

## DIVISION 02 – CIRCUIT CIVIL INTERIM PROCEDURES

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### Hearings & Scheduling

Non-evidentiary hearings are held by Zoom unless pre-approved for in-person appearance. The meeting ID will be provided by the Judicial Assistant at the time of scheduling.

**To find available hearing times**, access the Division 02 calendar and the Available Hearing Time Report on Benchmark. The Available Hearing Time Report is under the Reports tab on the Benchmark toolbar on the left side of your screen. To run this report, in the dropdown menu for Judge select **Division02, Vacant**. Do not use the dropdown menu for Event Type; instead leave the default selection of ALL. Selecting an Event Type will result in a blank report.

Each Hearing Block in Benchmark is for 15 minutes of time. If more than 15 minutes is needed, select dates that have consecutive open blocks of hearing time.

**After you have conferred and obtained agreement** from all parties as to a hearing date and time, e-mail the judicial assistant with copies to all parties requesting the agreed hearing date and time. Your email, which must include all parties, must include 1) the case name, 2) the case number, 3) a list of motion(s) to be heard with the filing date of each, and 4) a courtesy copy of the motion(s).

**Only after you have sent this email** to the Judicial Assistant and received confirmation of the hearing and the zoom meeting information can you file a Notice of Hearing.

You may only add a motion to a previously-scheduled hearing if all parties agree or if pre-approved by the Court.

**Only the Judicial Assistant can cancel a Hearing.** Filing a Notice of Cancellation will not cancel a hearing. Send cancellation requests by email to the Judicial Assistant no fewer than **48 hours** prior to the hearing. Counsel **must appear** at any hearing not timely approved for cancellation.

- A Notice of Evidentiary Hearing must include the following language: ***All exhibits must be exchanged and provided to the clerk at least 48 hours prior to the hearing.*** (Please see procedure for exhibits below)
- The **Expedited Docket** is for short matters only and provides a hearing time of 5 minutes or less.
- The **F/C MFSJ Docket** is for uncontested foreclosure cases. All other motions must be special set on a standard 'Hearing' block of time.

Submit any hearing materials for the Court's review no fewer than five (5) business days in advance. Large electronic documents should be in a bookmarked PDF document. Materials in excess of 100 pages must be sent to the Court either by using a file-share service or by mailing a memory stick.

### **Proposed Orders**

Submit all proposed orders via email to [division02@circuit7.org](mailto:division02@circuit7.org) in Microsoft WORD format. DO NOT MAIL OR FILE PROPOSED ORDERS. A proposed order must be circulated among the parties prior to submitting it to the Court. If another party objects to a proposed order, this objection must be noted in the email to the Court.

### **Exhibits for Evidentiary Hearings**

**Mail or hand-deliver** hard copies of all non-demonstrative exhibits, along with an index, **to the Clerk of Court** at the Volusia County Courthouse, 101 N. Alabama Avenue, DeLand, Florida, at least two (2) business days in advance of any hearing or trial.

### **Foreclosure Judgments**

Deliver all proposed Final Judgments of Foreclosure to chambers along with sufficient copies for conforming and pre-addressed, stamped envelopes, at least five (5) business days prior to a foreclosure summary judgment hearing or trial.

### **Requesting a Trial**

Send a copy of a file-stamped Notice at Issue to [division02@circuit7.org](mailto:division02@circuit7.org) The Court will enter a trial order within two (2) weeks.

### **Settlement**

When a case is settled, promptly notify the Judicial Assistant. The Court will enter an Order on Notice of Settlement to remove the case from the trial docket and cancel any future hearings.