



## **JUDGE KATIE L. DEARING**

Fourth Judicial Circuit Court of the State of Florida  
Civil Division CV-B  
Hearing Room 701

Duval County Courthouse  
501 West Adams Street, Suite 7029  
Jacksonville, Florida 32202

Frances Cramer, Judicial Assistant  
Email: [fcramer@coj.net](mailto:fcramer@coj.net)  
Telephone: (904) 255-1246

Website: <http://www.jud4.org/ex-parte-procedures-and-dates>

### **INTRODUCTION**

Rule 1.010 of the Florida Rules of Civil Procedure and the Rules of Judicial Administration encourage the speedy, just and inexpensive determination of every action, and impose on the trial court the duty to monitor and manage the docket in order to achieve this goal. These policies and procedures are intended to most efficiently and effectively apply the Florida Rules of Civil Procedure, which shall control if there is any conflict between the two.

## **EX-PARTE HOURS**

Short, uncontested matters – including setting matters for trial – will be heard between 9:30 a.m. and 10:00 a.m., in Hearing Room 701 on designated “Ex-Parte” dates. These hearings are not scheduled with the Court and are heard on a first-come, first-serve basis. Any party wishing to appear telephonically for an Ex-Parte hearing may do so without leave of Court by calling (904) 255-1246. Any party appearing telephonically shall first confer with other out-of-county parties and prepare a conference call, if necessary, before calling the Court.

## **SETTING MATTERS FOR TRIAL (JURY AND NON-JURY)**

When a case is at issue, any party may file a Motion to Set Matter for Trial. The parties may obtain a trial date without the requirement to appear during Ex-Parte hours by jointly completing the Trial Set Memorandum and providing it by e-mail to [fcramer@coj.net](mailto:fcramer@coj.net) along with (i) the proposed mediator and (ii) the proposed trial week(s). The Court’s available trial weeks are on the Court’s web page.

Alternatively, the parties can also coordinate the best Ex-Parte date and file a Notice of Hearing. Neither the Motion to Set nor the Notice of Hearing need be provided to the Court. At the Ex-Parte hearing, the parties shall provide a completed Trial Set Memorandum (available on the Court’s web page or in Hearing Room 701) along with (i) the proposed mediator and (ii) the proposed trial week(s). The movant shall also provide the Court with pre-stamped, addressed envelopes for any party not receiving electronic filings. The parties are expected to bring their calendars to hearings on motions to set matters for trial and shall anticipate that a mediator will be chosen at such hearing.

In either event, the Court will then prepare and e-file the Trial Order.

**IF THE CASE SETTLES AFTER IT IS SET FOR TRIAL, THE PARTIES SHALL IMMEDIATELY NOTIFY THE COURT SO THAT THE TRIAL AND ALL PENDING HEARINGS MAY BE REMOVED FROM THE COURT’S CALENDAR.**

## **TELEPHONIC APPEARANCES**

Any party seeking to appear telephonically for a hearing shall request the Court's permission at the time the hearing is requested. A party may seek leave to appear telephonically by emailing the request to [fcramer@coj.net](mailto:fcramer@coj.net). If leave is granted, parties may appear telephonically by calling (904) 255-1246. Telephonic appearances are a privilege, not a right. Attendance by phone is usually permitted in non-evidentiary hearings of 30 minutes or less. The Court may deny telephonic appearances if there is a history of problems or issues that impeded the Court's scheduled hearings. If permission to appear telephonically is granted, the counsel attending telephonically shall comply with Rule 2.530 of the Florida Rules of Judicial Administration and make all necessary arrangements in advance with the Judicial Assistant to be on the phone and ready to proceed at the scheduled hearing time. If more than one person is appearing telephonically, the parties are responsible for making arrangements in advance so that only one line is calling into the Court at the time of hearing.

## **MOTION PRACTICE AND SCHEDULING HEARINGS**

Before filing a motion, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss for failure to state a cause of action, or to dismiss or permit maintenance of a class action, the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion. The moving party shall file with the motion a statement certifying that the moving counsel has conferred with opposing counsel and stating whether counsel agree on the resolution of the motion. A certification to the effect that opposing counsel was unavailable for a conference before filing a motion is insufficient to satisfy the parties' obligation to confer. The moving party retains the duty to contact opposing counsel expeditiously after filing and to supplement the motion promptly with a statement certifying whether or to what extent the parties have resolved the issue(s) presented in the motion. Counsel for the non-moving party is obligated to promptly reply to a 'meet-and-confer' request and to provide availability for such conference. If the interested parties agree to all or part of the relief sought in any motion, the caption of the motion shall include the word "unopposed," "agreed," or "stipulated" or otherwise succinctly inform the reader that, as to all or part of the requested relief, no opposition exists.

