

DIVISION FC-C POLICIES AND PROCEDURES

HONORABLE ROBERT M. DEES

Fourth Judicial Circuit Court of the State of Florida
Foreclosure Division FC-C
Courtroom 510, Hearing Room 734

Duval County Unified Courthouse
501 W. Adams Street, Suite 7259
Jacksonville, Florida 32202

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 to achieve this goal. To that end, these policies and procedures are published to assist counsel appearing in Division FC-C by addressing routine questions and issues that arise while litigating and trying foreclosure 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.

1. **Initial Case Management Conferences:** The Case Management Office will be scheduling all cases for an initial Case Management Conference on or about 180 days from the date of filing the foreclosure action. The Case Management Conferences will be used to advise the Court of the progress of each case, consider all pending non-dispositive motions and schedule future proceedings. At a Case Management Conference the Court will address any noticed uncontested motions, consent motions, or motions requiring 15-minutes or less time to address.
2. **Hearing Location/Remote Attendance:** All hearings and non-jury trials 30 minutes or less will be held in Courtroom 510. Remote appearances by Zoom are allowed in foreclosure court except for non-jury trials. The parties must get express permission from the Court to attend a non-jury trial remotely. For remote appearances, use the following Meeting ID: 908-706-6187.

3. **Memo for Setting Hearings:** Hearings on contested motions or summary judgment motions needing 30 minutes or less may be scheduled by emailing the Case Management Office a completed Foreclosure Request for Hearing Time and Date memo and copy all other attorneys and pro se parties. These communications may be made by email to **DuvalFC@coj.net**.

For all motions that will be heard at a scheduled Case Management Conference, the moving party must provide notice to all other parties identifying what motions shall be heard in accordance with the Florida Rules of Civil Procedure

Memo for Setting Non-Jury Trials: Non-jury trials 30 minutes or less in residential mortgage foreclosure cases may be scheduled by emailing a completed Foreclosure Request for Hearing Time and Date memo to the Case Management Office at **DuvalFC@coj.net** and copy all other attorneys and pro se parties. **A non-jury trial in foreclosure court is set for a time-certain, in-person trial.**

The Foreclosure Request for Hearing Time and Date memo can be found at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/CIRCUIT-CIVIL-DIVISION-JUDGE/CV-C-JUDGE-ROBERT-M-DEES/Procedures.aspx>.

4. **Hearing Dates:** Hearing dates will be provided but are NOT secured until confirmation is sent from the Case Management Office. Until the parties have agreed on a date, hearing dates provided by the Case Management Office are NOT held and may be given to others.
5. **Notice of Hearing:** The requesting party is responsible for filing and serving a proper notice of hearing.
6. **Consent Motions:** Many uncontested motions do not need to be set for a hearing. Such matters may include motions to appoint a GAL, motions to amend the complaint or other pleading, motions to grant leave for or facilitate service of process, and motions to schedule or cancel a sale. Consent motions that do not require a hearing may be sent to the Court via E-Portal.
7. **Motions to Disburse Surplus Proceeds:** **A Motion to Disburse Surplus Proceeds will require an evidentiary hearing and should be scheduled for a 5-minute Case Management Conference first.**
8. **Motions:** Contested motions for discovery, summary judgment or final hearings will be set for a time certain hearing.

9. **Motion Hearings and Non-Jury Trials Requiring More Than 30 Minutes:** A motion or non-jury trial requiring more than 30 minutes may be scheduled by emailing the Judicial Assistant at lblackman@coj.net and all other attorneys and pro se parties and providing a completed Foreclosure Request for Hearing Time and Date memo.

Upon receiving the Request for Hearing Time and Date memo, the Judicial Assistant will respond via email with the hearing/trial date and time. Please do not file a notice of hearing until you receive a confirmation email from the Judicial Assistant that the hearing has been placed on the Court's calendar. The requesting party is responsible for filing and serving a proper notice of hearing.

Upon the scheduling of a non-jury trial more than 30 minutes, the requesting party must provide the Court a proposed Order Setting Non-Jury Trial by emailing the Judicial Assistant and all other attorneys and pro se parties and the order must be in Microsoft Word format. The proposed order must be provided with a cover letter signed by counsel and copied to opposing counsel/unrepresented parties. The Court will e-file the order once entered, and counsel will receive the order through the e-portal.

Hearings and non-jury trials requiring more than 30 minutes will be in person and will take place in Hearing Room 734.

10. **Proposed Orders:** All proposed orders shall include the following language in the last numbered paragraph before **DONE** and **ORDERED**:

“Counsel for Plaintiff shall serve a copy of this Order, by regular mail, to all parties not receiving service of court filings through the Florida Courts E-Filing Portal and shall file a certificate of service in the court file.”

When an Order is entered by the Court, the Court will e-file the Order, which will be provided to counsel through the e-portal. It is counsel for Plaintiff's responsibility to serve copies to all parties that are not on the e-filing portal and file a Notice of Service with the Clerk of Court.

Should counsel choose to send hard copies of the proposed order with pre-addressed, stamped envelopes, these should be sent to the attention of: Case Management, Room 7150.

11. **Bankruptcy:** Should any party file for federal bankruptcy protection, a Suggestion of Bankruptcy **MUST** be filed in the Court file.

Communications with the Court regarding scheduling hearings of 30 minutes or less, submission of proposed orders and other matters regarding residential foreclosure cases shall be made with the Case Management Office. These communications may be made by email to DuvalFC@coj.net.

For any procedures not covered in the above paragraphs, please refer to Division CV-C Policies and Procedures published at <https://www.jud4.org/Ex-Parte-Dates-Judge-s-Procedures/CIRCUIT-CIVIL-DIVISION-JUDGE/CV-C-JUDGE-ROBERT-M-DEES/Procedures.aspx>.