

Judge Rachel D. Myers/Division 73
General Procedures and Scheduling Information
(updated 01/05/2023)

Location and General Information:

Unless otherwise specified in the notice, all hearings scheduled before Judge Rachel D. Myers., Division 73, will be conducted in **Hearing Room D314** of the Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida 32724. The office telephone number is 386-736-5947, and the fax number is 386-740-5114.

Scheduling a Hearing:

All hearings should be scheduled by email through the Judicial Assistant, Amy Archey, at aarchey@circuit7.org. In your email, please include the case number, how much time is needed, and what motions are being heard.

Hearing Time:

Reasonable efforts should be made to resolve the issue in question before setting the 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.

Only the party who scheduled the hearing can cancel 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.

If a party wishes to cross-notice a motion for a hearing time that has been previously set, please contact the party that initially set the hearing. If there is no objection, and time permits, the matter will be heard at that time. The cross notice of hearing should be e-filed with the Clerk of Court, with copies to all parties and the Judicial Assistant. Unless the parties agree otherwise, the motion(s) originally noticed for the hearing will be heard prior to any cross-noticed matter.

Written Submissions in Advance of Hearings:

The Court welcomes the filing of memoranda of law supporting or opposing a motion or other matter to be heard. The Court must have these materials at least three (3) 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 submit it by mail or electronically to Judge Myers' Judicial Assistant at aarchey@circuit7.org with a copy to all other counsel and unrepresented parties. A party who wishes the Court to consider voluminous case law at a hearing should submit same electronically to Judge Myers' Judicial Assistant at aarchey@circuit7.org, with copies to all other counsel and unrepresented parties in the same time frame previously set forth.

Motions and Proposed Orders:

Parties should, whenever possible, prior to filing or upon receiving a motion, 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 in your motion the position of opposing party – whether they object or not to the motion.

The Court will no longer accept “paper” orders, meaning orders sent through postal mail. All orders must be sent electronically. Proposed orders should be emailed to division73@circuit7.org in an up-to-date WORD format. PDF orders will not be accepted. The division 73 email is solely for the purpose of submitting proposed orders. It does not allow for a reply and/or forward. Do not submit other pleadings or requests via this division email address. **DO NOT SUBMIT ORDERS TO BOTH THE JUDICIAL ASSISTANT AND DIVISION 73 – USE ONLY DIVISION 73 EMAIL ADDRESS FOR SUBMITTING ORDERS.**

Motions to Compel Discovery – Please see Administrative Order CV-2004/004/SC(A) prior to filing motions to compel discovery.

Motions to Withdraw – Do not need to be set for a hearing if you have a signed consent from your client and a joint stipulation provided with the motion.

Agreed Orders – Should state that they are agreed to by all parties within the order, or stipulations may be filed and a copy of the signed stipulation submitted with the motion.

Unsolicited Communications:

Unsolicited letters, emails, or communications of any type should not be sent to the Court. 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. Note to unrepresented parties: If you have a request of the Court, e.g. a request to continue a hearing or mediation, appear by phone, etc., then you must file such request as a motion with the Clerk of Court and send a copy to all parties.

Jury Trials: Please see Uniform Pretrial Procedures.

Remote Proceedings (Zoom)

Remote appearances are authorized for some court appearances without request by a party. Please see the list below of those court proceedings for which remote appearance is authorized without further request.

Remote Proceedings Authorized - Zoom Meeting ID: 386 736 5947

PIP Pretrial Conference

PIP Case Management Conference

Non-evidentiary hearings 30 minutes or less

Jury trial pretrials

Any court proceeding not listed above requires in person appearance unless remote appearance has been specifically authorized by separate motion and order.

IF APPEARING REMOTELY, VIDEO APPEARANCE WITH WORKING AUDIO IS REQUIRED

Judge Rachel D. Myers' Zoom Conference Link:
One Click Direct Link: <https://zoom.us/j/3867365947>
[or](#)
Enter in browser: <http://zoom.us>
Click: "Join a Meeting."
Enter Meeting ID: 386 736 5947

Exhibits for Evidentiary Hearings and Non-Jury Trials by Zoom

- Documentary exhibits such as reports, bills, invoices, text messages or pictures that you intend to use at the hearing/trial must be filed with the Court **at least (3) three working days prior to the hearing.**
- Exhibits can be e-filed with the Clerk of Court through the E-filing portal, which is free to use, and can be accessed at <https://www.myflcourtagency.com/>, or they can be delivered to the Clerk of Court at the Volusia County Courthouse, 101 North Alabama Avenue, DeLand, Florida.
- Videos cannot be e-filed, and they must be delivered to the Clerk of Court at the above address on a CD or USB drive.
- Separately mark each exhibit as "Plaintiff's Ex. A, B, C..." or "Defendant's Ex. A, B, C..." as appropriate.
- Documents and exhibits not timely e-filed or hand delivered to the Clerk will not be considered by the Court at the hearing, unless good cause is shown.
- **PLEASE DO NOT send any exhibits in for a small claims pretrial conference.** The pretrial conference is not your trial date, so the Court will not be receiving any testimony or evidence that day.