

JUDGE GILBERT L. FELTEL, JR.

Circuit Civil Division CV-H

Foreclosure FC-H¹

Hearing Room 712

Duval County Courthouse

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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 division 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.

SETTING MATTERS FOR TRIAL (JURY AND NON-JURY)

The Court will issue Case Management Orders at the outset of all cases which identifies the case type (streamlines, general or complex), a presumptive trial date and schedules a Case Management Conference should the parties believe the needs of the case are different than those identified in the initial Case Management Order. The parties may also jointly submit a Trial Set Memorandum prior to the Case Management Conference (found under CV-H at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures.aspx>) and providing it by e-mail to MGarwood@coj.net

¹ As of October 18, 2024, foreclosure cases are no longer handled by Senior Judges and are instead handled directly by the presiding judge over the division. As such, the Court will not set such cases for periodic status conferences and expects the parties will take the necessary actions to progress the case so that it is ripe for dispositive motion practice or trial at the earliest appropriate opportunity. Unless otherwise expressly stated herein, the policies and procedures for CV-H apply equally to FC-H cases.

along with (i) the proposed mediator and (ii) the proposed trial week(s). Trial week schedules are available on the Court's website. In submitting proposed trial weeks, the parties are representing to the Court that counsel expects to be available that week for trial and, further, that the trial week selected is in substantial compliance with the case time standards. Should the parties not submit Trial Set Memo, the trial schedule set forth in the initial Case Management Order will be adopted by the Court and the Court will select a mediator for the parties. In either event, the Court will then 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.

SCHEDULING HEARINGS

The Court will strictly require compliance with the conferral requirements set forth in Rule 1.202, Florida Rules of Civil Procedure for setting hearing time. For absence of doubt, conferral is not satisfied upon a single email that goes without response. Too often the Court's hearing time is consumed with matters where the parties start the hearing by informing the Court that they have (finally) spoken and some, or all, of the issues have been resolved. Do that work before securing hearing time.

Hearing times should be coordinated with opposing counsel. The party requesting a hearing on any pending motion should contact the Judicial Assistant with all other parties in an email. If there are more than four parties, then the moving party's attorney may contact the Judicial Assistant to request available dates and then coordinate with all other parties. Please do not include or copy the Judicial Assistant on those coordinating emails. Dates/times provided for hearings are not held and may be given to other cases until confirmed. It is expected that all counsel will promptly respond to the moving party's attorney to facilitate this process. This office will confirm once a hearing date is secured. Failure of a party or parties to timely respond to scheduling requests may result in the Court ordering a hearing to be heard at a time convenient to the Court.

Counsel are encouraged to communicate directly (not through staff) and, whenever possible, make themselves, or one of their colleagues, available on short notice to permit pending motions to be heard at the earliest opportunity. While the Court is aware of the perception that hearing time is difficult to obtain, it's the Court's experience that, as often as not, the problem is coordinating available hearing time to the schedules of counsel. Counsel are also reminded of the value of

permitting junior counsel to handle appropriate hearings. Such opportunities help to move the case along and provide important experience for junior counsel

Once a hearing time is set, the moving party shall file and serve a Notice of Hearing within 2 business days emailing a courtesy copy to the Judicial Assistant after it has been filed. No party may add or notice additional matters for that time without the express consent of all parties and confirmation from the Court. Notices of hearing must clearly state whether the hearing will occur in person or via ZOOM. Please note also that pro Hearings and trials in the Fourth Circuit are “special set” in that they are set for date and time certain. As such, and consistent with Rule 1.460, Florida Rules of Civil Procedure, continuances are disfavored and should be based on good cause.

While certain types of hearings lend themselves to remote attendance and will be permitted on that basis, Counsel is encouraged to have hearings in person whenever possible. **PRETRIAL CONFERENCES REPRESENT A CRITICAL STAGE OF THE CASE AND IN PERSON ATTENDANCE BY TRIAL COUNSEL IS REQUIRED.** It is also the Court’s experience that Parties in tend to resolve issues more consistently when they take the opportunity to see each of other face to face and discuss case issues while they have each other’s undivided attention. Access to secure areas of the Court (such as hearing rooms) is by electronic access badge. Counsel is kindly requested to show consideration for the Court and to ensure their badge is present and working when appearing for hearing. The Court is not provided bailiffs for their hearing rooms, and it is disruptive to the prior hearing, and disrespectful to the Court, for Counsel to force the Court to let them in the door. Stated differently, as an advocate, its good for you and your client if you approach all aspects of your appearance before the Court thoughtfully.

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. Please note that certain categories of hearing may not be removed from the calendar once set, including Motions to Compel discovery responses.

All hearings of 30 minutes or more, or for any critical stage of the case, are to occur in-person. Any party seeking to leave to attend such hearings via ZOOM or other remote means must file a motion for leave to attend remotely stating the grounds justifying remote attendance. Any party seeking to appear remotely for a hearing shall move the Court for permission at the time the hearing is requested. The Court may deny remote appearances if there is a history of problems or issues that

impede the Court's scheduled hearings. If permission to appear remotely is granted, the counsel attending remotely shall comply with Rule 2.530 of the Florida Rules of Judicial Administration and make all necessary arrangements in advance and be ready to proceed at the scheduled hearing time. Lastly, ZOOM appearances are still Court appearances – dress professionally, observe the same decorum as you would in-person, and ensure all audio and video is working correctly.

