

Honorable Wesley Heidt  
125 E. Orange Avenue  
Room 207 – Courtroom 5  
Daytona Beach, FL 32114  
Phone 386-257-6060  
General Scheduling and Procedures  
(Updated 1/2024)

**Scheduling a Hearing:**

- Hearing time should be requested by email to the judicial assistant, [kmatejka@circuit7.org](mailto:kmatejka@circuit7.org) with the opposing party or his/her counsel (If applicable) copied on the email request.
- Please include the complete case number, complete style of case, how much hearing time is needed, and the title of motion and party who filed it is being scheduled for hearing.
- The judicial assistant will respond to all parties with available hearing times.

**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.
  - Unless otherwise indicated, all hearings will be held in Courtroom 5 at the Volusia County Courthouse Anex located at 125 E. Orange Avenue, Daytona Beach, FL 32114.

**Zoom Appearance/In Person**

- The Court does not generally allow Zoom appearances absent exigent circumstances and prior approval of the Court (there is a separate Zoom calendar monthly). The expectation is that Pretrials, Case Management and Docket Sounding will be conducted in person.
  - If appearance via Zoom is requested, the Defendant must file a request in writing with the Clerk of Court indicating the reason for the request to appear remotely. The case number and address and telephone number should be included on the written request.
  - Defendants may email the Clerk's office with their request by visiting [clerk.org](http://clerk.org), clicking on the "Contact" tab, then clicking on the "Contact Us Online" email envelope logo.
  - All Defendants and their attorneys must be present for Docketing Sounding and Trial.

**Cancellations:**

- A hearing may only be canceled by the scheduling party or the Court.
- 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.

### **Motions and Proposed Orders:**

- 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 [Division85@circuit7.org](mailto:Division85@circuit7.org) in WORD format. The Division 85 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 or you will not receive a response.
- Memoranda and case law for the Judge's review will be reviewed by the Judge in advance when preparing for a hearing. These materials should either be delivered to the Judge's chambers (Room 207) or mailed to the Judge (Volusia County Courthouse Annex, 125 E. Orange Avenue, Room 207, Daytona Beach, FL 32114) and must arrive at least 3 business days in advance of the hearing.

### **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 Judge's office.
- All communications (whether written or electronic) must be copied to the opposing party.
- 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 appear via Zoom, etc.), then you must file your written request with the Clerk of Court.

### **Continuances for Criminal Court**

- Continuances for all criminal court matters must be requested by filing a proper and timely motion to continue and by submitting a proposed order to [Division85@circuit7.org](mailto:Division85@circuit7.org) in Word format.