

**Honorable Wesley Heidt**  
**125 E. Orange Avenue**  
**Room 305**  
**Daytona Beach, FL 32114**  
**Phone 386-257-6058**  
**General Scheduling and Procedures**  
**(Updated 9/2022)**

EFFECTIVE 9/1/2022, ALL CASE MANAGEMENT CONFERENCES, DOCKET SOUNDINGS, SMALL CLAIMS PRETRIALS, PIP PRETRIALS, JURY TRIAL PRETRIALS, CLAIM OF EXEMPTION HEARINGS, STATUS CONFERENCES AND OTHER NON-EVIDENTIARY MATTERS WILL BE CONDUCTED VIA ZOOM VIDEO CONFERENCING.

LANDLORD/TENANT HEARINGS, NON-JURY TRIALS AND OTHER EVIDENTIARY MATTERS REQUIRE APPEARANCE IN PERSON AT THE ABOVE-LISTED ADDRESS.

TRAFFIC AND INFRACTION ARRAIGNMENTS AND HEARINGS WILL BE CONDUCTED IN PERSON AT THE SUNSHINE MALL LOCATED AT 2400 SOUTH RIDGEWOOD AVENUE, SUITE 1A, SOUTH DAYTONA, FL 32119

JUDGE HEIDT'S ZOOM MEETING ID IS 711 151 6899. NO PASSWORD IS REQUIRED

**Scheduling a Hearing**

- Reasonable efforts should be made to resolve the issue in question before setting a hearing, and reasonable attempts should be made to coordinate the date and time of the hearing with all parties and counsel, including pro se parties.
- 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.
- Your hearing request should include the complete case number, complete style of case, amount of hearing time required, the party whose motion is being scheduled for hearing and what motion(s) is being heard.
- The judicial assistant will respond to all parties with available hearing times.
- Once the parties have agreed on a date, one of the parties should contact the judicial assistant to confirm the hearing time and the judicial assistant will

send a confirming email of the hearing date to the parties. Available hearing time is subject to change until confirmed with the judicial assistant.

### **Notices 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
  - The location or mode of hearing

### **Cancelations**

- 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 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.

### **Written Submissions in Advance of Hearings**

- It is not necessary to provide the Court with any pleadings or papers that have been filed with the Clerk of Court and have been docketed.
- The Court welcomes the filing of memoranda of law supporting or opposing a motion or other matter to be heard, as well as the supporting case law.
- The Court requests these materials be efiled or sent via U.S. Mail to the above-listed address to arrive at least five (5) business days prior to the scheduled hearing.
- Any party who wishes the Court to consider a memorandum prior to the hearing on a motion shall first electronically file the submission with a copy to all other counsel and unrepresented parties.
- A courtesy copy of the memorandum may be provided directly to the Court, but it is not required and in the alternative to a full copy of the memorandum the party may simply provide the court with a Notice of Filing of the memorandum.

### **Motions and Proposed Orders**

- Reasonable efforts should be made prior to filing or upon receipt of a motion, to contact the opposing party to determine if the matter can be resolved in

whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.

- 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 [Division82@circuit7.org](mailto:Division82@circuit7.org) in WORD format; PDF orders will not be accepted. The Division 82 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, you will not receive a response.
- Motions to Compel Discovery: Please see Administrative Order CV-2004/004/SC(A) prior to filing motions to compel discovery.
- Motions to Withdraw: Absent written consent of the client, a hearing is required on motions to withdraw. If you have written consent from the client which has been filed with the Clerk of Court, you may forward a proposed order via email to the divisional email listed above.
- Agreed Orders – If the parties are submitting an “Agreed Order,” it is the responsibility of the parties to make sure the appropriate stipulation or other supporting documents confirming said agreement are e-filed with the Clerk of Court prior to submitting the “Agreed Order” for the court’s consideration.

### **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 Court.
- All communications (whether written or electronic) must be copied to the opposing party.
- Email should rarely be used as means for communicating directly with the Court, with the exception of scheduling purposes.
- 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 continue a hearing or mediation, a request to appear by phone, etc.), then you must file your written request with the Clerk of Court and provide a copy to all other parties.