

DIVISION CV-C POLICIES AND CIVIL PROCEDURES

Honorable Robert M. Dees

Hearing Room 734

Duval County Unified Courthouse
501 W. Adams Street, Suite 7259
Jacksonville, Florida 32202

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Fourth Judicial Circuit website: <http://www.jud4.org>

Fourth Judicial Circuit webpage for the Judges' procedure info:

<https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>

I. EX PARTE HEARINGS:

Ex parte hearings are currently suspended. Motions to set for trial and notice for trial are being handled by email only. All other ex parte matters will be handled by hand delivery, mail or email.

II. SETTING CASES FOR TRIAL (JURY AND NON-JURY):

E-file a motion to set case for trial or notice for trial. After the motion to set case for trial or notice for trial appears on the Court's docket, email the motion and a completed trial set memorandum for Division CV-C to lblackman@coj.net and copy all other attorneys and pro se parties.

The trial set memorandum and available jury trial dates are posted on the judges' webpage. As noted on the form, please include telephone numbers and email addresses for counsel and e-filing addresses, as well as the name and e-filing address of the mediator chosen by the parties. **All sections of the trial set memorandum must be completed and please type or print clearly.** The Judicial Assistant will prepare the trial order once all required information is received.

The Judicial Assistant will provide via email available non-jury trial dates and will prepare the trial order once all required information is received.

When a case is completely settled, please contact the Judicial Assistant **ASAP** to have all scheduled hearings removed from the Court's calendar and the case removed from the trial docket.

III. SETTING HEARINGS FOR PENDING MOTIONS:

The motion must appear on the docket prior to requesting hearing time. The party requesting the hearing shall email the Judicial Assistant and copy the assistant(s) for opposing counsel and pro se parties. The case number must be in the subject line of the email and in the body of the email list the motion(s) to be set for hearing and how much time is being requested. The Judicial Assistant will reply all with available hearing dates and times. **Please do not include the Judicial Assistant in the coordinating emails.**

For a hearing on a motion to compel, counsel must comply with First Amended Administrative Order 88-2. **Once a motion to compel or a motion for sanctions is scheduled on the calendar, it will remain on the calendar. The only exception that a motion to compel or motion for sanctions will be removed from the calendar is when the case completely settles or by Court order.**

For non-evidentiary hearings scheduled to take 30 minutes or less, counsel and pro se parties are permitted to appear in-person and/or via Zoom regardless of whether they are local or out-of-town pursuant to Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin. In-person attendance is encouraged. If requesting in-person appearance, please do so at the time the request for the hearing is made.

For an evidentiary hearing or non-jury trial, should counsel desire to participate in and present testimony through Zoom or other communication technology, regardless of the duration of the hearing or non-jury trial, counsel must seek leave of Court by filing a written motion setting forth good cause to grant the motion pursuant to Rule 2.530(b)(2), Fla. R. Gen. Prac. & Jud. Admin. and providing a courtesy copy of the motion and a proposed consent order to the Court via electronic mail. In the event all parties do not consent to use communication technology for an evidentiary hearing or non-jury trial, any party desiring to use communication technology shall seek leave of Court by filing a written motion setting forth why good cause exists pursuant to Rule 2.530(b)(2), Fla. R. Gen. Prac. & Jud. Admin. to grant the motion and schedule a 15-minute hearing on such a motion to be heard prior to the evidentiary hearing or non-jury trial. The Court may deny remote appearances.

Zoom appearance is a privilege. The Court will host Zoom hearings and all counsel/parties shall log in no less than five (5) minutes before the hearing is scheduled to begin. All attorneys, parties, witnesses, or other persons participating in or observing court proceedings remotely using communication technology shall comply with "The Florida Bar Recommended Best Practices for Remote Court Proceedings" that can be found on the Court's website.

PLEASE NOTE: HEARING DATES AND TIMES PROVIDED BY THE COURT ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES AND TIMES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THIS OFFICE.