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. Again, opposing counsel having the opportunity to speak directly tends to resolve or limit issues and benefits case progress. Counsel are strongly encouraged to avail themselves of that opportunity either before (preferred) or after a scheduled hearing.

Failure to timely appear for a hearing (whether in person or via remote means may result in the motion being denied or the motion being heard without you. 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.

EX-PARTE HOURS

The Court finds that unopposed matters are almost exclusively transmitted to the Court electronically (whether unopposed motions, proposed orders, or trial set memoranda) and without need for hearing. If a need is identified for additional hearing time for the types of matters typically handles ex-parte, the Court will consider instituting a uniform motion hearing calendar for Division CV-H.

USE OF SPECIAL MAGISTRATES

The Court is aware that, in particular cases, the parties are may benefit from the employ 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

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 via electronic submission**. (if voluminous, please place on a flash drive and deliver to the Court). The Court used to accept large binders of hard copies of the parties' materials. Those days are gone. Further, the Court intends to start every hearing prepared for the matter notice. Delivering voluminous materials to the Court without a reasonable opportunity to review likely wastes the client's money and prevents the Court from being properly prepared. Further, the Court prefers supporting materials be directed at the specific, unique issues in your case and the motion to be decided. The Court operates with limited resources and a substantial caseload, but it endeavors to prepare and decide motions as promptly as reasonably practical. The Court appreciates efficiency, brevity and specificity in all motions and memoranda.

Motions, pleadings and memoranda should be *provided by e-mail*. Any attachments 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. When providing caselaw, omit case materials for issues that are well established (summary judgment / dismissal standards, etc.) and instead focus on case materials unique to the factual and legal issues of your case.

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, 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**. Such motions are generally ruled upon on the face of the Motion and any response. 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.

CERTAIN MOTIONS TO BE DECIDED WITHOUT HEARING

There are several motions that restrict the Court to the four corners of the pleadings and/or are routinely addressed in the Court's discretion. To achieve a prompt resolution of those motions and to provide available hearing time for other motions, the Court will routinely handle the following motions without a hearing: (i) **Motions to Dismiss**; (ii) **Motions for Judgment on the Pleading**; (iii) **Motions to Strike**; (iv) **Motions for Leave to Amend** (except ones seeking to plead punitive damages); (v) **Motions for Extension / Enlargement of Time to Respond**; and (vi) **Motions for Rehearing/Reconsideration/New Trial**.

Upon the filing of one of these motions, the non-moving party may either file a response within 14 days or send a copy of the Motion to the Judicial Assistant via e-mail for ruling. The moving party may reply to a response within 14 days. The moving party shall e-mail the Judicial Assistant (and copy all other parties) with the motion, response and reply when the motion is ripe for determination. After reviewing the submissions the Court may, in its discretion, rule or schedule a hearing as appropriate.

Proposed orders to the Court shall be submitted via the Florida Courts E-Filing Portal, along with a cover letter and motion attached.

DISCOVERY DISPUTES

Florida Rule of Civil Procedure 1.380 presumes the recovery of reasonable expenses by the prevailing party in a discovery dispute absent certain findings. Thus, it is the default that the Court will 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 and prior to setting a hearing on a Motion to Compel. Once a motion progresses to a hearing, parties should be prepared to demonstrate their reasonable costs (including attorney fees) incurred in either prosecuting or defending the motion. Please note that objections, other than privileges, are presumptively waived when discovery responses are not timely made. Note also that unverified interrogatory responses are not interrogatory responses. Lastly, recent reassignment of responsibility within a firm for a case is not a basis for failing to comply with discovery obligations and will not be a basis for the Court to deny costs to the prevailing party.

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 the conferral request and to provide near term availability for that conferral.

Once a Motion to Compel or Motion for Sanctions is scheduled on the Court’s calendar, **it will not be removed without permission of the Court.**

Florida law does not provide for “General Objections.” Any objections to discovery requests must be specific and detailed. Discovery responses listing “General Objections” will be stricken and subject to monetary sanctions. For any privilege objections made, the party asserting the privilege must also submit a privilege log adequately describing the document/basis for the privilege asserted.

PROPOSED ORDERS FOLLOWING HEARINGS

Whenever possible, come to a hearing with a proposed order already drafted. It helps to focus your argument based on what you are asking the Court to do.

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 the e-Portal, the proposed Order shall be submitted to the Court via the Florida Courts e-Portal. Please review the proposed order formatting instructions and material on the Duval County Court’s website (<https://link.edgepilot.com/s/ca743b39/9MXzepmI-0WS97MN-yhhDQ?u=https://www.jud4.org/Top-Navigation/Court-Administration/Proposed-Orders-EFiling.aspx>)

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.

4. In any event, submit a proposed order in what you intend as a final form so that the Court, if it agrees with the form of the proposed order, may enter same without need of further editing (i.e. do not title the submittal “**Proposed** Order On....”, etc.)

5. Remember that you are writing for the Court. The Court’s preference is that the title of a proposed order include the ruling in active voice (i.e. “Order Dismissing Complaint”; “Final Summary Judgment in Favor of Plaintiff”, etc.)

All proposed Orders presented following a hearing **MUST INCLUDE A COVER LETTER CLEARLY STATING:**

1. What the proposed order is for (including the case number, the motion heard, the 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 and whether any party indicated they would submit a competing 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.8/12/2025