. 3d 976 \(Fla. 3d DCA 2010\)\(read only I.A, I.B, and III.A\).](#) [↗](#)
- [LN Practice Guide: FL Pretrial Civil Procedure 11.04 - 11.18 \(2018\)](#) [↗](#)
- [LN Practice Guide: FL Civil Motion Practice, Chapter 8.04- 8.15.](#) [↗](#)

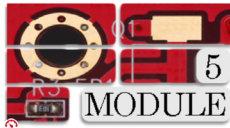
Tuesday:

Pleading and Challenging Class Action Claims:

- [Fla. R. Civ. P. 1.220](#)
- [LN Practice Guide: FL Pretrial Civil Procedure 14.04- 14.07 \(2018\)](#) [↗](#)
- [Rollins, Inc. v. Butland, 951 So. 2d 860 \(Fla. 2d DCA 2006\)](#) [↗](#)
- [Waste Pro USA v. Vision Constr. ENT, Inc., 282 So. 3d 911 \(Fla. 1st DCA 2019\)](#) [↗](#)
- [↗](#)
- [City of Opa-Locka v. Suarez, No. 3D19-1323, 2021 Fla. App. LEXIS 412 \(3d DCA Jan. 13, 2021\)](#) [↗](#)
- [↗](#)

Week 5:

Personal Jurisdiction, Long Arm Statute, and General Jurisdiction ^{AB}



Objectives:

After successfully completing this Module, you will be able to:

1. Assess what courts have jurisdiction over a pending dispute
2. Determine whether Florida courts may exercise jurisdiction over non-resident persons and corporations
3. Determine whether international disputes may be heard in Florida courts

Monday:

- [Fla.Stat. 48.193](#) ➞
- [1 LN Practice Guide: FL Civil Motion Practice 2.16 - 2.23](#) ➞
- [Venetian Salami Co. v. Parthenais, 554 So. 2d 499 \(Fla. 1989\)](#) ➞

Tuesday:

- [Wendt v. Horowitz, 822 So. 2d 1252 \(Fla. 2002\)](#) ➞
- [Wiggins v. Tigrent, 147 So.3d 76 \(Fla. 2nd DCA 1014\)](#) ➞
- [Subic Bay Marine Exploratorium, Inc. v. JV China, Inc., 257 So. 3d 1139 \(Fla. 5th DCA 2018\)](#) ➞

Wednesday:

- [Internet Sols. Corp. v. Marshall, 39 So. 3d 1201 \(Fla. 2010\)](#) ➞
- [Kitroser v. Hurt, 85 So. 3d 1084 \(Fla. 2012\)](#) ➞
- [Carmouche v. Carnival Corp., 36 F. Supp. 3d 1335 \(S.D. Fla. 2014\)](#) ➞
- [Marina Dodge, Inc. v. Quinn, 134 So. 3d 1103 \(Fla. 4th DCA 2014\)](#) ➞
- [Fincantieri-Cantieri Navali Italiani S.p.A. v. Yuzwa, 241 So. 3d 938, 941 \(Fla. 3d DCA 2018\)](#) ➞.

Week 6

Waiver of Personal Jurisdiction and Forum Selection Clauses

⚡



Objectives:

After completing this module you will be able to:

1. Determine whether a party can and have waiver jurisdictional defects
2. Assess whether a forum selection clause is lawful and effective.

Monday:

Carryover from previous week:

- [Carmouche v. Carnival Corp.](#), 36 F. Supp. 3d 1335 (S.D. Fla. 2014)
- [Marina Dodge, Inc. v. Quinn](#), 134 So. 3d 1103 (Fla. 4th DCA 2014)
- [Fincantieri-Cantieri Navali Italiani S.p.A. v. Yuzwa](#), 241 So. 3d 938, 941 (Fla. 3d DCA 2018).

This week: ➡

- 1-8 LN Practice Guide: FL Pretrial Civil Procedure 8.10 (2017) ➡
- [Fla.R.Civ.P. 1.140](#) ➡
- [Golden State Indus. v. Cueto](#), 883 So. 2d 817 (Fla. 3d DCA 2004) ➡

Tuesday:

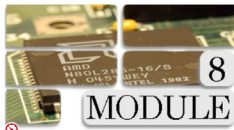
- [Arch Aluminum & Glass v. Haney](#), 964 So.2d 228 (Fla. 4th DCA 2007) ↓
- [Wiggins v. Tigrent, Inc.](#), 147 So. 3d 76 (Fla. 2d DCA 2014) ➡
- [Snider v. Metcalfe](#), 157 So. 3d 422 (Fla. 4th DCA 2015) ➡
- [Gannon v. Cuckler](#), 281 So. 3d 587 (Fla. 2d DCA 2019) ➡