Additional motions may NOT be added and will NOT be heard at previously scheduled hearings without Court approval. If the parties come to an agreement to add a motion to an already scheduled hearing, this agreement must be properly communicated with the Judicial Assistant and the parties. A confirmation email must be received from this office that the motion has been added before a notice of hearing is filed.

IV. EMERGENCY MOTION/MOTION FOR REHEARING/MOTION FOR NEW TRIAL:

The motion must first be e-filed with the Clerk of Court. The Court requires a copy for review to be delivered to the office by mail, hand delivery or email to the Judicial Assistant. However, any large documents (over 50 pages, including attachments) must NOT be emailed. If any party would like a hearing set on the motion, that party shall contact the Judicial Assistant consistent with the instructions above.

V. CANCELLATION OF HEARING:

It is imperative the Court be notified of a cancellation. When canceling a hearing that you have set, excluding a motion to compel, email the Judicial Assistant and copy opposing counsel's office/pro se party notifying the Judicial Assistant of the cancellation. **DO NOT assume the hearing is automatically removed from the Court's calendar. If you do not receive an email confirming the cancellation, please try contacting the Judicial Assistant again. A notice of cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. The cancellation of a hearing MUST be confirmed by the Judicial Assistant.**

VI. COURTESY COPIES:

Courtesy copies (hard copies) of all Court filings pertaining to a motion set for a time certain scheduled hearing **MUST** be provided to the Court no later than the date included in the Judicial Assistant's email confirming the scheduled hearing. Courtesy copies of each filing should be stapled or submitted in a binder and hand delivered or mailed with a cover letter signed by counsel. Loose pages of hearing materials will not be accepted. All opposing counsel and pro se parties must be copied with the cover letter and the enclosure(s) if the enclosure(s) were not previously provided through the e-portal/service of process and specify in the letter. Not complying with the Court's requirement for courtesy copies may result in the hearing being cancelled without notice.

VII. PROPOSED ORDERS AFTER A HEARING:

Proposed orders after a hearing are to be timely submitted in Word format to the Judicial Assistant by email with opposing counsel/pro se party copied. The email must include a cover letter to the Court signed by counsel stating that opposing counsel/pro se party has been provided with the same materials being provided to the Court, the date of the hearing and whether opposing counsel/pro se party agrees with the language of the

order. The order service list must contain e-filing addresses for opposing counsel/pro se party.

VIII. PROPOSED ORDERS WITHOUT A HEARING:

Proposed orders can be submitted to the Court in Word format once the unopposed motion, joint stipulation, etc. appears on the docket, and can be submitted to the Judicial Assistant by email with opposing counsel/pro se party copied. A cover letter to the Court signed by counsel which must be copied to opposing counsel and pro se party and a courtesy copy of the unopposed motion, joint stipulation, etc. related to the order must be provided. The letter must state that opposing counsel/pro se party has been provided with the same materials being provided to the Court and whether opposing counsel/pro se party agrees with the language of the order. The order service list must contain e-filing addresses for opposing counsel/pro se party.

For all proposed orders, either after a hearing or without a hearing, if a pro se party does not receive e-filings, counsel submitting the order shall include the following language in all orders for the party or parties not receiving service through the E-portal:

Counsel shall serve a copy of this order, by regular mail, to all parties not receiving service of Court filings through the Florida Courts E-Filing Portal and shall file a certificate of service in the court file.

A consented or agreed to order should have in the caption "Consent" or "Agreed", or it should have both or all parties' signatures.

PLEASE DO NOT PUT "PROPOSED" IN THE TITLE OF THE ORDER.

ORDERS SUBMITTED BY MAIL OR EMAIL SHOULD NOT HAVE E-PORTAL CODES.

PLEASE DO NOT SUBMIT THE SAME PROPOSED ORDER THROUGH THE E-PORTAL AND BY EMAIL AS SENDING IT BOTH WAYS MAY CAUSE DUPLICATE ENTRY OF AN ORDER.