

# JUDGE DANIEL F. WILENSKY

DIVISION FM-D

AMBER COLLIE, JUDICIAL ASSISTANT

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**Cancellation of Hearings** Please call or email the JA to have a hearing removed from the calendar. The JA will confirm whether or not the hearing will be removed from the calendar, then you may file a Notice of Cancellation.

**Proposed Orders** All proposed Orders must have (1) cover letter stating whether opposing attorney agrees, disagrees or other pursuant to local rules, (2) an original order and correct number of copies for **all** parties with stamped, addressed envelopes for **all** parties unless all parties can accept eservice, and (3) Proper postage affixed to all envelopes. If proposed Orders are emailed to the Judicial Assistant, then the correct number of stamped, addressed envelopes with the case number are to be provided to the Judicial Assistant for mailing copies unless all parties can accept eservice.

**Qualified Domestic Relations Orders** In order for QDROs to be signed by the Judge, the proposed QDRO must be signed by each party and each signature must be notarized OR a five (5) minute hearing may be set with proper notice given to both parties. Simply emailing a proposed QDRO to the JA for signature without the parties' written consent is not acceptable even if you state in the email that the parties consent.

**Emergency Motions/Scheduling or Injunctions** (1) Must be a genuine emergency;(2) MUST be filed Clerk of Court, [Rule 1.610&12.610(a)];(3) If seeking ex parte (w/o notice or hrg) you must state an adequate reason why the other party should not be given notice; otherwise (4) due process requires proof of service on the other party;(5) verified/sworn by the movant & signed by counsel;(6) If children are involved (required) a filed UCCJEA has been attached;(7) emergency motion should be emailed or delivered to the judge's chamber's for review;(8) If hand delivered and the division JA is not in the office (that does not mean the judge not available), you are required to email this Motion;(9) There shall be **no ex parte communication concerning this request**

and (10) after the Judge has reviewed the action, the judicial assistant will advise: the motion will be granted w/o hrg or notice, denied, granted w/hrq on an emergency basis or for movant to schedule the matter on the next regular calendar date. Should the Judge be out of the office for an extended time, please follow local rules of procedure by contacting the next division in alphabetical order. **The Judge expects the attorney(s) to make themselves available until after the ruling of said motion whether it's granted without a hearing, denied without a hearing or a hearing is set on the matter.**

**Courtesy Copies** There are no need for copies-please make sure the originals are timely filed with the Clerk of Court so the current pleadings are placed in court file. Exceptions for courtesy copies are: verified emergency motions, Motions for Rehearing, and Memorandum of Law. If you are submitting a courtesy copy, please **DO NOT** fax **and** send one via mail or hand delivery - *one is sufficient*.

**Children First in Divorce Course** Required in both Petitions for Dissolution of Marriage *and* Paternity cases.

**Motions to Compel or Protective Order** (Non-emergency) Motions to Compel Discovery and Motions for Protective Order must be set on the regular calendar. The Motion **MUST** contain a certificate at the end of the filed motion, signed by the attorney for the moving party stating that he or she has contacted opposing counsel and has attempted without success to resolve this matter without the necessity of a hearing.

**Continuance of Trial** If an Order Setting Non-Jury trial has been entered and one party requests a continuance, and the continuance is granted, the party requesting the continuance prepares a one page order granting continuance with the new trial week and pre-trial conference date and time providing that all provisions of Court's previous Order Setting Non-Jury trial remain in full force and effect, or that the trial will be reset upon either party's Motion to Set.

**Temporary Needs Hearing Information**

Temporary Needs Hearings are scheduled with the Magistrate's office. You may call to schedule said hearing at (904) 255-1180. Once the hearing is scheduled, you may incorporate the Notice of Hearing into the Order of Referral and email to the JA.

## **Exceptions to Reports and Recommendations of Magistrates**

When filing exceptions to a Report and Recommendation, you must send a copy to the Magistrate's Office. Once the 15 days has elapsed the Magistrate's Office will send up the exceptions, copy of the Report and Recommendation and proposed order. Once the JA receives the packet, a hearing will be coordinated.

**FYI:** If child support is to be paid through the State of Florida Disbursement Unit (SFDU), only provide a copy of the order for the Domestic Relations Depository (DRD), none for SFDU. This order will be routed inner-office at the Courthouse. The DRD sets up and modifies all accounts from Final Judgments and/or Orders entered. The SFDU only receives and disburses money.