

**CIVIL DIVISION PROCEDURES
SEVENTH JUDICIAL CIRCUIT
JUDGE KATHRYN D. WESTON**

Scheduling Hearings

Most civil hearings may be scheduled on the Benchmark system accessed by the link below.
<https://judviewvolusia.circuit7.org/BenchmarkWebLive>

For complete instructions please refer to the posting: **How To Use the Benchmark Calendar System**

Once a hearing is scheduled the scheduling attorney must confirm by filing a Notice of Hearing that **includes either the docket number or the filing date of the motion to be heard**. The Notice of Hearing must be provided to the judicial assistant by email.

Regular civil hearings are scheduled in 15 minute blocks up to one hour of time.

Hearings of more than 1 hour must be requested in writing by email to the judicial assistant:
janderson@circuit7.org

A hearing may be cross-noticed only with the agreement of the attorney who initially set the matter for hearing. A Cross-notice of Hearing must also be provided to the judicial assistant.

Only the Judicial Assistant can cancel a hearing. Filing a Notice of Cancellation will not cancel your hearing. Send all requests for cancellation by email to the judicial assistant:
janderson@circuit7.org **Cancellations must be requested no fewer than 48 hours prior to the hearing. Counsel must appear at any hearing cancelled with fewer than 48 hours notice.**

Any memoranda of law or other materials that you wish for the judge to review prior to your hearing must be submitted no fewer than **5 business days in advance of a hearing**.

“Emergency” hearings are rarely granted and must be requested in writing with reasons for the emergency relief that is requested.

Evidentiary hearings should be noticed as such.

Expedited hearings are hearings expected to take no more than 5 minutes must be non-evidentiary hearings. They are held at **8:30 a.m.** on most Tuesdays. They must first be scheduled on Benchmark before filing the Notice of Hearing.

Telephonic Appearance: Attendance by telephone is typically permitted for hearings of 30 minutes or less, by contacting and making arrangements with CourtCall at (888) 882-6878 at least two (2) business days before the scheduled hearing.

Proposed Orders

All proposed orders, **EXCEPT** for Final Judgments of Foreclosure, shall be emailed to division02@circuit7.org in Microsoft WORD format. Proposed orders must be circulated among the parties BEFORE submitting to the Court. If another party objects to a proposed order, this objection must be noted in the email to the Court.

The proposed orders shall state that copies have been furnished by eService to each named attorney. **The moving party must mail or otherwise deliver copies of the signed order to any pro se litigant or other litigant who cannot be served automatically by eService.** A Notice of Service must then be filed in the court file to reflect delivery of the order. **Proposed orders will not be accepted by mail except for Final Judgments of Foreclosure.**

Foreclosure Proceedings

Original documents (such as affidavits, notes and mortgages, default letters, allonges and assignments) must be SENT DIRECTLY TO THE CLERK'S OFFICE. Hearings will not be conducted if the original documents are not filed with the clerk by that date of the hearing.

All proposed Foreclosure Final Judgment packets must be submitted a **minimum of 5 business days in advance** of the hearing with sufficient copies and self-addressed, stamped envelopes for all parties listed in the certificate of service. **Final Judgments of Foreclosure will not be accepted by email.**

Cases At Issue/ Ready for Trial

For foreclosure cases, mail a Notice of Issue to the Court along with sufficient self-addressed, stamped envelopes for all parties listed in the certificate of service.

For all other cases, e-file the Notice of Issue and send a courtesy copy of your notice to division02@circuit7.org

Settlement: When a case is settled, any party seeking affirmative relief in the case must promptly notify the Court by email to the judicial assistant: janderson@circuit7.org This is independent of, and in addition to, any report to the court by a mediator. Please also advise if any future hearing time had been reserved, as hearings are not automatically cancelled in our calendaring system upon the dismissal of the case.

Any proposed order of dismissal should be provided to the judicial assistant as described above. A Final Disposition Form (required by Rule 1.998) must be filed with the Clerk of Court.

Continuances

Rule Fla. R. Jud. Admin. Rule 1.460 and 2.545(e) requires that the **party** (not just the attorney) requesting the continuance sign the request to continue. Accordingly, any motion not including the party's signature must state the reasons why the party's signature is not included. The motion must also state the date by which all parties believe the case will be ready for trial.