

# **JUDGE CRAIG'S DIVISION 31 PROCEDURES AND HELPFUL INFORMATION**

(updated February 23, 2022)

## **LOCATION AND GENERAL INFORMATION**

Judge Dennis Craig's chambers, courtroom and hearing room are located at the Volusia County Courthouse Annex, 125 East Orange Avenue, Daytona Beach, Florida, 32114. Chambers are located in Room 307 and courtroom is Courtroom 7. Telephone number is 386-257-6071 and fax number is 386-248-8132. The judicial assistant is Tessie Beseny whose email address is [tbeseny@circuit7.org](mailto:tbeseny@circuit7.org). The division 31 email address is [division31@circuit7.org](mailto:division31@circuit7.org)

## **EMAILS TO JUDICIAL ASSISTANT**

Proposed orders should be emailed to the Division 31 email address. When coordinating hearing time, those emails should be sent directly to the judicial assistant at [tbeseny@circuit7.org](mailto:tbeseny@circuit7.org).

## **ZOOM**

Judge Craig prefers in-person hearings, however, he does use Zoom. The zoom meeting ID is 386 257 6071 and the passcode is 32114. For all zoom hearings, attorneys should advise any party or witness to have Zoom available on their computers or electronic devices with both audio and video capability. For all persons appearing on Zoom, please make sure your first and last name are entered accurately. Attorneys are requested to include "attorney" or "esquire" so that licensed attorneys can be identifiable to the judge, clerk and court reporter. All persons appearing via Zoom shall wear appropriate attire for the hearing.

Zoom link:

Join from a PC, Mac, iPad, iPhone or Android device:

<https://zoom.us/join> and enter meeting ID: 3862576071 and Password 32114

Join from dial-in phone line:

Dial by your location

+1 786 635 1003 US (Miami)

Meeting ID: 386 257 6071

Password: 32114

Find your local number: <https://zoom.us/u/aFwsTiPYQ>

## **IN PERSON APPEARANCES REQUIRED**

Attorneys, parties and witnesses are expected to appear in person for all trials and evidentiary hearings unless there are special circumstances requiring a Zoom appearance. If a Zoom appearance is needed, the request must be made by pleading filed in the court file with a copy sent to the Judicial Assistant. The request should indicate whether there is an objection from opposing party.

## **COURT REPORTERS**

Attorneys shall refer to the following link for court reporter qualifications:

<https://www.flcourts.or/content/download/218951/1979652/courtreporting-methods.pdf>

If an attorney or a party would like a court reporter for the hearing, they are responsible for making those arrangements. The arranging attorney or party shall provide all information necessary for the court reporter to attend the hearing in person or by Zoom.

## **SCHEDULING HEARINGS**

After coordinating with opposing counsel/pro se party, most hearings may be scheduled on the Benchmark system assessed by the following link:

<https://judviewvolusia.circuit7.org/BenchmarkWebLive>.

For additional information, please see:

[http://www.circuit7.org/Attorney%20Resources/BENCHMARK\\_FAQ.pdf](http://www.circuit7.org/Attorney%20Resources/BENCHMARK_FAQ.pdf)

If Benchmark does not show any available hearing time, you may check with the Judicial Assistant to see if additional time will be added and you should continue to check with calendar for cancellations.

## **EXPEDITED HEARINGS**

Expedited hearings are non-evidentiary and should take no longer than five minutes. They are held most Wednesdays at 8:30 a.m. You must schedule the time on Benchmark.

## **HEARINGS REQUIRING MORE THAN 30 MINUTES**

Any hearing requiring more than 30 minutes must be scheduled with the Judicial Assistant. Any hearing requiring less than 30 minutes should be scheduled on the Benchmark calendar. In order

to schedule a 30 minute hearing, you will need to find a time that has two hearing slots available for the same time because the calendar is set up in fifteen minute increments.

### **CROSS NOTICING A HEARING**

Cross noticing a hearing is not permitted when utilized to “piggy-back” a separate motion onto a previously scheduled hearing 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. You must email a copy of the cross notice to the Judicial Assistant.

