

JUDGE VIRGINIA B. NORTON  
DIVISION CV-D  
501 WEST ADAMS STREET, ROOM 7038  
Hearing Room 703  
Jacksonville, FL 32202

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**EX-PARTE DATES & TIME 9:30 a.m. - 10:00 a.m.**

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*Please visit the Court Website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) frequently to confirm that changes have not been made to Ex-Parte days.*

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**These procedures are not all inclusive. If you cannot find a topic that answers your questions, please call the J.A.**

### **DIVISION PROCEDURES**

**Ex-parte:** Involves UNCONTESTED matters ONLY, (i.e., motions to set for trial, either jury or non-jury) and are not scheduled with the JA. This is always done between 9:30 to 10:00 a.m. on certain dates of every month as posted outside of the Hearing Room and the Court Website. Telephonic appearances are allowed by out-of-town attorneys, and the JA must be notified in advance of the scheduled date to be prepared to transfer calls into the Hearing Room.

**Setting Hearings:** Hearings may be set by contacting the Judicial Assistant. You may either schedule hearings via telephone or e-mail. If by telephone, please have all interested parties on the phone before you call the Judge's office; if by e-mail, please include all interested parties in the e-mail when requesting dates and include the amount of time you are requesting for your hearing. The JA will not be able to resolve disputes regarding when a matter should be placed on the calendar. **PLEASE DO NOT ASSUME THE HEARING IS AUTOMATICALLY SCHEDULED UNTIL YOU RECEIVE CONFIRMATION FROM THE JA.**

**Setting A Case For Trial:** (1) File a Motion to Set Case for Trial (whether jury or non-jury) when case is at issue. (2) Set hearing on Motion during ex-parte hours. (3) Serve Notice of Hearing on all parties.

1. Moving/Requesting party must: a. Complete Motion to Set form located in hearing room and on the Court's Website; b. PROVIDE STAMPED, ADDRESSED ENVELOPES FOR ALL PARTIES AND THE MEDIATOR if there is one. Stamped, addressed envelopes are only needed if there are pro se parties involved.
2. Should a telephonic appearance be requested by an out-of-town attorney, the JA must be notified in advance of hearing. Additionally, the attorney appearing by telephone is required to provide a courtesy copy of the Notice of Hearing to the JA so the JA can be aware of the incoming call. Only one line may be transferred into the Hearing Room, so multiple attorneys appearing by phone must arrange one conference call to include all others participating.

**Preparing Trial Order:** The Judicial Assistant will prepare the first trial order, which includes the Pre-Trial Conference date and the Mediator's name. If the trial is continued, it is the responsibility of the Plaintiff's attorney to prepare any Amended Trial Orders.

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**\*\*\*IF A CASE SETTLES, IMMEDIATELY CONTACT THE JUDICIAL ASSISTANT TO REMOVE FROM THE TRIAL DOCKET.\*\*\***

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**Emergency Motions:** The original motion should be properly filed with the Clerk. The Court requires a copy for review to be delivered to the office either by hand delivery, or email. However, any large documents (more than 20 pages, including attachments) must NOT be emailed. Each request will be reviewed by the Court to determine whether it is deemed an emergency. The JA will contact the attorney(s) if it is necessary to set a hearing.

A. **Cancellation of Hearings:** **Only the party setting a hearing may cancel it.** When cancelling a hearing, please call the Court with opposing counsel's office on the line. You may also email the Judicial Assistant and copy opposing counsel notifying the Judicial Assistant of the cancellation.

