

DIVISION PROCEDURES

Ex Parte:

Involves only uncontested matters, motions to set for trial or set a default hearing, and should take no longer than 5 minutes. Ex parte matters are not scheduled with the JA. Ex parte always between 9:30 to 10:00 a.m. on certain dates of every month, as posted on our website and outside of the Hearing Room. **Telephonic appearance is not permitted.**

Motions to Set Case for non-jury Trial and/or Defaults:

1. File a Motion to Set for Trial with the Clerk.
2. Coordinate with opposing counsel the best available date from ex parte list. This does not require scheduling with the JA.
3. File a Notice of Hearing for the chosen date.
4. The moving party must do the following:
 - a. Fill out Trial Set Memorandum to present to the Judge.
 - b. Provide stamped addressed envelopes for ALL parties, including a blank stamped envelope for the mediator.
 - c. The JA will prepare the Trial Order.
5. When a case SETTLES, please contact the JA immediately to have case removed from the trial docket/calendar.
6. **Telephonic appearance is not permitted.**

Scheduling a Hearing:

Prior to setting a motion for hearing with the JA, please file your motion with the Clerk; send copies to both opposing counsel and the Judge. All hearings must be scheduled by contacting the JA, with interested parties on the phone, in order to coordinate an agreed upon date/time. The party scheduling a hearing will then file a Notice of Hearing with the Clerk and provide a copy to opposing counsel.

Duration Times for a Hearing:

Motion hearings consisting of 5 to 30 minute duration periods may be scheduled on either morning or afternoon calendars, commencing from 10:00 a.m. to 12:00 noon and 1:30 to 5:00 p.m. Hearings involving 45 minutes or longer are scheduled on the afternoon calendar. Hearings that require more than 1 (one) hour of time must be approved by the Court during ex parte.

Motions to Compel:

File your motion with the Clerk, send a copy to opposing counsel, and then allow 20 (twenty) days for the party being compelled to either comply or not before attempting to schedule a hearing with the JA. A mandatory appearance before the Court is required by the party being compelled; the moving party may appear by phone if out of town and the hearing takes no longer than 15 minutes.

Cancellation of a Hearing:

Only the party setting a hearing may cancel it. This must be done by contacting the JA via phone or email by specifying the date and time of the hearing which is being cancelled. Please don't assume the hearing is automatically removed until you receive confirmation from the JA.

Emergency Motions/Motions for Rehearing/Motions for New Trial:

The original motion should be properly filed with the Clerk. The Court requires a copy for review to be delivered to the office either by hand delivery, or email. Each request will be reviewed by the Court for consideration and/or to determine whether it is deemed an emergency. *The JA will contact the attorney(s) if it is deemed necessary to set a hearing.*

Leaving Messages on Voice Mail:

Please include the case number, your name, phone number, and a brief message concerning your call. The JA will return calls within a 48 hour time period, otherwise after 48 hours - call back with opposing counsel.

Courtesy Copies:

Should you wish to provide the Court with copies of motions, memoranda and/or trial notebooks for a hearing which has previously been scheduled, please do so within a reasonable time frame (minimum of 5 days prior). Courtesy copies of Notices of Hearing are not required to be sent to the Court prior to the hearing.

Submitting Proposed Orders:

1. The office preparing a proposed Order subsequent to a hearing shall provide an advance copy to opposing counsel and confirm there is no objection to the form of the Order *prior* to its submission to the Court.
2. The proposed Order should then be accompanied by a cover letter reflecting the style and number of the case, stating whether it is the result of a specific hearing and the date of the hearing, and whether copies have been provided to opposing counsel with/without objections.
3. When entitling proposed Orders always designate the particular motion heard, such as “Order Denying Defendant’s Motion to Dismiss” or “Order Granting Plaintiff’s Motion for Summary Judgment,” etc...
4. Sufficient number of distribution copies for all parties and stamped addressed envelopes must accompany the Order when submitted.
5. The **Done and Ordered** clause, along with the Court’s signature line, must be on the same page, especially when the Order consists of only one page.
6. Full names, complete addresses of counsel/parties, phone numbers, and emails are to be provided on the last page.
7. Should the Court request complex Orders to be submitted via email, need to be formatted **only in Microsoft Word**. Word Perfect will not be accepted.