**All motions do not require a hearing, and the Court may rule on motions without a hearing and without prior notice to counsel.**

If the parties jointly agree to submit a motion to the Court without the need for a hearing, the moving party should forward to the Court the motion and a request for resolution without a hearing.

Hearings will only be set on motions already filed with the Clerk. All hearings must be coordinated with opposing counsel. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties on the line or by email at [fcramer@coj.net](mailto:fcramer@coj.net). **Dates provided for hearings are not held and may be given to other cases.** It is expected that all counsel will promptly respond to the moving party's attorney with proposed dates received from the Judicial Assistant to facilitate this process. **Hearing dates/times are not secured until confirmation is sent from the Court.**

Once a hearing time is set, no party may add or notice additional matters for that time without the express consent of all parties.

The Court's hearing schedule has very little, and sometimes no, time in-between hearings. Please arrive early and allow plenty of time for parking. Failure to timely appear for a hearing may result in the motion being denied (if moving party) or the motion being heard without you (if the non-moving party). Moreover, the Court will enforce the time limits set for each hearing. Any matters not resolved during the schedule hearing time will have to be re-scheduled or decided after an opportunity for written briefing.

Any motion for which counsel is seeking more than one hour of hearing time must be scheduled with the Court during Ex Parte.

### **USE OF SPECIAL MAGISTRATES**

The Court is aware that, for many reasons, there may be a significant delay in obtaining hearing times. The Court encourages the parties to consider the use of a Special Magistrate pursuant to Florida Rule of Civil Procedure 1.490(b). If all parties agree to the appointment of a Special Magistrate, please submit a Joint Motion to Appoint Special Magistrate along with a proposed Order identifying the Special Magistrate and the issues to be handled by him or her. The parties are responsible for the cost of the Special Magistrate.

## **COURTESY COPIES**

Courtesy copies of motions and memoranda should be delivered to the Court at least three days before a scheduled hearing on the matter. Motions, pleadings and memoranda may be provided by e-mail as well as U.S. Mail or hand delivery. However, voluminous pleadings (more than 20 pages, including attachments) must not be emailed. They will need to be provided via hand-delivery, U.S. Mail, or other delivery service. Any binders containing case law shall be **received** by the Court **at least 5 days prior to the hearing**.

The Court encourages all parties to work together where possible to submit one copy of the supporting materials necessary for the Court's consideration.

## **MOTIONS FOR REHEARING AND MOTIONS FOR NEW TRIAL**

These motions should first be e-filed with the Clerk of Court. The party filing the motion shall provide a copy for review by U.S. Mail, hand delivery or e-mail **at the time the motion is filed**. Any motion over 20 pages should not be emailed, but delivered by U.S. Mail or hand delivery. If a hearing is required, the Court will schedule a hearing with the parties.

## **DISCOVERY DISPUTES**

As with all motions filed in this Division (as set forth above), prior to filing a motion to compel discovery, the moving party shall confer in good faith with the non-moving party in an attempt to resolve the discovery dispute. If, for any reason, the moving party is unable to confer with counsel for the non-moving party, the motion should describe actions taken by the moving party to confer.

Once a Motion to Compel or Motion for Sanctions is scheduled on the Court's calendar, **it will not be removed for any reason, even if agreed to by counsel for all parties**. The only exception is if the case is completely resolved and settled by the parties.

## **PROPOSED ORDERS FOLLOWING A HEARING**

The Court may request the lawyers prepare proposed orders pursuant to the Court's verbal recitations of rulings made during a hearing. Such 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.

All proposed Orders presented following a hearing, whether submitted to the Court in writing or via e-mail as contemplated above, **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.

**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.

## **PROPOSED ORDERS WITHOUT A HEARING:**

A. Proposed Orders without a hearing may be submitted to the Court in Microsoft Word **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 (i) opposing counsel/unrepresented party consents to the relief requested in the order and, if so, (ii) 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.

## **TRIAL TECHNOLOGY**

The Court allows parties to utilize technology in their trial presentations. Counsel is responsible for having any technology set-up and ready to use during the trial without causing unnecessary delay. Please contact the Court’s Information Technology department at (904) 255-1818 to coordinate any technological issues in advance of the trial or hearing.