

FM-F DIVISION PROCEDURES

EX PARTE: Involves only uncontested matters and Motions to Set for Trial. **EX PARTE HEARINGS MUST BE SCHEDULED WITH THE JUDICIAL ASSISTANT FOR FM-F. Email fristrom@coj.net (or phone 904-255-1306) to schedule an ex parte hearing. EX PARTE HEARING WILL TAKE PLACE VIA ZOOM.** Ex parte hearings are always heard between 9:30 to 10:00 a.m. on certain dates of every month. The ex parte schedule, and the Zoom information, is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>). Ex parte dates are NOT included on the office voice mail.

SETTING A CASE FOR TRIAL AND HEARING GREATER THAN 1 HOUR: Motions to Set for Trial and Motion to Set Hearings for greater than one (1) hour are heard during ex parte. The Judge sets these.

1. File a Motion to Set Case for Trial/Hearing.
2. Coordinate with opposing party or attorney to select an ex parte date which is convenient for all parties.
3. **Email Judicial Assistant to add to ex parte calendar; fristrom@coj.net (or call 904-255-1306).**
4. Serve the Notice of Hearing on all parties.
5. Complete the Trial Memorandum Form in advance of the Motion to Set hearing, it is located on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) and **email it to the Judicial Assistant at least 3 working days in advance of the scheduled ex parte hearing.**
6. After your Motion to Set **trial** is heard during the ex parte hearing, the Judicial Assistant will prepare the Order Setting Case for Non-Jury Trial and Pretrial Conference. For hearings (not trials), attorneys will prepare the Notice of Hearing.
7. The Judicial Assistant will e-file the Order Setting Case for Non-Jury Trial **or** send it to the Clerk for filing. In some cases, the Judicial assistant will email the signed order to the parties; if not, the parties may obtain their copies from CORE/the docket. In the alternative, Attorneys may provide addressed envelopes for all parties, including a blank stamped envelope for the mediator, for mailing the Order to all parties. The Court does not provide envelopes and postage.

When a case **SETTLES** prior to the pre-trial or trial date, **PLEASE, IMMEDIATELY** contact the Judge's office to remove the pre-trial and trial from the calendar.

SETTING HEARINGS REQUIRING 1 HOUR OR LESS: Hearings of 1 hour or less may be set by contacting the Judicial Assistant by email at fristrom@coj.net (or call 904-255-1306). Please have opposing attorney on the line if/when you call. Be prepared to provide the case number, case style/parties names, the name of the motion to be heard, the docket line of the motion and how much time is required for the hearing. **The Motion MUST** be filed prior to emailing or calling to set for hearing. The Judicial Assistant will not resolve disputes regarding when a motion will be set. Do not send courtesy copies of the motion.

Motion hearings may be scheduled on either morning or afternoon calendars, commencing at 10:00 a.m. to 12:00 noon and 1:30 to 4:00 p.m. Hearings that require more than one (1) hour of time must be approved by the Court during ex parte.

EMERGENCY MOTIONS/MOTIONS FOR REHEARING/MOTIONS FOR NEW TRIAL: The original motion must be filed with the Clerk. The Court requires a copy for review to be emailed to the office. Each request will be reviewed by the Court to determine whether it is deemed an emergency. The Judicial Assistant will contact the parties or attorney(s) to set a hearing, as necessary.

****DOCUMENTS FOR HEARINGS/TRIALS:**** Anything you wish the Judge to consider for a hearing, ie: exhibits, evidence, etc., **must be delivered to the Judge by dropping off documents in the designated cart in the Courthouse lobby at least THREE (3) days before a scheduled hearing on the matter. DOCUMENTS SUBMITTED MUST BE ORGANIZED, TABBED, AND LABELED** and placed in a binder, if appropriate. Binders/documents should be placed in the designated cart for Judges in the Courthouse lobby.

MOTION TO COMPEL:

1. Before filing a Motion to Compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a Motion for a Protective Order, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, the attorney for the moving party shall confer with the opposing party or attorney in a good-faith effort to resolve the issues raised, and shall file with the Court at the time of filing of the motion, a statement certifying that the moving attorney or party has so conferred with opposing party or attorney and that they have been unable to resolve the dispute.

2. **When a motion to Compel has been placed on a Judge's calendar, that motion may not be cancelled without the Judge's consent.**

3. As provided in Section (4) of rule 1.380, if the motion is granted, the Court shall award expenses which may include attorney's fees.

UNAVAILABILITY OF THE JUDICIAL ASSISTANT: Substitute Judicial Assistants are not available to cover this division during illness or vacation. When the Judicial Assistant for Division: FM-F is not present, leave a telephone message, and you will be contacted as soon as possible following the Judicial Assistant's return to the office.

LEAVING MESSAGES ON VOICE MAIL: Please include the case number, case style/parties names, your name, phone number, and a brief message concerning your call. The Judicial Assistant will return calls as soon as possible.

SUBMITTING PROPOSED ORDERS:

1. The attorney preparing a proposed Order subsequent to a hearing shall provide an advance copy to opposing counsel. The cover letter to be used and sent to opposing party or attorney is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.
2. The proposed Order should then be submitted to the Court. The cover letter to the Judge is provided on the website (<http://www.jud4.org/Ex-Parte-Procedures-and-Dates.aspx>) under Letters for Attorneys Submitting Orders.
3. When entitling proposed Orders always designate the particular motion heard, such as "Order Denying Wife's Motion to Dismiss" or "Order Granting Husband's Motion for Contempt," etc., and the date the hearing occurred. Consent Orders shall contain the word "Consent" at the beginning of the caption.
4. Sufficient number of distribution copies for all parties and stamped addressed envelopes must accompany the Order when submitted by mail.
5. **The DONE AND ORDERED clause, along with the Court's signature line, should be on the same page.** If the last page contains only the date line and/or Judge's signature line it must have the title of the Order and the case number on it also.
6. *Full names and complete addresses (or email address) of counsel/parties to whom copies are to be provided should be included on the last page.*
7. Should the Court request complex Orders to be submitted via email, they need to be formatted in Word.
8. The signature line of the Order shall all be located on the right border of the page.

9. If **ALL** parties/entities are on e-service, the cover letter and proposed Order may be emailed to the Judicial Assistant.

MOTION TO WITHDRAW AS COUNSEL: These motions are heard during ex parte. Please follow Fla. R. Jud. Admin. 2.505(f). Notice of hearing must be mailed/emailed to client.