Wednesday:

- [Fla. Stat. 685.101](#) ↓
- [Fla. Stat. 685.102](#) ↓
- [Fla. Stat. 48.193\(1\)\(a\)\(9\)](#) ➡
- [Manrique v. Fabbri](#), 493 So. 2d 437 (Fla. 1986 ➡)
- [Jetbroadband WV, LLC v. MatTec N. Am., Inc.](#), 13 So. 3d 159 (Fla. 3d DCA 2009) ➡
- [Corporate Creations v. Fons](#), 225 So.3d 296 (Fla. 4th DCA 2017) ↓

Week 7:

Venue and Venue Challenges ⚡



Monday:

Venue and Forum Determination: Who Decides Which Court?

Monday: ➡

- 1-5 LN Practice Guide: FL Pretrial Civil Procedure 5.32-5.47 (2017) ➡
- [Fontana v. Hugo Int'l](#), 781 So. 2d 433 (Fla. 3d DCA 2001) ➡
- [Fla. Gamco, Inc. v. Fontaine](#), 68 So. 3d 923 (Fla. 4th DCA 2011) ➡
- [Brown v. Nagelhout](#), 84 So. 3d 304 (Fla. 2012) ➡

Tuesday:

Venue Transfer and Forum Non-Conveniens:

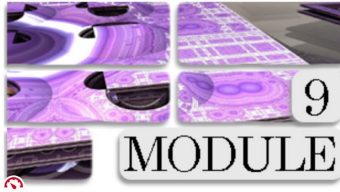
- [Woods v. Nova Companies Belize, Ltd.](#), 739 So.2d 617 (4th DCA 19 ➡ 99) ➡
- [Cortez v. Palace Resorts](#), 123 So.3d 1085(Fla. 2013) ➡
- [R.J. Reynolds Tobacco v. Mooney](#), 147 So.3d 42 (Fla. 3rd DCA 2014) ➡ ➡

Wednesday:

- [Woodson Elec. Sols., Inc. v. Port Royal Prop., LLC](#), 271 So. 3d 111 (Fla. 3d DCA 2019 ➡
- [Port Royal Prop., Ltd. Liab. Co. v. Woodson Elec. Sols., Inc.](#), 44 Fla. L. Weekly D2627 (Fla. 3d DCA October 30, 2019) ➡
- [Marques v. Garcia](#), 245 So. 3d 900 (Fla. 3d DCA 2018) ➡

Week 8:

Discovery Scope, Privileges, and Work Product [⚡]



Monday:

Discovery Scope:

- [1 Florida Civil Procedure § 12-1 - 12-8 \(2018\)](#)
- Fla. R. Civ. P. 1.280
- [S. Mill Creek Prods. Co. v. Delta Chem. Co., 203 So. 2d 53 \(Fla. 3d DCA 1967\)](#)
- [Holland v. Barfield, 35 So. 3d 953 \(Fla. 5th DCA 2010\)](#)

Tuesday:

Privileges and Inadvertent Production of Information

- [1 Florida Civil Procedure § 13-1 - 13-12 \(2018\)](#)
- [Worley v. Cent. Fla. YMCA, 228 So. 3d 18 \(Fla. 2017\)](#)
- Fla. R. Civ. P. 1.285
- Fla. Bar. Reg. R. 4-4.4

Wednesday:

Work Product Doctrine and Expert Discovery

- [Grinnell Corp. v. Palms 2100 Ocean Boulevard, Ltd., 924 So. 2d 887 \(Fla. 4th DCA 2006\)](#)
- [Elkins v. Syken, 672 So. 2d 517 \(Fla. 1996\)](#)

Week 9:

Discovery Methods: Admissions, Interrogatories, Production Requests, Depositions [⚡]



Monday:

Propounding Interrogatories and Requests for Admission:

- [Florida Civil Procedure § 15-1 through 15-7 \(2018\)](#)
- [Florida Civil Procedure § 18-1 through 18-5 \(2018\)](#)
- [Clemens v. Namnum, No. 4D16-3558, 2017 Fla. App. LEXIS 18830 \(4th DCA Dec. 13, 2017\)](#)
- [Grinnell Corp. v. Palms 2100 Ocean Boulevard, Ltd., 924 So. 2d 887 \(Fla. 4th DCA 2006\)](#)

