

JUDGE JAMES H. DANIEL
DIVISION CV-F
JENNIE PRATHER, JUDICIAL ASSISTANT
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CV-F Procedures

To find out any information about division CV-F please call the office, email, or look up our information on the web. Fourth Judicial Circuit web page for the Judges' procedure info:

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

Ex Parte: Ex parte hearings are currently suspended.

- Motions to set for trial are being handled by email or time certain hearings.
- For any ex parte orders counsel wish to have addressed, counsel should provide the Court with a cover letter, the motion, supporting documentation and proposed order (in Word format) via the e-portal. The Court will review and enter order if appropriate. If a hearing is required, you will be notified of the need to set the matter for hearing and dates will be provided.

Setting Case for Jury Trial:

- Setting a case for a jury trial will be done through e-mail, if the parties agree on a trial week, mediator, and the JT is 5-days or less.
- Once a Motion to Set for Trial or Notice of Trial is filed, the moving party shall submit a copy of the motion/notice and completed trial set memorandum by email to the judicial assistant and copy all other attorneys and pro se parties. The parties shall complete all information in the form, including the desired mediator and trial date. The trial set memorandum and available trial dates are posted on the judges' webpage at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>.

-Judicial Assistant will set a time certain for a Motion to Set, if there are any disagreements on mediators, trial dates or if the JT will take longer than 5-days.

Setting Case for Non-Jury Trial:

-Once a Motion to Set for Trial or Notice of Trial is filed, the moving party shall submit a copy of the motion/notice and completed trial set memorandum by email to the judicial assistant and copy all other attorneys and pro se parties. The parties shall complete all information in the form, including the desired mediator. The trial set memorandum is posted on the judges' webpage at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/Duval-Judges.aspx>.

-Judicial Assistant will set a time certain hearing for a Motion to Set a Non-Jury Trial.

**** When a case settles please contact the Judicial Assistant **ASAP** to have the case removed from the trial docket/calendar.

Motion to Continue Trial:

A Motion to Continue Trial must be heard by the Judge. Consented or Contested.

Cancellation of Trial(s):

It is the responsibility of the Plaintiff/Petitioner to contact the office to remove a trial from the docket. Please contact the office by email to cancel the trial and copy all other Attorney's office(s) **(assistants)**. The Judicial Assistant will confirm the cancellation. If you do not receive a phone call or email confirming the cancellation, please try contacting the Judicial Assistant again. **Do NOT assume the hearing is removed by filing a notice of cancelation, notice of dismissal, etc. The Clerk of Court does NOT send all pleadings to the Judge's office.**

****All trials and pretrial conferences are set by the Judge and are subject to change.

Scheduling a Hearing for Pending Motions/CMC/SC:

-To put a pending motion and/or issue on the Judge's calendar the Attorney's office requesting the hearing must email the Judicial Assistant copying all other Attorney's office(s) **(assistants)**.

-Please include the case style, case number, length of time requested and docket line number of pleading. Hearings will **only** be set if the corresponding motion is on the docket.

-Hearing dates provided are **NOT** held and may be given to others. Hearing dates are **NOT** secured until confirmation is sent from the judicial assistant.

-Additional motions may NOT be added and will not be heard to previously scheduled hearings without court approval.

-Proposed orders for hearings should be submitted via email to the Judicial Assistant. For cases where any of the parties are not utilizing E-filing Portal, proposed orders must be submitted via U.S. mail with the appropriate number of copies and envelopes.

Duration Times for a Hearing:

Hearings that require more than 1 (one) hour of time must be approved by the Court. Fill out the *trial/hearing set memorandum* and email to Judicial Assistant.

Telephonic/Zoom Appearances:

Telephonic or Zoom appearances may be permitted for short, non-evidentiary hearings.

The Court allows attorney(s) to appear telephonically or by Zoom for motion hearings consisting of thirty (30) minutes or less without permission from the Court. Please notify the judicial assistant of the telephonic/zoom appearance when setting a hearing. Hearings longer than 30-minutes require permission from the Court. Remote appearances are not permitted for hearings exceeding 1-hour in duration, except upon motion, good cause shown and leave of Court. The Court may deny remote appearances.

Cancellation of Hearing(s):

It is imperative the Court be notified. The moving party who set the hearing is the party required to contact the office to cancel the hearing. The parties shall immediately file a Notice of Cancellation and e-mail a copy of the Notice to the Judicial Assistant. The Judicial Assistant will confirm the cancellation. If you do not receive a phone call or email confirming the cancellation, please try contacting the Judicial Assistant again. **Do NOT assume the hearing is removed by filing a notice of cancelation, notice of dismissal, etc.** **The Clerk of Court does NOT send pleadings to the Judge's office.**

Courtesy Copy of Motions on the calendar:

A courtesy copy of the motion(s) and any pleadings pertaining to the motion/hearing for **ALL** time certain scheduled hearings for division CV-F are required. Send a copy of any pleadings that may be referred to during the scheduled hearing... i.e. Motion Dismiss requires a copy of the Complaint, any memorandum(s) and/or any other pleadings regarding the motion. **Please DO NOT send case law, Judge Daniel can look up quoted case law...only send pleadings.** Please submit the copies **at least three (3) business days prior** to the scheduled hearing. Any materials pertaining to a hearing over 30-pages should not be emailed but delivered by U.S. Mail or hand delivery. **PLEASE SEND ONLY ONE COPY.** Not complying with the Court's request for copies may result in the hearing being canceled without notice.

Emergency Motions/ Motion for Rehearing/Motion for New Trial:

The original motion/petition should be properly filed with the Clerk of Court. The Court requires a copy to be delivered to the office by email, mail or hand delivery. **PLEASE SEND ONLY ONE COPY.** The Judicial Assistant will contact the attorney's office if it is necessary to set a hearing.

Motion to Compel or Motion for Sanctions for Failure to Produce Discovery:

A hearing for a Motion to Compel or Motion for Sanctions is an **in-person** hearing and will be set for 30-minutes. Once a Motion to Compel or a Motion for Sanctions is scheduled on the calendar, it will remain on the calendar. Even if the issue is resolved the attorneys will still have to come in-person before the Judge to explain the reason(s) of the filed motion and the necessity of it to be placed on the Judge's calendar. **A hearing set for a Motion to Compel or Motion for Sanctions will NOT be removed from the calendar for any reason.** The only exception a Motion to Compel or Motion for Sanctions will be removed from the calendar is when the case completely settles.

All Proposed Orders Must Include the Following:

1. A cover letter indicating what the Order is for... i.e. hearing date and time, etc. The cover letter should also indicate if it is consented to or if opposing party objects, and all parties are copied with same. The cover letter, copy of motion and order should be submitted through the e-portal. (Order only should be in Word format).
2. PLEASE DO NOT SUBMIT AN ORDER THROUGH THE EPORTAL AND BY EMAIL — sending it both ways may cause duplicate entry of an order.
3. Service list should contain appropriate email addresses for all parties to be copied.
4. A consented or agreed to order should have in the caption "Consent" or "Agreed", or it should have both or all parties' signatures.
5. Complex Orders or orders from the outcome of a hearing should be emailed in Word format for any potential modifications.
6. When an order is submitted where there is an unrepresented party or parties not receiving service through the e-portal, the attorney is responsible for ensuring copies of the Order are mailed to any unrepresented party or parties and a Notice of Service is filed on the case.
7. Proposed orders for hearings should be submitted via email to Judicial Assistant. For cases where any of the parties are not utilizing E-fling Portal, proposed orders must be submitted via U.S. mail with the appropriate number of copies and envelopes.