

Honorable Wesley Heidt
125 E. Orange Avenue
Room 305
Daytona Beach, FL 32114
Phone 386-257-6058
General Scheduling and Procedures
(Updated 1/2021)

UNTIL FUTHER NOTICE OR UNLESS OTHERWISE NOTICED BY THE COURT, ALL NON-JURY TRIALS AND HEARINGS WILL TAKE PLACE VIA ZOOM. THE ZOOM MEETING ID IS 711 151 6899 AND NO PASSWORD IS REQUIRED.

Scheduling a Hearing:

- Reasonable efforts should be made to resolve the issue in question before setting a 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.
- Hearing time should be requested by email to the judicial assistant, kmatejka@circuit7.org with the opposing party or his/her counsel (if applicable) copied on the email request.
- Please include the case number, complete style of case, how much hearing time is needed and what motion(s) are being scheduled for hearing.
- The judicial assistant will respond to all parties with available hearing times.
- Once the parties have agreed on a date, one of the parties should contact the judicial assistant to confirm the hearing time. The judicial assistant will respond via email to the parties confirming the scheduled hearing time. Available hearing time is subject to change until confirmed by the judicial assistant.

Notice of Hearing:

- The party requesting the hearing time shall promptly file a Notice of Hearing setting forth:
 - The time and date of the hearing
 - The motions or matters to be heard (with clerk docket #).
 - The amount of time set-aside.
 - The location of the hearing:
 - **Until further notice and unless otherwise notified by the Judicial Assistant, all hearings scheduled before Judge Wesley Heidt, Division 82, will be conducted via Zoom video conferencing.**
 - **Zoom meeting ID number 711 151 6899**

Cancellations:

- A hearing may only be canceled by the scheduling party.
- Even if a Notice of Cancellation has been filed with the Clerk, the party canceling the hearing ***must*** email or call the Judicial Assistant to cancel the hearing.
- A hearing set by the Court may only be canceled by the Court.

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 requests these materials be submitted at least five (5) 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 first electronically file the submission with a copy to all other counsel and unrepresented parties.
- A courtesy copy of the memorandum may be provided directly to the Court, but it is not required and in the alternative to a full copy of the memorandum the party may simply provide the court with a Notice of Filing of the memorandum.

Motions and Proposed Orders:

- Reasonable efforts should be made prior to filing or upon receipt of a motion, to 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 the position of opposing party (whether they object or not) in your motions.
- ALL proposed orders must be emailed to Division82@circuit7.org in WORD format. Proposed orders submitted in any other manner (U.S. mail delivery or through the e-filing portal) will not be accepted, nor processed. The Division 82 email is for submitting proposed orders **ONLY**. Do not submit other pleadings, requests, questions or other communications to the Court via this divisional email address, you will not receive a response.
- Motions to Compel Discovery: Please see Administrative Order CV-2004/001/SC(A) prior to filing motions to compel discovery.
- Motions to Withdraw: Absent written consent of the client, a hearing is required on motions to withdraw. If you have written consent from the client which has been filed with the Clerk of Court, you may forward a proposed order via email to the divisional email listed above.
- Agreed Orders – If the parties are submitting an “Agreed Order,” it is the responsibility of the parties to make sure the appropriate stipulation or other supporting documents confirming said agreement are e-filed with the Clerk of Court prior to submitting the “Agreed Order” for the court’s consideration.

Ex-Parte Communications:

- A communication intended to be viewed by the Court generally requires that it be in the form of a pleading, motion, notice, stipulation or other document authorized by the applicable rules of procedure, and should be e-filed directly with the Clerk of Court.
- Unsolicited letters, emails or communications of any type should not be sent to the Court.
- All communications (whether written or electronic) must be copied to the opposing party.
- Email should rarely be used as means for communicating directly with the Court, with the exception of scheduling purposes.

- The Court's Judicial Assistant is not permitted to relate to the Court the contents of any emails, letters or telephone conversations which would be considered improper *ex parte* communication with the Court.
- The Court cannot act on an oral request from any party. If you have a request of the Court (e.g. a request to continue a hearing or mediation, a request to appear by phone, etc.), then you must file your written request with the Clerk of Court, and provide a copy to all other parties.

Telephonic Appearances at Hearings:

- Attendance by telephone is only permitted for hearings by order of the Court.
- A party requesting to appear telephonically must file a written motion. Once your motion has been filed, you may submit a proposed order via email to the divisional email address listed above.
- For claim of exemption hearings, Plaintiff's counsel may appear telephonically without the need for the filing of a motion and order of the Court.
- 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 the witness.
- Telephonic appearance is allowed via ZOOM or CourtCall only. The party scheduling their telephonic appearance is solely responsible for all costs associated with their CourtCall appearance (currently \$65.00). CourtCall may be contacted at (888)882-6878, and seventy-two (72) hours advance notice is required for the scheduled hearing.