B. DO NOT assume the hearing is automatically removed from the Court's calendar. If you do not receive a telephone call or 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. Cancellation of a hearing MUST be confirmed with and by the Court.**

**Courtesy Copies:** Courtesy copies of motions and memoranda should be delivered at least two (2) weeks prior to the scheduled hearing. Counsel shall only send memoranda to the Judge which has been served on opposing counsel. **However, any large documents (more than 20 pages, including attachments) must NOT be emailed. They will need to be provided via hand delivery, U.S. mail or overnight mail.**

**Court Filings:** E-filings by the parties ARE NOT forwarded to the Judge's office.

**Proposed Orders After A Hearing:**

A. Proposed orders after a hearing are to be timely submitted to the Court as follows:

1. If there is an unrepresented party involved in the case not using e-Portal, the proposed Order must be submitted to the Court in writing, with sufficient copies for an original to be entered by the Court and a copy for each party not using e-Portal. Further, the party presenting the proposed Order, shall be responsible for providing **addressed, stamped envelopes for parties not using the e-Portal;**

2. If all parties before the Court are using e-Portal, the proposed Order may be emailed to the Court in Microsoft Word format; and

3. The proposed Order service list must contain e-filing addresses for opposing counsel/unrepresented party. If an unrepresented party does not receive e-filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope.

B. ALL PROPOSED ORDERS PRESENTED FOLLOWING HEARING, whether submitted to the Court in writing or via email as contemplated *supra*, MUST INCLUDE A COVER LETTER INDICATING:

1. What the Order is for (i.e. the case, the motion heard, including date and time, the title of the Order, etc.); and

2. That all opposing counsel/unrepresented parties have been provided with the same materials being provided to the Court, and whether the parties agree with the language of the proposed Order.

C. **All counsel and unrepresented parties must be copied on the cover letter, including any proposed Order, at the same time provided to the Court.** If counsel does not have an email address for an unrepresented party, counsel must mail or hand deliver the proposed Order and letter to the Court consistent with the instructions above.

D. The Judge will direct when complex Orders are due.

**Proposed Orders Without A Hearing:**

A. Proposed Orders without a hearing may be submitted to the Court **with a cover letter**, which must be copied to all opposing counsel/unrepresented parties. A courtesy copy of the motion, joint stipulation, etc. related to the proposed Order must be provided. The letter must state that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court and whether opposing counsel/unrepresented party agrees with the language of the proposed Order. The service list on the Order must contain e-filing addresses for opposing counsel/unrepresented parties.

B. If counsel does not have an email address for an unrepresented party, counsel must mail or hand-deliver the proposed Order, cover letter and all attachments to the Court consistent with the instructions above. If an unrepresented party does not receive e-

filings, counsel must immediately mail or hand deliver to the Court an addressed, stamped envelope for that party.

C. All consent Orders shall include the word "Consent" or "Agreed" in the caption of the proposed Order.

**Telephonic Appearances:** The Court allows out-of-town attorney(s) to appear telephonically if opposing counsel has no objection. Prior to the hearing, the attorney appearing by phone will initiate the call to the JA. Only one line may be transferred into the Hearing Room, so multiple attorneys appearing by phone must arrange one conference call to include all others. A Motion to Appear Telephonically is not required to be submitted to the Court.

**Unavailability:** Due to the budgetary constraints, substitute Judicial Assistants are not available to cover for the Judicial Assistants when they are ill or on vacation. When the Judicial Assistant for Division CV-D is not present, efforts will be made to inform you via e-mail message.

**Foreclosure Matters (Division FC-D):**

Motions, disposition matters and non-jury trials in Division FC-D foreclosure cases may be scheduled by e-mailing the Judicial Assistant [Lyndavis@coj.net](mailto:Lyndavis@coj.net). All parties should be included in the e-mail.

1. Please included the case number, amount of time needed, type of motion/hearing and information for Plaintiff's and Defendant's counsel: name and phone number.

2. The Judicial Assistant will respond via e-mail to all with available dates/times. PLEASE NOTE: HEARING DATES/TIMES PROVIDED ARE NOT HELD AND MAY BE GIVEN TO OTHERS. HEARING DATES/TIMES ARE NOT SECURED UNTIL CONFIRMATION IS SENT FROM THE COURT.

3. The requesting party is responsible for noticing the hearing. All hearings are held in Courtroom 609 unless otherwise indicated.

4. An Order for Non-Jury Trial must be submitted to the Court after scheduling the non-jury trial. Sufficient copies of the order are to be provided along with addressed, stamped envelopes for unrepresented parties not receiving e-filings.