



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 Salomon, Judicial Assistant
Email: fsalomon@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 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) 255-1246. Any party appearing telephonically shall first confer with other out-of-county parties and prepare a conference call, if necessary, before calling the Court.

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. 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 two 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. 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.

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 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 Court will then prepare and e-file the Trial Order.

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.

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

SCHEDULING HEARINGS

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 by email at fsalomon@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.

HEARINGS OF MORE THAN ONE HOUR

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

CANCELLATION OF HEARING

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. A notice of cancellation that has been e-filed with the Clerk is not sufficient notice of cancellation. Cancellation of a hearing **MUST** be confirmed with and by the Court.

EMERGENCY MOTIONS

Before a matter can be set for a hearing on an emergency basis, provide a copy of the filed motion to the Court. The Court will review the motion and give instructions as to how to proceed.

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.

COURT FILINGS

Please be advised that: (1) e-filings by the parties are not forwarded to the Court, and (2) any documents filed through the e-portal may not be made available by the Clerk for the Court's review for 24-48 hours after filing (or more if the filing is voluminous).

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

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. 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. The good faith requirement imposes the obligation upon all counsel to promptly reply to a ‘meet-and-confer’ request and to provide availability for such conference.

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 AFTER 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 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.