

JUDGE WADDELL A. WALLACE III
CIRCUIT CIVIL DIVISION **CV-A**
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PROCEDURES FOR DIVISION CV-A - CIVIL

TEMPORARY HEARING PROCEDURES DURING COVID-19 CRISIS:

During the COVID-19 event, all hearings will be conducted by Zoom telephonic or video conference. This includes *ex parte* hearings. The Zoom information will be provided once the hearing has been set on the calendar. The parties shall make arrangements to accommodate any court reporters being used for hearings.

TEMPORARY EX PARTE PROCEDURES DURING COVID-19 CRISIS

Setting cases for trial will be done only through e-mail. The trial set memoranda, along with available trial dates, are posted on the judges' webpage at jud4.org/ex-parte-procedures-and-dates. The parties shall complete all information in the form, including the desired mediator and trial date, and submit it as an e-mail attachment to the judge's judicial assistant along with the Motion to Set Trial. Any disagreements on mediators or trial dates shall be included in the email along with each party's recommendation.

For any *ex parte* matters counsel wish to have heard, counsel should forward the motion, supporting documentation and proposed order (in Word format) to the Judicial Assistant. The Court will review and act upon the paper record if appropriate. If a hearing is required, you will be notified of the need to set the matter for hearing either during a posted *ex parte* date or regular hearing dates will be provided. Any items set during posted *ex parte* dates will need to be placed on the calendar and a confirmation email will be provided confirming the matter is set during *ex parte*.

SETTING HEARINGS FOR PENDING MOTIONS:

Before a hearing can be set the motion should be filed and appear on the Clerk's docket. Counsel may request a hearing be set by email or by phone. The party requesting

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the hearing must contact the Judicial Assistant with the other party/parties on the line via telephone (up to 3 parties). If there are numerous attorneys (4 or more) in the case, then one must email the Judicial Assistant (nponder@coj.net) to receive dates/times. The parties will then coordinate amongst themselves. If necessary, request more dates/times as needed. Once a convenient date/time for all parties is confirmed, you will need to send an email to the JA with all parties copied. PLEASE DO NOT INCLUDE THE JA IN THE COORDINATING EMAILS. Once the hearing is calendared, the JA will respond to all parties confirming. Counsel may prepare and file the Notice of Hearing which should contain the docket line number of the motion being heard.

Information needed by the Judicial Assistant to schedule the hearing:

The subject line of the email should always include the case number along with a brief case style name. The email should state Plaintiff or Defendant's motion to be heard, the docket line #, and the amount of time needed for hearing to be conducted.

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

TELEPHONIC APPEARANCES AT HEARING: (Currently under temporary COVID-19 procedures)

If counsel wish to appear telephonically at a hearing it is best to make this request when the hearing is being scheduled. Telephonic appearances are allowed provided there is no objection from opposing counsel. If there is an objection to a telephonic appearance, a motion to appear telephonic should be filed and a proposed order should be emailed for the Judge's consideration.

COURTESY COPY:

The notice of hearings should include the docket line number of the motions being heard. Notice of Hearings may be emailed to the Judicial Assistant after hearing has been confirmed and notice has been e-filed.

If counsel would like the Judge to have courtesy copies of motions to be heard, memorandum of law, or case law, hard copies should be submitted and be inside the Courthouse at least seven days prior to the scheduled hearing date. Please provide these hard copies via U.S. mail or hand delivery.

ALL PROPOSED ORDERS MUST INCLUDE THE FOLLOWING:

1. A cover letter indicating what the Order is for... i.e. hearing (including the hearing date), consent order, etc. The cover letter should also indicate if it is consented to or objected, and that all parties are copied with same. The cover letter and order may be emailed (Order only should be in Word format) to the JA with all parties copied. **PLEASE DO NOT EMAIL YOUR PROPOSED ORDER AND MAIL IT VIA USPS—sending it both ways causes duplication.**

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

3. Service list should contain appropriate email/efile addresses for all parties to be copied on.

4. When an Order has been submitted through email and there are unrepresented parties not receiving service through the e-portal, the attorney submitting the order is responsible for mailing a copy of the order to any and all non-represented parties and filing a Notice of Service.