[Model Problem: Susman v. Super Grocery Store](#)

Tuesday:

Requests for Production and Electronic Discovery:

- [Florida Civil Procedure § 16-1 through 16-7 \(2018\)](#)
- [Strasser v. Yalamanchi, 669 So. 2d 1142 \(Fla. 4th DCA 1996\)](#)
- [Tallahassee Mem'l Healthcare, Inc. v. Dukes, 240 So. 3d 842 \(Fla. Dist. Ct. App. 2018\)](#)
- [Shir Law Group v. Carnevale, 271 So. 3d 152 \(Fla. 3rd DCA 2019\)](#)

Week 10:

Compelling Discovery and Protective Orders ^{^*}



Monday:

Review of E-Discovery Conference

- [Review of UF Law E-Discovery Conference](#)
- [Conference Resources \(Passcode EDISCO22\)](#)

Tuesday:

Setting and Conducting Depositions:

- [Green v. John Bean Techs. Corp., 2016 Fla. Cir. LEXIS 6247](#) ☞
- [Florida Civil Procedure § 14-1 - 14-7 \(2018 ☞ \)](#) ☞

Videos:

- ["Deposition Gone Bad"](#) ☞



- [Downsizing from the Rainmaker movie](#) ☞



- [What's a photocopy?](#) ☞

Relevance and Discovery

- [Fla.R.Civ.P. 1.280](#)
- [Graham v. Dacheikh, 991 So. 2d 932 \(Fla. 2d DCA 2008\)](#) ☞
- [Allstate Ins. Co. v. Langston, 655 So. 2d 91 \(Fla. 1995\)](#) ☞
- [Bd. of Trs. of the Int. Imp. Tr. Fund v. Am. Educ. Enters., LLC, 99 So. 3d 450 \(Fla. 2012\)](#) ☞

Wednesday:

- [Fla. R. Civ. P. 1.380](#) ☞
- [Florida Civil Procedure § 19-1 - 19-5 \(2018\)](#) ☞

Week 11:

Offers of Judgment, Summary Judgment, and Injunctions ^{^*}



Objectives:

After completing this module you will be able to:

1. Understanding and utilizing Offers of Judgement
2. Apply rules of summary judgment.
3. Determine whether causes of action for declaratory judgment and injunction have been properly stated and brought in the correct court.
4. Assess the proper standard of review applied by higher courts when reviewing decisions of lower courts.

Monday:

Offers of Judgment

- [§ 768.79, Fla. Stat.](#)
- [Fla. R. Civ. P. 1.442](#)
- [Attorney's Title Ins. Fund Inc. v. Gorka, 36 So.3d 646 \(Fla. 2010\)](#)
- [Se. Floating Docks v. Auto-Owners Ins. Co., 82 So. 3d 73 \(Fla. 2012\)](#)
- [Kuhajda v. Borden Dairy Co., 202 So.3d. 391 \(Fla. 2016\)](#)

☞ [Proposal for Settlement Problem](#) ↓

Tuesday:

Summary Judgment

- [Fla. R. Civ. P. 1.510 \(summary judgment\)](#)
- [LN Practice Guide: Florida Civil Motion Practice, Summary Judgment 10.05 - 10.10](#)
- [Hervy v. Alfonso, 650 So. 2d 644 \(Fla. 2d DCA 1995\)](#)
- [Christenson-Sullins v. Raymer, 765 So. 2d 955 \(Fla. 1st DCA 2000\)](#)
- [Grimes v. Family Dollar Stores of Fla., Inc., 194 So. 3d 424 \(Fla. 3d DCA 2016\)](#)
- [T-Quip of Fla., Inc. v. Tietig, 207 So. 3d 958 \(Fla. 5th DCA 2016\)](#)

Week 12:

Declaratory Judgments, Motions for Attorneys Fees and Costs and Post-Trial Motions [△]⚡



Objectives:

After completing this module you will be able to:

1. Understand the principles and practice of demanding costs and attorneys' fees.
2. Obtain and defend against motions for directed verdicts.
2. Understand and apply the range of available post-trial motions attacking and defending judgments.

