

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

*(Updated July 2, 2020)*

## **LOCATION AND GENERAL INFORMATION**

Judge Leah R. Case's chambers and hearing room are located at the Volusia County Courthouse Annex, 125 East Orange Avenue, Room 307, Daytona Beach, Florida, 32114. The telephone number is 386-257-6071 and the Judicial Assistant, Cathy Brick, email address is [cbrick@circuit7.org](mailto:cbrick@circuit7.org)

## **COVID PROCEDURES AND SCHEDULING**

Pursuant to the Florida Supreme Court's Administrative Order dated May 4, 2020 re: Covid-19 Emergency Procedure, all hearings shall be conducted via CourtCall or Zoom.

**Evidentiary hearings and Non-Jury Trials** will only be conducted via zoom.

CourtCall can be set up by calling 888-882-6878 at least 2 days prior to the hearing.

Zoom: For hearings that are scheduled **prior to September 1, 2020** please contact the Judicial Assistant via email at [cbrick@circuit7.org](mailto:cbrick@circuit7.org) to receive your zoom meeting ID number and password.

**Starting September 1, 2020 Judge Case will have a permanent zoom member ID number and password. Parties shall use the following Zoom information in the notice of hearing:**

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/join>

If either party would like a Court Reporter for the hearing, they are responsible for making those arrangements. Court Reporters will not have in-person access to the courthouse and must attend either through Courtcall or zoom.

Although the courthouse is not open to the public, we still receive deliveries by Fed Ex, UPS or US Mail and the Court requires parties to adhere to the timely delivery of materials to the Judge's chambers.

All hearings are open to the public via Zoom.

### **SCHEDULING HEARINGS**

**Your hearing date and time will not be honored, if you fail to follow these procedures.**

Most civil hearings may be scheduled on the Benchmark system. You must have a Benchmark User Name/Password in order to schedule a hearing. Please refer to Benchmark Calendaring Instruction on Judge Case's website, [www.circuit7.org](http://www.circuit7.org)

Hearings are in 15 minute increments. You may schedule any hearing up to 1 hour in length. For any hearing **over 1 hour**, you must email the judicial assistant, Cathy Brick, at [cbrick@circuit7.org](mailto:cbrick@circuit7.org) to have the hearing placed on the benchmark calendar.

Hearing time must be coordinated with opposing counsel/pro se party. Good faith cooperation in coordination of hearing time is expected from all counsel, support staff and pro se litigants.

Once a hearing is scheduled the scheduling attorney must confirm by filing a Notice of Hearing that includes 1. the motion to be heard, 2. the corresponding document number or date of filing and 3. the amount of time reserved. **The Notice of Hearing must be provided to the Judicial Assistant by email otherwise your hearing will not occur.**

Evidentiary Hearings shall be noticed as such.

Expedited Hearings are non-evidentiary and should take no longer than 5 minutes. They are held at 8:30 a.m. on most Wednesdays. The Judicial Assistant, Cathy Brick, schedules expedited hearings.

Cross Noticing a hearing is not permitted when utilized to “piggy-back” a separate motion onto 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 there is adequate time to hear the additional motion. In addition, you must email a copy of cross notice directly to the judicial assistant.

\*\*Please note: If you make a mistake and set the wrong day or time on the Benchmark system, immediately contact the JUDICIAL ASSISTANT so it can be corrected on the judge’s calendar.

### **CANCELLING A SCHEDULED HEARING**

**In order to cancel a scheduled hearing, all parties must agree. Only the Judicial Assistant can remove a hearing off of the judge’s calendar,** you cannot cancel it on benchmark.

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 judicial assistant that hearing has been removed off of judge’s calendar, the cancelling party must file a cancellation of hearing notice with the clerk of court and send a courtesy copy to the judicial assistant via email. If you fail to email the JUDICIAL ASSISTANT and simply file a notice of cancellation the court does not receive notice of the cancellation and the parties will be expected at the scheduled hearing time.

