

GENERAL SCHEDULING AND PROCEDURES
JUDGE ANGELA A. DEMPSEY

101 N. Alabama Ave., Rm C347 Hearing Rm D312

DeLand, FL 32724

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Judicial Assistant (J.A.): Cheryl Herald, cherald@circuit7.org

PLEASE CONTACT THE COURT'S JUDICIAL ASSISTANT, CHERYL HERALD, IF YOU
NEED ASSISTANCE.

1. **Motions** must be filed/e-filed with the Clerk before a hearing will be scheduled. STATE IN YOUR MOTION THE POSITION OF OPPOSING COUNSEL—WHETHER THE OTHER PARTY OBJECTS OR NOT TO THE MOTION.
2. **Hearings** must be coordinated with opposing counsel and confirmed with the Judicial Assistant (“J.A.”). Once confirmed, a copy of the notice of hearing must be sent to the J.A. by email, fax, or mail. DO NOT notice additional matters for hearing at the time reserved by another party, unless the other party has consented, and the additional matters are coordinated/confirmed with the J.A.
3. **Notices of Hearing** must have the location (Hearing Room #2: D-312)) or type of hearing, (i.e. telephonic or video via Zoom); name of the motion you are calling up for hearing, the time set aside for the hearing, **and the Clerk’s document number** for the motion you are setting for hearing. If you do not know the document number, look it up. **The Clerk’s docket is available to the public.**
4. **Cancellations:** A hearing may only be canceled by the party who scheduled the hearing. Even though a Notice of Cancellation may be filed with the Clerk, the party cancelling the hearing **must** also email or call the Judicial Assistant to cancel the hearing. A hearing set by the Court may only be canceled by the Court.
5. **Case Law/Memoranda of Law** are welcome; it is helpful if received at least five (5) business days in advance of the hearing date so that the Judge can read them prior to the hearing. Case Law or Memoranda may be provided to the Court directly, however all submissions must also be filed with the Clerk and copied to all parties.
6. **Motions to Compel Discovery.** Please see [Administrative Order CV-2022-004-SC](#) prior to filing motions to compel discovery. If you have not complied with the administrative order, it is likely your Motion to Compel will be denied until you do.
7. **Motions to Withdraw** do not need to be set for hearing if you have a signed consent from your client provided with the motion. If no consent, please

8. **Motions for Telephonic Appearance:** Please indicate in the motion what the hearing is for, and how long it is scheduled for in the motion.
9. **Proposed Orders** with conformed copies may be sent to the judge in advance of a hearing. Please indicate in a cover letter that the proposed order is for a hearing on (date). Orders may also be sent electronically to division71@circuit7.org
10. **Agreed Orders/Stipulations:** Agreed orders should state that they are agreed to by all parties, within the order. Stipulations should be filed and a copy of the signed stipulation submitted with the proposed order.
11. **Unsolicited Communication:** Unsolicited letters and communications of that type should not be sent to the court (for example, complaining of conduct of another party or attorney). **All communications, whether written or electronic, must be copied to all opposing parties.** 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.
12. ~~**Telephonic Appearances at Hearings** may be granted upon filing a written motion, and in accordance with Fla. R. Jud. Admin. 2.530. Motions for telephonic appearances of a witness must indicate the opposing party's position in the motion. If the matter is governed by Fla. Small Claims R. 7.140, the opposing party's position should still be provided in the motion, if possible, even though it is within the court's discretion to grant or deny the motion. Your appearance will most likely be ordered through Court Call. See the separate memo regarding Court call on the Court's web page.~~
13. ~~**Telephonic Appearances at Mediation** in Small Claims and Eviction cases may be granted upon written motion showing good cause. If an attorney is appearing by phone, and the opposing side is unrepresented, the attorney will be directed to e-file the executed agreement, if any is reached.~~
14. **Telephonic/Zoom Hearings:** Zoom hearings may be authorized, however all parties must connect to the Zoom hearing via video or audio. Parties coordinating ZOOM or telephonic appearances should notify the Court's Judicial Assistant prior to the hearing, and/or through the Notice of Hearing.
15. **Hearings on Claims of Exemptions from Garnishment:** Hearings on a Debtor/Defendant's Claim of Exemption must meet the requirements for swearing in a witness remotely. In order to present testimony in this hearing, the Court must be able to see and hear the witness to swear the witness in by videoconferencing, or the Defendant may have a Notary Public present to swear them in at their location, via telephone. Once in-person hearings are allowed, the Defendant may appear in person as well.

16. **Telephonic/Zoom Mediations:** Mediation is provided in small claims cases, through County Court Mediation Services, free of charge to litigants. County Civil mediation fees may also be waived for indigent parties. Mediations are encouraged to benefit all parties in reaching a mutually acceptable resolution. Mediation via electronic means is not ideal in most cases, but significant delays resulting from parties' refusal to attempt mediation by electronic means unnecessarily impedes case resolution and judicial economy. Either party may petition the Court for additional mediation if electronic mediation is unsuccessful. Parties will be required to attend mediation via electronic means, if ordered by the Court. Exceptions, may be made on a case by case basis, upon motion to the Court showing good cause why the parties are unable to meaningfully attempt mediation via electronic means.
17. **Other hearings which may be conducted remotely:** All other evidentiary hearings at this time will be scheduled for in-person hearings unless approved by Court order to be conducted remotely via ZOOM. This shall be done on a case by case basis, upon the motion of either party or the Court's own motion.
18. **Courtroom Decorum:** Parties and counsel should be respectful, professional and civil to the court, court staff, and each other at all times during court proceedings. Address objections and any remarks to the court, and not to opposing counsel/party. Avoid all disparaging personal remarks or acrimony toward opposing counsel. Refer to all persons by their surnames with the appropriate "Miss, Ms., Mrs., or Mr., Dr.," etc.
19. **Jury Trials:** See [Uniform Pretrial Procedures](#).

If you have questions about a hearing scheduled or a hearing that you need to schedule, you may contact the Court's Judicial Assistant. Judge Dempsey is committed to providing all litigants with safe access to the Courts, in compliance with all rules set forth by the Seventh Judicial Circuit Chief Judge, Raul Zambrano, and the Florida Supreme Court. Judge Dempsey acknowledges and shares the frustrations that the pandemic situation has caused all litigants, lawyers, witnesses, staff, and judges. It is our goal to move all cases towards resolution as fast as possible, considering the limitations we are faced with.