Monday, April 17th: (CLASS ONLINE VIA ZOOM ONLY)(<https://ufl.zoom.us/j/4591597877>; Passcode EDISCO)

Declaratory Judgment Actions

- [Fla.Stat. 86.011 - 86.111](#)
- [Higgins v. State Farm Fire & Cas. Co.](#), 894 So. 2d 5 (Fla. 2004)
- [Heisel v. City of Deltona](#), 328 So. 3d 56 (Fla. 5th DCA 2021) [⇒]
- [Mandarin Lakes Community Association v. Mandarin Lakes Neighborhood Homeowners Ass'n](#) [⇒], 322 So.3d 1196 (Fla. 3rd DCA 2021)

Right to Jury Trial in Declaratory Judgment Actions:

- [FRWP Inc. v. Home Insurance Co.](#), 450 So.2d 914 (Fla. 4th DCA) [⇒]
- [Southern Farm Bureau v. Pro Lockshop](#) [⇒]

Tuesday, April 18th:

Motions for Attorneys' Fees and Costs

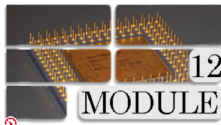
Fla. R. Civ. P. 1.525

- [Fla. Patient's Comp. Fund v. Rowe](#), 472 So. 2d 1145 (Fla. 1985) [⇒]
- [Scherer v. Basquill](#), 325 So. 3d 175 (Fla. 2nd DCA 2021) [⇒]
- [Statewide Uniform Guidelines for Taxation of Costs in Civil Actions](#) [⇒]

Week 13:

Electronic Discovery and Sanctions for Preservation Failures

[△]⚡



Monday:

Preservation:

- [League of Women Voters of Fla. v. Detzner](#), 172 So. 3d 363 (Fla. 2015) [⇒] (Introduction and Sections I and III.B only)

Collection and Forensic Inspection:

- [Florida Rules of Civil Procedure 1.280\(b\)\(3\) and 1.280\(d\)](#) [⇒]
- [Covad Communs. Co. v. Revonet, Inc.](#), 258 F.R.D. 5 (D.D.C. 2009) [⇒]
- [Procaps S.A. v. Patheon, Inc.](#), 2014 WL 80048 (S.D. Florida Feb. 28, 2014) [↓]

Tuesday:

Search, Analysis, and Production:

- [Equity Analytics, LLC v. Lundin](#), 248 F.R.D. 331 (D.D.C. 2008) [⇒]
- [Winfield v. City of N.Y.](#), 2017 U.S. Dist. LEXIS 194413 (S.D.N.Y. Nov. 27, 2017) [⇒]
- [Florida Rule Civ. P. 1.285](#) [⇒]
- [Florida Rule Civ. P. 1.350](#) [⇒]

Wednesday:

Seeking Discovery Sanctions

- [Bionetics Corp. v. Kenniasty](#), 69 So. 3d, 943 [⇒]
- [Watson v. Stewart Tilghman Fox & Bianchi](#), 195 So. 3d 1163 [⇒]
- [Infiniti v. MS Liquidators](#), 204 So. 3d 550 [⇒]
- [§ 57.105, Fla. Stat.](#) [⇒]
- [Florida Rule Civ. P. 1.380](#) [⇒]

I reserve the right to make reasonable adjustments and modifications to the weekly schedule as required by the pace and progress of the class. The Canvas course website is your principal location for class assignments, events, and quizzes.

Workload/class preparation and the 2:1 out of class/in class requirement (ABA Standard 310) (multiple examples):

1. Students should expect to spend, on average, approximately two hours preparing for every hour of class. Reading assignments are posted on the "Modules" link on the Canvas site (located on the left side of the Canvas site).
2. It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.
3. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. (Course) has 3 "classroom hours" of in-class instruction each week, requiring at least 6 hours of preparation outside of class. Accordingly, you will have about 60 pages of reading each week. Because the course includes statutory and regulatory excerpts that require careful reading, as well as discussion problems that require thoughtful advance written preparation, you should spend at least one hour on every 10-15 pages of reading.

Make-Up Examination, Quiz, and Assignment Policy:

The law school policy on exam delays and accommodations can be found [here](#).

Statement related to accommodations for students with disabilities

Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to me when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

Information on UF Law grading policies

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0

B+	3.33	C-	1.67
B (Good)	3.00	D+	1.33
B-	2.67	D (Poor)	1.00

Student Course Evaluations

You can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but you will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>

University policy on academic misconduct:

Academic honesty and integrity are fundamental values of the University community. You should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

UF Levin College of Law Standard Syllabus Policies:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link: <https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

Getting help:

For issues with technical difficulties for E-learning in Canvas, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Disclaimer: *This syllabus represents the current course plans and objectives. As the semester proceeds, these plans may be changed to enhance the class learning experience. Such changes, communicated clearly, are not unusual and should be expected.*