

JUDGE JAMES H. DANIEL  
DIVISION CV-F  
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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. Setting a trial further than a year will require a hearing.

-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.

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

### **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. The Judicial Assistant will offer available NJT weeks.

\*\*\*\* 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.

## **Requirement Prior to Filing the Motion:**

### **Fla. R. Civ. P. 1.202. CONFERRAL PRIOR TO FILING MOTIONS**

(a) **Duty.** Before filing a non-dispositive motion, the movant must confer with the opposing party in a good-faith effort to resolve the issues raised in the motion.

(b) **Certificate of Conferral.** At the end of the motion and above the signature block, the movant must include a certificate of conferral in substantially the following form:

“I certify that prior to filing this motion, I discussed the relief requested in this motion by [method of communication and date] with the opposing party and [the opposing party (agrees or disagrees) on the resolution of all or part of the motion] OR [the opposing party did not respond (describing with particularity all of Florida Rules of Civil Procedure January 1, 2025 65 the efforts undertaken to accomplish dialogue with the opposing party prior to filing the motion)].”

or

“I certify that conferral prior to filing is not required under rule 1.202.”

(c) **Applicability; Exemptions.** The requirements of this rule do not apply when the movant or the nonmovant is unrepresented by counsel (pro se). Conferral is not required prior to filing the following motions:

- (1) for time to extend service of initial process;
- (2) for default;
- (3) for injunctive relief;
- (4) for judgment on the pleadings;
- (5) for summary judgment;
- (6) to dismiss for failure to state a claim on which relief can be granted;
- (7) to permit maintenance of a class action;
- (8) to involuntarily dismiss an action;
- (9) to dismiss for failure to prosecute;
- (10) for directed verdict and motions filed under rule 1.530;
- (11) for garnishment, attachment, or other motions for enforcement of a judgment under rule 1.570;
- (12) for writ of possession under rule 1.580;
- (13) filed in actions proceeding under section 51.011, Florida Statutes; and
- (14) that do not require notice to the other party under statute or rule.

**(d) Sanctions.** Failure to comply with the requirements of this rule may result in an appropriate sanction, including denial of a motion without prejudice. The purposeful evasion of communication under this rule may result in an appropriate sanction.

### **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)** or party if unrepresented.

-Please include the case style, case number, length of time requested and docket line number of pleading. Hearings will **only** be set on motions with the appropriate certificate 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.

- **Please** list the motion(s) and docket line on the Notice of Hearing.

### **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):**

Once a hearing is set, it may not be cancelled without the consent of the Court.. 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 Copies of Motions or Case Law:** Are not required to be sent to the office.

### **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.

### **Instructions for Proposed Orders:**

All proposed orders should be filed through the e-portal, **except** when directed by Judge Daniel. Please do **NOT** put “proposed” in the title of the order.

You may click on this link for order templates and instructions on how to file your proposed orders via the e-portal: <https://www.jud4.org/Proposed-Orders-EFiling.aspx>

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). (One cover letter is sufficient for all proposed order(s) – you do not need to submit cover letter for each order).

2. A consented or agreed to order should have in the caption “Consent” or “Agreed”, or the order should have the agreeing parties’ signatures.

3. When an order is submitted where there is an unrepresented party or parties not receiving service through the e-portal, the attorney submitting the order is responsible for ensuring copies of the order(s) are mailed to any unrepresented party or parties and a Notice of Service is filed on the case. The following language should be on all orders for 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.**

4. Please **DO NOT** submit an order by email unless Judge Daniel **REQUESTS** the order to be sent via email. Sending an order via email without a request may cause a delay in an order being entered.

a. Requested orders from the outcome of a hearing should be emailed in Word format for any potential modifications.