NOTE: Any complex Orders should be also sent via email in Word format.

EX PARTE HEARINGS: (Currently under temporary COVID-19 procedures)

Ex parte hearings are for **uncontested** matters only and for setting trials. Courtesy copies of the uncontested motion and hearing notice are to be provided to the Judge at the hearing and not sent the Judicial Assistant. Please call or check web site for any last minute changes or cancellations to Ex parte dates.

SETTING CASES FOR TRIAL: (Currently under temporary COVID-19 procedures)

1. E-file a Motion to Set Trial – for either jury or non-jury trial.
2. Get Ex Parte dates listed online – the time is always 9:30 - 10:00; WITH EXCEPTION TO TELEPHONIC APPEARANCES – please schedule and call at 9:50 a.m.
3. Coordinate date that is best for all parties.
4. File a Notice of Ex Parte Hearing for the chosen date (Ex parte hearings are not placed on the Court’s calendar – counsel just come at the agreed date).
5. Out of town attorneys may attend a Motion to Set Trial ex parte hearing

telephonically. **Please schedule telephonic ex parte hearings for 9:50 a.m.** If there is more than 1 attorney appearing telephonically, all attorneys must be conferenced before calling the Court at 904-255-1252. Provide the JA with a copy of the notice for telephonic ex parte hearings at least five days prior to the hearing.

6. Moving/Requesting party **must** complete a Trial Set Memorandum Form (form is located on the website or in the Hearing Room). Be sure the Trial Set Memorandum includes all phone numbers and email addresses and is either typed or legible. If the moving party is appearing telephonically the Trial Set Memorandum must be sent through USPS mail to the Judicial Assistant at least seven days prior to the ex parte hearing.
7. Judicial Assistant will prepare Order Setting Trial and Pre-Trial Conference.

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

EMERGENCY MOTIONS / MOTION FOR REHEARING / MOTION FOR NEW TRIAL:

The motions should be e-filed with the Clerk of Court. Please submit a courtesy copy for review to be delivered by email or hand delivery. However, any large documents (anything over 20 pages) must **NOT** be emailed, unless otherwise instructed. PLEASE ONLY ONE COPY....one is sufficient. If any party would like a hearing set on the Motion, you will contact the Judicial Assistant for a hearing date/time to be set on the calendar.

CANCELLATION OF HEARING and/or TRIAL:

When cancelling a hearing, please send an email notifying the Judicial Assistant of the canceled hearing and call the office and leave a brief voice message. The Judicial Assistant will confirm the cancellation. However, do NOT assume the hearing is automatically removed. If you do not receive a phone call or email confirming the cancellation, then please try contacting the Judicial Assistant again. For the record, a Notice of Cancellation shall be e-filed with the Clerk if the hearing is not going to be rescheduled right away. Please forward a copy of the Notice of Cancellation with your email notification. Of course, if it is rescheduled, then an Amended Notice of Hearing shall be e-filed and copy provided.

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

VOICE MESSAGES AND EMAILS:

Emailing tips: The subject line should always contain the case number along with a brief case style. Placing proposed order, or hearing request, or cancelling *date of hearing* in the subject line which helps Judicial Assistants process emails in a more timely fashion.

If you get the voice message, please leave a brief message with your name, telephone number, case number and brief message. Please speak clearly and the call will be returned as time permits. DUE TO THE HIGH VOLUME OF CALLS AND EMAILS PLEASE ALLOW at least 2-3 BUSINESS DAYS BEFORE A FOLLOW-UP REQUEST. Please do not send an email then leave a voice message, on the same day, stating you sent an email or asking if the email was received. Kindly allow at least 2-3 business days for a return on either an email or voice message before a follow-up request unless it is a truly emergent matter.