



# **DIVISION CV-B POLICIES AND PROCEDURES**

## **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

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### **I. 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. To that end, these policies and procedures are published to assist counsel appearing in Division CV-B by addressing routine questions and issues that arise while litigating and trying cases and will be revised/updated periodically. They are not intended to relax or supplant the Florida Statutes, the Florida Rules of Court, local rules of Court, administrative orders, case specific court

orders, the Rules Regulating Florida Bar (including, without limitation, the Rules of Professional Conduct), or any other substantive or procedural law (collectively, the “Applicable Law, Rules and Procedures”). All Applicable Law, Rules, and Procedures are intended to prevail, unless expressly stated otherwise.

## **II. SETTING MATTERS FOR TRIAL**

A. Projected Trial Period: The Court, on its own initiative, for all cases governed by Florida Rule of Civil Procedure 1.200, will enter an initial case management order setting a projected trial date and specifying no less than the projected pretrial deadlines required in Rule 1.200(d)(2) (A-I), Fla. R. Civ. P.

B. 150 Day Case Management Conference: The Court, on its own initiative, for all cases governed by Florida Rule of Civil Procedure 1.200, will enter an Order Scheduling a Case Management Conference (“150-day CMC”) approximately 150 days after the action is commenced. The purpose of this 150-day CMC is to provide counsel for the parties an opportunity to be heard prior to the Court setting the actual trial period. The parties will be required to confer and advise the Court whether this CMC is necessary for the Court to fix the actual trial period or whether the parties have agreed to the projected trial period or a different actual trial period. If the parties agree that the 150-day CMC is not necessary to set the actual trial period, the Court will enter an order canceling the CMC hearing upon a party emailing to the Court’s Judicial Assistant a completed Division CV-B Trial Set Memorandum. The Trial Set Memorandum form can be found on the Court’s website, along with available trial dates, at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures.aspx>. 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 Court’s judicial assistant. Any disagreements on mediators or trial dates shall be included in the email along with each party’s recommendation.

Non-jury trials are set date-certain on the Court’s regular hearing calendar, not during a jury trial week. The trial set memorandum should advise the Court of a requested time frame for trial (*e.g.*, 8 months from the date of the trial set memorandum) and the number of days needed for trial.

C. Actual Trial Period. The Court will prepare the Case Management Order Setting Trial Period.

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.

### **III. IN-PERSON AND REMOTE APPEARANCES**

Counsel, witnesses and all unrepresented parties are required to attend all hearings longer than 30 minutes in person. Prior to coming to the hearing, please ensure that counsel's access badge to the hearing room is activated so that counsel may enter the hearing room at or before the time set for the hearing. The Court's hearing schedule often results in "back-to-back" hearings that do not allow time for the Court to let counsel into the hearing room early. Unless the Court announces otherwise, the Court's hearings are public proceedings, and any party or counsel may come into the hearing room early to observe other proceedings.

All evidentiary hearings shall be conducted in person.

Rule 2.530(b)(1), Fla. R. Gen. Prac. & Jud. Admin. Governs non-evidentiary hearings scheduled to take thirty minutes or less. If a party or a lawyer wishes to appear at a hearing using remote technology, that party or lawyer must first seek leave of Court, as contemplated by Rule 2.530, Fla.R.Civ.P. Parties do not have to agree on whether a hearing attendance is by Zoom or in-person. The Court will permit hearings to be conducted in a hybrid remote manner, with some counsel/parties appearing in-person and other counsel/parties appearing via Zoom.

A Notice of Hearing should indicate that the hearing will take place in Hearing Room 701, Duval County Courthouse, 501 W. Adams Street, Jacksonville, FL 32202. If a party has been granted leave to appear remotely, the notice may *also* include the Court's Zoom information. Unless notified otherwise, the Court shall assume that all counsel and unrepresented parties will be appearing in person.

The Court shall host all Zoom hearings using the following Zoom information:

[HTTP://WWW.ZOOM.COM](http://www.zoom.com) or <https://zoom.us/j/2751507351>

**Meeting ID: 275 150 7351**

One tap mobile  
+19292056099,,2751507351# US (New York)  
+13126266799,,2751507351# US (Chicago)

When you dial in, you will be placed into a waiting room until the Court calls your case.

#### **IV. MOTION PRACTICE AND SCHEDULING HEARINGS**

The Court expects that prior to filing a motion, the moving party has conferred with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion. To that end, the Court will not set a hearing on motions which do not include the Certificate of Conferral required by Florida Rule of Civil Procedure 1.202. 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.

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.**

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, a proposed order 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 or party if unrepresented. 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 [PowellS@coj.net](mailto:PowellS@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. If attending in person, 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 scheduled 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 directly.

Once a hearing is set, it may not be cancelled without the consent of the Court. A party filing a “Notice of Cancellation” does not cancel a hearing.

## **V. 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.

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

## **VI. EMERGENCY MOTIONS, 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 **shall not** be emailed but instead delivered by U.S. Mail or hand delivery. If a hearing is required, the Court will schedule a hearing with the parties.

## **VII. DISCOVERY DISPUTES**

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.

## **VIII. PROPOSED ORDERS FOLLOWING A HEARING**

The Court may request the lawyers prepare proposed orders pursuant to the Court's verbal announcements 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 the 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**. The proposed Order service list must contain addresses for any unrepresented party or party not using the e-Portal.

2. If all parties before the Court are using the e-Portal, the proposed Order shall be submitted to the Court via the Florida Courts e-Portal.

All proposed Orders presented following a hearing **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.

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

As set forth above, all motions do not require a hearing, and the Court may rule on motions without a hearing. If a party requests the Court rule on a motion without a hearing, the moving party should forward to the Court the motion, a proposed order and a request for resolution without a hearing, in the manner set forth below:

A. Proposed Orders without a hearing may be submitted to the Court via the Florida Courts e-Portal **with a cover letter** and courtesy copy of the motion, joint stipulation, etc. related to the proposed Order, which must be copied to all opposing counsel/unrepresented parties. The cover letter **must** state (i) that opposing counsel/unrepresented party has been provided with the same materials being provided to the Court, (ii) whether opposing counsel/unrepresented party consents to the relief requested in the motion and proposed order and, if so, (iii) whether opposing counsel/unrepresented party agrees with the language of the proposed order.

B. If there is an unrepresented party involved in the case not using the 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**. The proposed Order service list must contain addresses for any unrepresented party or party not using the e-Portal.

C. All consent Orders shall include the word “Consent” or “Agreed” in the caption of the proposed Order.

## **X. 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 <https://www.jud4.org/Technology.aspx> to coordinate any technological issues in advance of the trial or hearing.