

JUDGE WESTON'S DIVISION 43 PROCEDURES

LOCATION AND GENERAL INFORMATION

Judge Kathryn D. Weston's chambers are located at the S. James Foxman Justice Center, 251 North Ridgewood Avenue, Daytona Beach, Florida 32114. Her Judicial Assistant is Jody Anderson, who can be reached by telephone at 386-239-7791 and by email at janderson@circuit7.org

All hearings are held in person in Courtroom 3. The Court does not allow participatory appearances by telephone or by Zoom unless an emergency exists, or as otherwise provided by Rule 3.116, Fla. R. Crim. P., and Rule 2.530, Fla. R. Gen. Prac. and Jud. Admin. You must submit any request to attend by Zoom to the Court at least 24 hours in advance.

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 the following: 1) the names of the motion(s) to be heard, 2) the docket number(s) or filing dates of the motion(s), and 3) the amount of time reserved. **The Notice of Hearing must be provided to the Judicial Assistant by email in advance of the hearing or your hearing will be cancelled.**

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 that there is adequate time to hear the additional motion. In addition, you must provide a copy of Cross Notice of Hearing to the Judicial Assistant in advance of the hearing.

CANCELLING A SCHEDULED HEARING

To cancel a scheduled hearing, all parties must agree. Only the Judicial Assistant can remove a hearing from 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 the Judicial

Assistant that hearing has been removed from the Judge's calendar, the cancelling party must file a Notice of Cancellation of Hearing and send a courtesy copy to the Judicial Assistant. If you fail to confirm a cancellation with the Judicial Assistant and simply file a notice of cancellation, the Judge will not receive notice of the cancellation and you will be expected to attend the hearing.

LEGAL MEMORANDA AND CASE LAW

Judge Weston will read all material delivered to chambers at least **3 business days** in advance of a hearing. All material must be submitted either electronically or on a flash drive. Each case or authority must be a separate file. If there is a large amount of material you want the Judge to read, please submit your materials more than 3 business days in advance.

Do not bring case law, legal memoranda, or other material with you to a hearing and expect the judge to review the material prior to ruling.

ORDERS

All orders should be sent in MS Word format to division43@circuit7.org. You must indicate in the email whether all parties agree or disagree with the form

JURY TRIAL

Jury instructions, including any proposed defense special instructions, and a proposed verdict form are due to the Court before noon on the Friday preceding jury selection. The proposed instructions and verdict form should be submitted in MS Word format to division43@circuit7.org

EMAILS TO JUDICIAL ASSISTANT

Do not, under any circumstances, include the Judicial Assistant in emails between parties when discussing issues in a case, including emails related to scheduling hearing.

When it is appropriate to contact the Judicial Assistant via email, you must ensure that all parties are copied on the email.