### **EMAILS TO JUDICIAL ASSISTANT**

Do not, under any circumstance, include the Judicial Assistant in emails between parties when discussing issues in a case, including correspondence between parties on when to set a hearing. When it is appropriate to contact the Judicial Assistant via email, please insure that all parties are copied in the email.

## TELEPHONIC APPEARANCE

Telephonic Appearance is permitted without motion and order for all non-evidentiary matters. Please make arrangements with **CourtCall at (888) 882-6878**.

## MOTIONS AND CASE LAW FOR REVIEW

**For hearings scheduled for one (1) hour or less**, the court will enthusiastically read any and all material (hard copies- no emailed copies will be accepted) delivered to chambers at least **5 business days** in advance of a hearing. Absent extraordinary circumstances, do not send case law/memorandums to the court in violation of this rule. In addition, do not bring case law/memorandums with you to the hearing and expect the judge to read the material prior to entering a ruling on the motion.

**For hearings scheduled for longer than one (1) hour**, the court will enthusiastically read any and all material (hard copies – no emailed copies will be accepted) delivered to chambers at least **10 business days** in advance of a hearing. Absent extraordinary circumstances, do not send case law/memorandums to the court in violation of this rule. In addition, do not bring case law/memorandums with you to the hearing and expect the judge to read the material prior to entering a ruling on the motion.

## ORDERS

Do not send orders to the court prior to determining if opposing counsel agrees or disagrees with order. You must state clearly in the email whether there is an agreement or there is not an agreement. An email stating that you have sent the order to opposing counsel and have not heard back will be deleted.

Agreed orders – send in Word Format to [division31@circuit7.org](mailto:division31@circuit7.org)  
**\*You must indicate in email that order is agreed to by all parties.**

Ex-Parte orders – send in Word Format to [division31@circuit7.org](mailto:division31@circuit7.org)

Proposed orders - on matters that have been previously ruled upon or orders in which opposing counsel does not agree send in Word Format to [division31@circuit7.org](mailto:division31@circuit7.org) You must indicate in the email which party does not agree.

DO NOT SEND PROPOSED ORDERS ON HEARINGS THAT HAVE NOT OCCURRED.

Do not send orders to the clerk's office.

The moving party must deliver copies of the signed order to any pro se litigant or other litigant who cannot be served by eService. A notice of service must be filed with the court to reflect delivery of the signed order.

### **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 the judicial assistant a courtesy copy. The clerk does not always forward these notices to the court so if you fail to send the judicial assistant a courtesy copy of your notice the case might not be set for trial.

Orders setting trials are completed in batches and may take up to one (1) month to process. Please wait one month before emailing or calling the judicial assistant to inquire as to a trial date.

### **EXHIBITS FOR EVIDENTIARY HEARINGS OR 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 in the Volusia County Annex Courthouse, 125 E. Orange Avenue, Daytona Beach, FL 32114.

In order to be used for the hearing/trial the clerk's office must receive the index and exhibits two (2) business days in advance of the hearing/trial.

The parties must exchange with each party to the case a copy of all exhibits and index five (5) business days in advance of the hearing/trial. Failure to copy a party with a proposed exhibit may be grounds to deny the exhibit as evidence.

In an evidentiary hearing only and if all parties agree, the parties do not need to comply with the above exhibit procedures - if no exhibits are necessary other than documents previously filed into the court file and the documents are otherwise in compliance with the Florida Rules of Civil Procedure.

### **FORECLOSURE CASES**

Case Management Conferences and Non-Jury Trials are scheduled by the judicial assistant. Send your notice of issue along with sufficient self-addressed, stamped envelopes for all parties listed in the certificate of service to the court.

The plaintiff in all foreclosure cases is required to provide the judicial assistant self-addressed, stamped envelopes for any orders to be served in the case.

**Parties should schedule their own Motions for Summary Judgment** and they are heard the last Monday of every month. 5 minute timeslots are reserved ONLY for these hearings. If you need more than 5 minutes please schedule a hearing on the regular hearing dates through Benchmark.