

# **JUDGE BLACKBURN'S DIVISION 40 PROCEDURES**

## **LOCATION AND GENERAL INFORMATION**

Judge Elizabeth A. Blackburn's chambers are located at the S. James Foxman Justice Center, 251 North Ridgewood Avenue, Room 294, Daytona Beach, Florida 32114. The telephone number is 386-239-7790 and the Judicial Assistant's, Michelle Pastor, email address is [mpastor@circuit7.org](mailto:mpastor@circuit7.org)

All hearings are held in person in Courtroom 4. The Court does not allow participatory appearances by telephone or by zoom unless an emergency exists. Prior authorization by the Court is required.

## **SCHEDULING HEARINGS**

Hearing time must be coordinated with opposing counsel/pro se party. Good faith cooperation in coordination of hearing time is expected from all. The lawyers must agree on the amount of time to be reserved for the hearing.

Once a hearing is scheduled the scheduling attorney must confirm by filing a Notice of Hearing that includes 1. the motion to be heard, 2. the corresponding document number or date of filing, and 3. the amount of time reserved. **The Notice of Hearing must be provided to the Judicial Assistant by email otherwise your hearing will not occur.**

Cross Noticing a hearing is not permitted when utilized to "piggy-back" a separate motion on to a previously scheduled motion unless all parties agree. In the cross notice of hearing, you must indicate that all parties agree to the additional motion being heard and confirm there is adequate time to hear the additional motion. In addition, you must email a copy of cross notice of hearing to the judicial assistant.

## **CANCELLING A SCHEDULED HEARING**

To cancel a scheduled hearing, all parties must agree. Only the Judicial Assistant can remove a hearing off the judge's calendar. The cancelling party must email the request to cancel the hearing to the judicial assistant and include in the email that all parties agree to the cancellation. Upon confirmation from judicial assistant that hearing has been removed from the judge's calendar, the cancelling party must file a cancellation of hearing notice with the clerk of court and send a courtesy copy to the judicial assistant via email. If you fail to confirm with the judicial assistant, the

hearing has been removed from the judge's calendar and simply file a notice of cancellation the court does not receive notice of the cancellation and the parties will be expected at the scheduled hearing time.

### **MEMORANDUM AND CASE LAW FOR JUDGE'S REVIEW**

The court will read all material (hard copies only – no emailed copies will be accepted) delivered to chambers at least **3 business days** in advance of a hearing. Absent extraordinary circumstances do not send case law/memorandums or other material to the court in violation of this rule. In addition, do not bring case law/memorandums or other material with you to the hearing and expect the judge to read the material prior to entering a ruling on the motion.

If there is a large amount of material you want the judge to read prior to the hearing, please consider the judge may need more than 3 business days to read it all.

### **ORDERS**

All orders should be sent in word format to [division40@circuit7.org](mailto:division40@circuit7.org). You must indicate in the email that all parties agree to the form of the order or that a party disagrees. An email stating that you have sent the order to opposing counsel and have not heard back will be deleted.

### **EMAILS TO JUDICIAL ASSISTANT**

Do not, under any circumstances, include the Judicial Assistant in emails between parties when discussing issues in a case, including correspondence between parties on when to set a hearing. When it is appropriate to contact the Judicial Assistant via email, please ensure that all parties are copied on the email.