

Judge David Cromartie's

General Scheduling and Procedures

(updated 8/20/18)

Location and General Information:

Unless otherwise specified in the notice, all hearings scheduled before Judge David Cromartie, Division 82, will be conducted in **Hearing Room 305** of the Volusia County Courthouse Annex, 125 East Orange Avenue, Daytona Beach, Florida 32114. The office telephone number is (386) 257-6058 and the fax number is (386) 248-8168.

Scheduling a Hearing:

All hearings should be scheduled by email through the Judicial Assistant, Margaret McGowan, via email mmcgowan@circuit7.org. In your email, please include the case number, how long is needed, what motion(s) are being heard, and if there is a preference for month.

Hearing Time:

Reasonable efforts should be made to resolve the issue in question before setting the hearing, and reasonable attempts should be made to coordinate the date and time of the hearing with all parties and counsel, including pro se parties.

Only the party who scheduled the hearing can cancel the hearing. Even though a Notice of Cancellation may be filed with the Clerk, the party canceling the hearing must call the Judicial Assistant to cancel the hearing.

If a party wishes to cross-notice a motion for a hearing time that has been previously set, please contact the party that initially set the hearing. If there is no objection, and time permits, the matter will be heard at that time. The cross notice of hearing should be e-filed with the Clerk of Court, with copies to all parties and the Judicial Assistant. Unless the parties agree otherwise, the motion(s) originally noticed for the hearing will be heard prior to any cross-noticed matter.

Written Submissions in Advance of Hearings:

The Court welcomes the filing of memoranda of law supporting or opposing a motion or other matter to be heard. The Court must have these materials at least three (3) business days prior to the scheduled hearing. Any party who wishes the Court to consider a memorandum prior to the hearing on a motion shall submit it directly to the Judge's chambers (with a copy to all other counsel and unrepresented parties). A party who wishes the Court to consider voluminous case law at a hearing should submit copies of the cases in the same manner and within the same time frame. Please do not submit this information electronically.

Motions and Proposed Orders:

Parties should, whenever possible, prior to filing or upon receiving a motion, contact the opposing party to determine if the matter can be resolved in whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.

Motions must be e-filed with the Clerk of Court before a hearing will be scheduled, or an order submitted to the Judge for review. Please state in your motion the position of opposing party – whether they object or not to the motion.

The Court is now electronically signing orders. Proposed orders may be emailed to division82@circuit7.org in an up-to-date WORD format. PDF orders will not be accepted. The division 82 email is solely for the purpose of submitting proposed orders. It does not allow for a reply and/or forward. Do not submit other pleadings or requests via this division email address.

Motions to Compel Discovery – Please see Administrative Order CV-2004-004-SC(A) prior to filing motions to compel discovery.

Motions to Withdraw – Do not need to be set for a hearing if you have a signed consent from your client and a joint stipulation provided with the motion.

Agreed Orders – Should state that they are agreed to by all parties within the order, or stipulations may be filed and a copy of the signed stipulation submitted with the motion.

Unsolicited Communications:

Unsolicited letters, emails, or communications of any type should not be sent to the court. The Court's Judicial Assistant is not permitted to relate to the Court the contents of any conversations which would be considered improper *ex parte* communication with the Court. Note to unrepresented parties: If you have a request of the Court, e.g. a request to continue a hearing or mediation, appear by phone, etc.; then you must file such request as a motion with the Clerk of Court, and send a copy to all parties.

Telephonic Appearances at Hearings:

Attendance by telephone is only permitted for hearings by order of the court. Telephonic appearances *may* be granted upon filing a written motion and order. The only exception to this is Claim of Exemption hearings, where Plaintiff's counsel may appear telephonically without a motion and order. Please note, under the rules, testimony may not be presented via telephone unless there is someone present at the witness's location that can properly swear in the witness. All parties must agree to the witness appearing by telephone, unless your case is governed by the Small Claims Rules.

We utilize CourtCall for telephonic appearances. Please contact them at (888)882-6878, and make arrangements at least seventy-two (72) business hours before the scheduled hearing.

No telephone appearance is permitted at Small Claims Pre-Trials or trials without good cause shown and permission of the Court.

Courtroom Decorum:

Parties and Counsel should be respectful, professional and civil to the Court, court staff, and each other at all times during the court proceedings. Address objections and any remarks to the Court, and not to opposing counsel/party. Avoid all disparaging personal remarks or acrimony towards the opposing counsel/party. Refer to all persons by their surnames with the appropriate “Miss, Ms., Mrs., Mr., Dr.”, etc.

Decorum in Communications with the Court’s Judicial Assistant:

Parties and Counsel should have the same respect and professionalism in dealing with the Court’s Judicial Assistant for scheduling and other ministerial matters as they would in the Courtroom. The Court’s Judicial Assistant should not be used as a “referee” between the parties or their staff.

Jury Trials:

Please see [Uniform Pretrial Procedures](#).