

TEMPORARY DIVISION 40 OSCEOLA PROCEDURES for DOMESTIC RELATIONS CASES

GENERAL

At this time, there will be no in person hearings without exception. Furthermore, until further notice, the Division will not conduct any evidentiary hearings.

SETTING HEARINGS GENERALLY

Parties may coordinate motions to be heard and the hearing times for those motions as set forth below. However, before noticing any hearing, the parties **MUST** get written confirmation from the Judicial Assistant. Furthermore, the Court may set hearings on its own initiative at any time.

SHORT MATTERS

All hearings must be docketed and noticed—including short matter hearings as the Court cannot conduct “walk in” hearings. All notices for hearing must still bear a confirmation code, and the process to secure hearing time on JACS remains the same. A meet and confer requirement is still required prior to requesting your hearing. Unless the hearing is set by the Court, a courtesy copy of the Notice must be delivered by the moving party to the Court via email at least forty eight (48) hours prior to the hearing.

NON-EVIDENTIARY HEARINGS

Parties for non-evidentiary hearings that have already been scheduled are expected to be prepared to go forward with their hearings unless they have received an Order from the Court, or written confirmation for the Judicial Assistant, that the hearing is cancelled. **NO MOTION TO APPEAR TELEPHONICALLY IS NECESSARY**. The procedure for these hearings is as follows:

- A. Cases where **all sides are represented** by Attorneys
 1. The moving party will be responsible for initiating a conference call to the opposing side.
 2. Once both sides are on the conference call, the moving party shall call Courtroom 5-D at 407-742-2504.
 3. Should the Court not be available at that time due to another hearing or some other reason, the sides shall email the best number to be reached to 40Osceola@ninthcircuit.org. As soon as the Court becomes available, it will alert the parties to re-initiate the call.
 4. Should there be competing motions, the party who has the motion filed first shall be considered the moving party. If the motions are filed the same day, the Petitioner shall initiate the call.

- B. Cases where **one side is represented by an Attorney** and the other is pro-se
1. The attorney will be responsible for initiating a conference call to the opposing side.
 2. Once both sides are on the conference call, the attorney shall call Courtroom 5-D at 407-742-2504.
 3. Should the Court not be available at that time due to another hearing or some other reason, the sides shall email the best number to be reached to 40osceola@ninthcircuit.org. As soon as the Court becomes available, it will alert the attorney to re-initiate the call.
 4. If the attorney does not have contact information for the pro-se litigant, they should immediately contact Keila Ramirez at ctjagr2@ocnjcc.org for further instructions.
- C. Cases where **both sides are unrepresented**
1. The moving party shall be responsible for providing BOTH their phone number and the non-moving party's phone number to Keila Ramirez at ctjagr2@ocnjcc.org
 2. At the time of the hearing the Court will initiate the calls to the parties.
 3. Should the moving party not have the phone number of the non-moving party, the party should contact Keila Ramirez at ctjagr2@ocnjcc.org immediately and await further instructions.

NOTE: Attorneys, parties, and court reporters should all be in different rooms during telephonic hearings in order to facilitate compliance with Supreme Court orders, Ninth Circuit Orders, and CDC guidelines.

MOTIONS THAT CALL FOR EVIDENTIARY HEARINGS

The Court realizes some matters are of great importance to the parties who would like the Court to rule on these matters. The Court will consider evidentiary issues for the time being in the following ways:

- A. Hearing Waivers: If attorneys and/or the parties are BOTH willing to (in writing) waive a hearing and simply provide all materials they wish the Court to consider (to include memorandums of law, transcripts from depositions, agreed upon exhibits etc.). The items to be considered should be emailed to 40osceola@ninthcircuit.org with the other side copied on the email.
- B. Proffers: If attorneys and parties are willing to (in writing) waive live testimony and simply proffer evidence and testimony, the Court will specially set this hearing telephonically or through video conference. **PARTIES DO NOT NEED TO ATTEND.**
- C. Uncontested Final Hearings: The Court will entertain uncontested final hearings consistent with the new instructions for "Final Judgments of Dissolution of Marriage via Electronic Submission" and "Email Final Judgment Packet" which become effective on March 23, 2020.

EMERGENCIES

The Court will continue to review Emergency Motions as received and may rule in Chambers based on the pleadings on a temporary or interim basis. Should the Court require more information, the Judicial Assistant will contact the parties with further instructions.

PRETRIALS

Any previously scheduled pretrials shall occur as scheduled except via video conference or telephone conference. The conference should be initiated in the same format as is outlined in these procedures (see Non-Evidentiary Hearings above and video conferencing below). Requirements contained in the Uniform Pretrial Order shall be completed prior to attendance at pretrial. The requirement that parties and/or attorneys have an in-person meeting shall be replaced by phone conference or video conference and the exhibit exchange shall be accomplished by email or through a cloud based document exchange program (ex: dropbox). The parties shall prepare a schedule of exhibits noting the number of pages of each exhibit and their objections to any exhibit or portion of that exhibit on the schedule in lieu of initialing the exhibits. Should either party wish to continue a scheduled pretrial, please contact the judicial assistant. The Court anticipates being able to perform trials at some point during the pendency of this emergency situation.

OUT OF COURT PERFORMANCE OF COURT ORDERS/PROCEDURES

Parties and attorneys are expected to comply with the Supreme Court of Florida's and the Ninth Circuit's Administrative Orders. As such, to the extent possible, all events that would require in person contact may proceed electronically. This is to include mediations, depositions, and meetings of attorneys.

VIDEO CONFERENCING

In certain instances, the Judge would prefer or require video conferencing rather than telephonic appearances. In those cases, the parties will be contacted by the Judicial Assistant with instructions on how to appear by video.

CASE MANAGEMENT CONFERENCES

In many instances, the Court, on its own initiative will proceed with a Case Management Conference in lieu of a cancelled hearing during the already reserved time period. The Court will alert the parties if it wishes to proceed with a CMC. Please note that CMCs are NOT evidentiary hearings and there will be no testimony taken.

Even if the Court does not, on its own initiative, elect to conduct a CMC, upon cancellation of any hearing by the Court, the parties may alert the Court they wish to proceed with a CMC during the previously scheduled time. Once the Court confirms, a CMC will occur during that designated time.

DOMESTIC VIOLENCE INJUNCTIONS

The procedures above do not control domestic violence injunctions and separate instructions will be provided to the parties on those matters.