

JUDGE JAMES H. DANIEL
DIVISION CV-F AND FC-F
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RESIDENTIAL FORECLOSURE PROCEDURES
Division FC-F

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 FC-F 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 Court will schedule a CMC to take place within 120 days of the filing of the foreclosure action. Counsel of record for the Plaintiff in each FC-F is responsible for noticing all parties a copy of the Order Scheduling Case Management Conference. Plaintiff’s counsel case shall file a certificate of service of the Order Scheduling Case Management Conference to all parties to the action.

CMC's will be used to advise the court of the progress of each case, schedule future proceedings, and consider all pending non-dispositive motions.

At a CMC the court will address any noticed uncontested motions, consent motions, or motions requiring 10-minutes or less time to address. Any party may request a motion to be heard during a CMC by sending an email to the Judicial Assistant and copy all other attorneys and pro se parties on E-Portal. The moving party must provide notice to all other parties identifying what motions shall be heard in accordance with the Florida Rules of Civil Procedures.

2. Proposed Orders: If the proposed 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 the 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. All proposed orders shall include the following language before the **DONE and ORDERED** paragraph:
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.

3. Consent Motions: Consent Motions or uncontested motions that do not require a hearing may be sent to the Court via E-Portal. Directions for eFiling a proposed order: <https://www.jud4.org/proposed-orders-efiling>

4. Contested Motions: A Motion for Discovery, a Motion for Summary Judgment, a Final Hearing, a Non-Jury Trial, etc. will be set for a time certain.

5. Hearing Dates: To schedule a pending motion on the Judge's calendar:

- a. the party requesting the hearing must email the Judicial Assistant and copy all other attorneys and pro se parties utilizing E-Portal.
- b. Please include the case style and case number in the subject line. Please include in the body of the email the pleading, the docket line of the pleading, and the total length of time needed for the hearing.
- c. Hearing dates will be provided. Hearing dates are **NOT** secured until confirmation is sent from the Judicial Assistant.
- d. Additional motions may NOT be added without court approval.

6. **Hearing Location/Remote Attendance:** All hearings and Non-Jury Trials will be held in Courtroom 510 unless otherwise indicated. Remote Appearances by Zoom are allowed in foreclosure court **except for Non-Jury Trials**. The parties must get express permission from the court to hold a Non-Jury Trial in a different location or to attend remotely. For remote appearances, use the following **Meeting ID: 908-706-6187**.

7. **Notices of Hearing:** The requesting party is responsible for filing and serving a proper Notice of Hearing. Please list the motion(s) and docket line on the Notice of Hearing.

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