

**JUDGE GARY L. WILKINSON**  
Circuit Civil Division CV-G  
Hearing Room 745

Duval County Courthouse  
501 West Adams Street, Suite 7236  
Jacksonville, Florida 32202

Kathryn Claxton, Judicial Assistant  
Email: [kclaxton@coj.net](mailto:kclaxton@coj.net)  
Telephone: (904) 255-1249

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 745 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 request to do so by filing a motion and emailing a proposed order to the Judicial Assistant. If leave is granted, parties may appear telephonically by calling (904) 255-1249. Any party appearing telephonically shall first confer with other out-of-county parties and prepare a conference call, if necessary, before calling the Court.

**COVID-19 UPDATE: Ex Parte hours have been temporarily suspended. To set a matter that would generally be set during this time, please contact the Judicial Assistant by email to schedule. Setting matters for trial will be handled by email. Once a Motion to Set has been e-filed and docketed, please**

**email a completed Trial Set Memorandum to the Judicial Assistant that includes your choice of trial week and mediator.**

### **TELEPHONIC APPEARANCES**

Any party seeking to appear telephonically for a hearing shall move the Court for permission at the time the hearing is requested. Telephonic appearances are a privilege, not a right. The Court may deny telephonic appearances if there is a history of problems or issues that impede 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.

To request to appear telephonically at a hearing, a motion must be filed a minimum of three business days prior to the hearing. You may then submit a proposed order to the Judicial Assistant via her email with a copy of the motion and a cover letter. Your motion must reflect that you have conferred with all opposing counsel and their position. Your motion must reflect the name of the attorney who will be attending the hearing telephonically if the motion is granted.

The only hearings that do not require a motion for telephonic appearance are motions to set matters for trial. For these hearings, the movant must appear in person and all other attorneys may appear telephonically without filing a motion.

**COVID-19 UPDATE: The requirement to file a motion for leave to appear telephonically is temporarily suspended.**

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

When the case is at issue, any party may file a Motion to Set Matter for Trial. The parties shall coordinate the best Ex-Parte date and file a Notice of Hearing. Neither the Motion to Set nor the Notice of Hearing need to 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 745) 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.

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

If the case settles, the parties shall immediately notify the Court so that it may be removed from the trial calendar.

**COVID-19 UPDATE: Setting matters for trial will be handled by email. Once a Motion to Set has been e-filed and docketed, please email a completed Trial Set Memorandum to the Judicial Assistant that includes your choice of trial week and mediator.**

### **SCHEDULING HEARINGS**

ALL hearings must be coordinated with opposing counsel. The party requesting a hearing on any pending motion should contact the Judicial Assistant by email at [kclaxton@coj.net](mailto:kclaxton@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. This office will confirm once a hearing date is secured.

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

If the parties cancel a hearing, the parties shall immediately file a Notice of Cancellation and e-mail the Notice to the Judicial Assistant. It is imperative the Court have the opportunity to repost the hearing time for use in other cases.

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.

## **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**

If, in the attorney's professional judgment, providing the Court with a courtesy copy of a motion, accompanying memoranda or case law would assist the Court in deciding a motion more expeditiously, the attorney should provide those materials **at least 5 days prior to the hearing**. Although the Court operates with limited resources and a substantial caseload, it endeavors to decide motions as promptly as reasonably practical. The Court appreciates efficiency and brevity in all motions and memoranda.

Motions, pleadings and memoranda may be provided by e-mail as well as U.S. Mail or hand delivery. Any binders containing case law shall be **received** by the Court **at least 5 days prior to the hearing**, with copies provided to all other parties at the same time. Failure to abide by these terms may result in the hearing being canceled by the Court without notice.

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

**COVID-19 UPDATE: Courtesy Copies that are hand delivered shall be left in the Civil Cart that is located directly in front of the 1<sup>st</sup> Floor Security Desk. Counsel shall notify the Judicial Assistant as soon as the materials have been delivered.**

## **MOTIONS FOR REHEARING, NEW TRIAL OR EMERGENCY MOTIONS**

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. Requests for “Emergency” hearings will be reviewed by the Court and scheduled accordingly.

## **DISCOVERY DISPUTES**

Florida Rule of Civil Procedure 1.380 provides for the recovery of expenses by the prevailing party in a discovery dispute absent certain findings. Thus, it is the Rule to award expenses to the prevailing party, not the exception. With this in mind, the parties should make every effort to resolve discovery disputes without judicial intervention.

Prior to filing a Motion to Compel the moving party shall confer in good faith with the non-moving party in an attempt to resolve the discovery dispute. The Court does not believe this is merely a “box to check” before filing such a motion. Indeed, the Court fully expects that the description of the good faith conferral may be the lengthiest part of the Motion to Compel. If, for any reason, the moving party is unable to confer with counsel for the non-moving party, there should be a detailed description in the motion of all actions taken by the moving party to confer. The good faith requirement imposes the obligation upon all counsel to promptly reply to a ‘meet-and-confer’ request and to provide availability for that meeting.

Once a Motion to Compel or Motion for Sanctions is scheduled on the Court’s calendar, **it will only be removed if the case is completely resolved and settled by the parties.**

## **PROPOSED ORDERS FOLLOWING HEARINGS**

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.

### **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.

### **ZOOM**

The use of Zoom video conference is permitted for any hearing. Counsel is responsible for setting up the conference and shall include the information in their Notice of Hearing. Counsel attending by video shall always have their camera turned on and shall be attired as they would be in open court.