

COURT PROCEDURES - DIVISION 32

I. HEARINGS

A. Scheduling

Civil Hearings shall be coordinated with opposing counsel and scheduled on Benchmark in fifteen (15) minutes blocks up to sixty (60) minutes. Instructions and additional information can be found at <https://judviewvolusia.circuit7.org/BenchmarkWebLive>.

Matters that require more than sixty (60) minutes must be requested for scheduling through the judicial assistant by email to kmccoy@circuit7.org.

B. Format

IN-PERSON HEARINGS: All non-jury trials (excluding foreclosures), evidentiary hearings, and hearings scheduled for sixty (60) minutes or longer shall be IN PERSON unless agreed upon by the parties and approved via the judicial assistant.

All other hearings may be conducted remotely via ZOOM. All Zoom hearings are assigned the following permanent Zoom ID number: **386 257 6091**. Attorneys should advise any parties or witnesses to have Zoom available on their computers or electronic devices, with both audio and video capabilities. For all persons appearing on Zoom, please make sure your first and last name are identified accurately. Attorneys are requested to include “Attorney” or “Esq.” so that licensed attorneys can be identifiable to the judge, the clerk, and court reporter. Absent extenuating or unforeseen technological circumstances, all attorneys shall appear with video, not by audio only. All participants appearing via Zoom shall be in appropriate attire.

Hearings can be in hybrid format for counsel who wish to appear in person with advance notice to judicial chambers.

Once a hearing is scheduled, the scheduling attorney/party must confirm by filing a Notice of Hearing, which includes: (a) a remote or in-person designation; (b) the docket number and the filing date of the motion to be heard; (c) the amount of time reserved; and (d) the Zoom Meeting ID number. The Notice of Hearing must be provided to the judicial assistant by email to kmccoy@circuit7.org.

COURT REPORTERS: Court reporters may appear in person or remotely in accordance with the designation in the Notice of Hearing. Attorneys shall refer to the following link for court reporter qualifications: <https://circuit7.org/orders/g-2023-041-sc/>

CROSS NOTICE OF HEARING: A hearing may be cross-noticed only with permission from the court and by agreement of all parties. The Cross Notice of Hearing must also be provided to the judicial assistant.

EMERGENCY HEARINGS must be requested and provided in hard copy to the Judge's chambers, and shall only be requested where persons or property face the threat of imminent harm without court intervention.

Memorandum of Law/Case Law/Materials are accepted and must be delivered in hard copy at least seven (7) days before a scheduled hearing to judicial chambers.

Submissions of material ten (10) pages or less (excluding a cover letter) may be provided via email to kmccoy@circuit7.org

C. NON-JURY TRIALS/EVIDENTIARY HEARINGS:

An evidentiary hearing shall be identified as such in the Notice of Hearing.

At least two (2) business days prior or at such other time agreed by the Clerk, the parties shall confer with the Judge's Court Clerk and assist the Clerk in marking all exhibits for identification, with a corresponding Index, in the manner directed by the Clerk. The parties shall exchange copies of all exhibits and index five (5) business days in advance of the hearing/trial. Failure to copy a party with a proposed exhibit may be grounds to deny the exhibit as evidence. The parties are not required to comply with these requirements if no exhibits are necessary other than documents previously filed into the court file and in compliance with the Florida Rules of Civil Procedure.

D. EXPEDITED HEARINGS are held at 9:15 a.m. on most Wednesday mornings and should take no longer than five (5) minutes; all expedited hearings are non-evidentiary. All hearings set on this docket shall be noticed for five (5) minutes. Upon review of the court, any matter improperly designated as expedited shall be stricken.

E. FORECLOSURE DEFAULT/SUMMARY FINAL JUDGMENT HEARINGS are held at 10:00 a.m. on most Wednesday mornings and should take no longer than five (5) minutes.

F. CANCELLATION OF A HEARING must be requested a minimum of forty-eight (48) hours prior to the scheduled hearing. Absent this advanced notice, counsel shall appear for the scheduled hearing. **ONLY the Judicial Assistant can cancel a hearing; the filing a Notice of Cancellation will not cancel your hearing.** All requests for cancellation shall be sent via email to kmccoy@circuit7.org.

II. MOTIONS AND ORDERS

A. ORDERS: All proposed orders EXCEPT for Final Judgments of Foreclosure, shall be emailed to division32@circuit7.org in Microsoft WORD format. Proposed orders must be circulated between the parties BEFORE submission. If a party objects to a proposed order, this objection must be noted in the email to the Court. 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.

Foreclosure Proceedings/Original Documents (including affidavits, notes and mortgages, default letters, allonges, and assignments) must be SENT DIRECTLY TO THE CLERK'S OFFICE. No hearing shall go forward if the original documents are not filed with the clerk by the date of the hearing. All proposed Foreclosure Final Judgment packets must be submitted a minimum of five (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.**

B. EX PARTE ORDERS:

Motions for Withdrawal of Counsel upon written motion setting forth the reasons for withdrawal, the client's last known address, telephone number with area code and email address; and notice to all parties and their client. The motion must attach written consent from the client. Absent written consent, the motion must be set for a hearing.

Motions for Substitution of Counsel upon written motion which includes the client's written consent.

Motions to Cancel Foreclosure Sales upon (a) a written motion received by the Court no less than five (5) business days before the scheduled sale date; (b) the motion must contain specific facts setting forth the reasons for the postponement; (c) the motion must have supporting documentation attached (e.g. short sale contract, loan modification information, etc.) and (d) the motion must be served on all parties, specifying all efforts made to contact all parties, and any agreement or objection to the relief sought.

C. DISCOVERY DISPUTES:

All discovery disputes are governed by *In Re: Motions to Compel Discovery in Civil Actions CV-2022-004-SC*. See <https://circuit7.org/orders/cv-2022-004-sc/>. A Motion to Compel set for a hearing must detail compliance with this procedure or it will be stricken.

A party may seek a ruling without a hearing by filing a Notice of Request for Court to Consider Motion to Compel Discovery without Hearing contemporaneously with the Motion to Compel.

The opposing party shall have fifteen (15) days from service of the Motion to Compel and Notice of Request to file a written response to the motion and notice.

Following the expiration of the period allowed for the response, the movant shall advise the court that the motion is ripe for a decision and submit a proposed order to division32@circuit7.org.

III. TRIAL INFORMATION

SETTING CASES FOR TRIAL: A Notice of Issue should be filed with the clerk and a courtesy copy sent via email to kmmcoy@circuit7.org. The Notice must specify whether the trial is by jury or non-jury and the anticipated length of the trial.

CONTINUANCES: A motion for a continuance shall not be granted as a matter of right and the parties should not assume that a continuance will be granted, even if all parties consent. Summary judgment motions and motion(s) in limine must be scheduled well in advance of trial and the failure to have these matters heard is not a ground for a continuance.

JOINT PROPOSED JURY INSTRUCTION: The parties shall submit joint proposed jury instructions and verdict form(s) no later than five (5) days before docket sounding. Should the parties disagree on certain proposed instructions or the verdict form, the parties shall denote those jury instructions for which there is disagreement and submit their own proposed competing instructions and verdict form. These items shall be provided in Microsoft Word format by email to division32@circuit7.org.