### **CANCELLATION OF HEARINGS**

Only the Judicial Assistant can remove a hearing from the calendar. A notice of cancellation must be filed and a copy sent to the Judicial Assistant before a hearing will be cancelled. All parties should agree to the cancellation of a hearing and the hearing may only be cancelled by the party setting the hearing.

### **MOTIONS FOR SUMMARY JUDGMENT**

The parties may schedule their own Motions for Summary Judgment and those motions will be heard the last Monday of every month (except holidays). Five minute time slots are reserved for these matters. If you need more than five minutes, please schedule a hearing on the regular hearing dates through Benchmark.

Once a hearing is scheduled, the scheduling attorney must confirm by filing a notice of hearing that includes the motion to be heard, the corresponding document number or date of filing and the amount of time reserved. A copy of the notice of hearing should be provided to the Judicial Assistant by email.

### **MOTIONS AND CASE LAW FOR REVIEW**

Please forward any motions and case law for review by the judge to Judge Craig’s chambers by mail or hand delivery at least five days prior to the scheduled hearing.

### **ORDERS**

Agreed orders may be sent in Word format to [division31@circuit7.org](mailto:division31@circuit7.org). You must copy opposing party with the email and the email should indicate that the order is an “agreed” order.

Do not send orders to the court prior to determining if opposing counsel agrees or disagrees with the order. If the parties cannot agree on the form of the order, each side should submit an order for the judge to review.

Any order being sent in preparation for a hearing that has not occurred must be sent to [Division31@circuit7.org](mailto:Division31@circuit7.org) and the email should indicate the date and time of the hearing for which the order is being sent.

### **MOTIONS FOR SUBSTITUTION OF COUNSEL**

The Motion for Substitution of Counsel must include the client's written consent and then forward the order to Division [31@circuit7.org](mailto:31@circuit7.org).

### **MOTIONS TO COMPEL DISCOVERY.**

These motions should comply with Re: Motions to Compel Discovery in Civil Actions (Amended), CV-2004-004-SC(A) which can be found at [http://www.circuit7.org/Administrative%20Orders/civil/CV-2004-004-SC%20\(A\).html](http://www.circuit7.org/Administrative%20Orders/civil/CV-2004-004-SC%20(A).html).

### **PROCESS ORDERS**

Once the motion has been filed, forward the order to [Division31@circuit7.org](mailto:Division31@circuit7.org) for signing. Please do not file the motion with the order attached with the Clerk and do not send the order with the motion attached to the judge. File the motion with the Clerk and forward the order to the judge.

### **MOTIONS TO CANCEL FORECLOSURE SALES**

The motion must contain specific facts as to the reason for the cancellation and whether opposing party has any objection. If opposing party objects, a hearing will be required.

### **FORECLOSURE CASES**

Case Management Conferences and Non-Jury Trials are scheduled by the Judicial Assistant. Please file your notice of issue and forward a copy of same to [Division31@circuit7.org](mailto:Division31@circuit7.org). If there are parties without email addresses, the attorney should forward stamped, self-addressed envelopes to the Judicial Assistant for service upon those parties.

You may schedule your own motions for summary if the motions can be heard in five minutes. Those hearings are scheduled for the last Monday of each month (except for holidays). If more than five minutes is needed, please schedule the appropriate time on Benchmark.

### **SETTING TRIALS**

Once it has been determined that a case is at issue, the case should be noticed for trial by filing a notice of issue with the clerk and emailing a copy to the judicial assistant.

### **EXHIBITS FOR EVIDENTIARY HEARINGS AND NON-JURY TRIALS**

If the parties have exhibits they want to enter into evidence during an evidentiary hearing or non-jury trial, the exhibits, along with a corresponding index of the exhibits, must be sent to the civil clerk's office located at the Volusia County Courthouse Annex, 125 East Orange Avenue, Daytona Beach, Florida, 32114. The clerk must receive the index and exhibits at least two (2) business days in advance of the hearing/trial. The parties must exchange with each other a copy of the exhibits and index five (5) business days in advance of the hearing/trial. Failure to copy a party with the proposed exhibit may be grounds to deny the exhibit as evidence. The parties do not need to comply with the foregoing if the exhibits are documents previously filed in the court file and are otherwise in compliance with the Florida Rules of Civil Procedure.