IN THE COUNTY COURT, TWENTIETH JUDICIAL CIRCUIT, IN AND FOR COLLIER COUNTY, FLORIDA, SMALL CLAIMS

_____
Plaintiff

VS.

_____
Defendant

Case #: _____
Judge: _____

TO BE SERVED AT:
_____
_____
_____

SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE
STATE OF FLORIDA — NOTICE TO PLAINTIFF(S) AND DEFENDANT(S).

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the Collier County Courthouse, located at 3315 Tamiami Trail East, Naples, FL, 34112 on _____ at _____, for a PRETRIAL CONFERENCE.

IMPORTANT — READ CAREFULLY **IF YOU NEED AN INTERPRETER, YOU MUST BRING YOUR OWN**
THE CASE WILL NOT BE TRIED AT THAT TIME. DO NOT BRING WITNESSES — APPEAR IN PERSON OR BY ATTORNEY

The defendant(s) must appear in court on the date specified in order to avoid a default judgment. The plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff(s) or the defendant(s) shall not excuse the personal appearance of a party or its attorney in the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

A corporation may be represented at any stage of the trial court proceedings by an officer of the corporation or any employee authorized in writing by an officer of the corporation. Written authorization must be brought to the pretrial conference.

The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to have full authority to settle at this pretrial conference may result in the imposition of costs and attorney fees incurred by the opposing party.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment or execution or levy.

RIGHT TO VENUE. The law gives the person or company who has sued you the right to file in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note is signed or where the maker resides; (3) if the suit is to recover property or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any one or more of the defendants sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the defendant(s), believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's(s') attorney, if any. A copy of the statement of claim shall be served with this summons.

DATED at Naples, Florida, on **_____.**

Copy to:

CRYSTAL K. KINZEL, As Clerk of County Court

By: _____, Deputy Clerk

SEE OVER – IMPORTANT INFORMATION – READ CAREFULLY - BRING THIS NOTICE WITH YOU AT ALL TIMES

CERTIFICATE OF SERVICE

The following language is required to be included on all Motions filed with the clerk/court:

I HEREBY CERTIFY that a true and accurate copy of the foregoing motion was served by () US Mail, () hand delivery, () facsimile on this (indicate date) to the following (indicate opposing party(s) name and address).

_____

Signature

MOTION FOR CONTINUANCE

If the Plaintiff or Defendant seeks a continuance of either the Pre-trial or Trial, the moving party shall submit a written Motion and shall contain the following:

a. The reason for the request for continuance
b. The opposing party (or their attorney if any) has been contacted and either they agree or oppose the request
c. The certificate of service

Requests for continuances will not be received or considered over the telephone.

TELEPHONIC APPEARANCES

a. Motions and all exhibits are to be **filed no later than five (5) days prior to the day of the proceeding**.

b. The hearing, pre-trial mediation, trial or other proceedings shall not be scheduled for more than 20 minutes.

c. Attorneys, parties and/or witnesses requesting to appear telephonically shall be able to represent that they are outside of Collier County, Florida during the scheduled proceeding.

d. All Motions shall state good cause why telephonic appearance should be allowed.

e. Parties desiring to present **testimony** telephonically pursuant to Fla. R. Jud. Admin. 2.530(d)(2) shall represent in the motion a good faith effort to contact and obtain consent from all other parties. All witnesses must comply with Fla. R. Jud. Admin. 2.530(d)(3) for administering the oath.

THIS OFFICE CANNOT GUARANTEE COLLECTION OF MONIES THAT THE COURT MAY ORDER DUE YOU.

ADDRESS CHANGES – All changes in mailing addresses must be furnished in writing to the clerk and to the opposing party.
Clerks mailing address – Clerk of Court, Civil Division
3314 Tamiami Trl E.,
Suite 102
Naples, FL 34112

SETTLEMENTS – Settlement in full or by installment payments made by the parties out of the presence of the court are encouraged. The plaintiff shall notify the clerk of settlement, and the case may be dismissed or continued pending payments. Upon failure of a party to perform the terms of any stipulation or agreement for settlement of the claim before judgment, the court may enter appropriate judgment without notice upon the creditor's filing of an affidavit of the amount due.

ADDITIONAL PROBLEMS – For anything you do not understand about the above information and for any additional questions you may have concerning the preparation of your case for trial, please contact the Clerk of the County Court, in person at the Collier County Courthouse Annex, 1st Floor, 3315 Tamiami Trail E, Naples, FL 34112, or by telephone (239) 252-2646. The clerk is not authorized to practice law and therefore cannot give you legal advice on how to prove your case. However, the clerk can be of assistance to you in questions of procedure. If you need legal advice, please contact an attorney of your choice. If you know of none, call the Collier County Bar Association, Lawyer Referral Service, for assistance, (239) 252-8138

A copy of any paper that you file at any time with the Clerk or the Judge **MUST** be sent by you to each attorney appearing in the case, if any, or to all parties not represented by an attorney. You must set forth the date and to whom you sent the copy (or copies) of the paper filed, which should be followed by your signature.

"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 Charles Rice, Administrative Court Services Manager whose office is located at 3315 East Tamiami Trail, Suite 501, Naples, Florida 34112, and whose telephone number is (239) 252-8800, 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."