

COUNTY COURT CIVIL DIVISION 10 POLICIES AND PROCEDURES

JUDGE RHONDA BABB

For the foreseeable future, all pretrial hearings shall be conducted by way of Video Conference

1) PROPOSED ORDERS

Only agreed-to submissions are accepted through the e-portal.

<https://flcourtaccess.com/index.html> The submission shall specify that opposing party has reviewed the proposed order and has no objection to the form or content of the proposed submission.

Instructions for submitting proposed orders can be found at <https://brevardclerk/e-filing>

Form of the Order

- **Must be in Word format**
- There can be no attachments to the proposed Order
- Judge cannot enter data into the proposed Order (i.e. granted/denied; attorney's fees; costs). This information must be filled in prior to submission.
- **Body of Order:** suggested language - **"it is therefore Adjudged..."** should be used in lieu of "it is therefore Ordered and Adjudged..."
- **Judge's signature block:** use the phrase **"Done and Ordered"** ONLY as part of the Judge's signature block, and **"Acting Circuit Court Judge"** language below Judge's signature.
- **Certificate of Service directive:** each Order shall contain language reflecting the following for any self-represented party.

"within five (5) days from the date of e -service of this Order/Judgment, Petitioner shall furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, First Class, postage paid together with a certificate signed by Petitioner or Petitioner's counsel that delivery of this Order/Judgment has been made.

2) SCHEDULING

A party requesting a hearing upon filing a motion for relief, shall use the JACS calendar in order to obtain a hearing date before Judge Babb. The Hearing date provided by JACS should be coordinated with the opposing party.

If the opposing party is pro se and a phone number or e-mail address is listed on any of said party's pleadings, two (2) attempts must be made on two (2) different days. If a call back is not received nor an email response received, then the hearing may be scheduled

-unilaterally- at least ten (10) business days out. If the pro se party does not have a listed email address or phone number, then the hearing may not be set any sooner than twenty (20) days.

1) NOTICE OF HEARING

A Notice of *Virtual* Hearing shall specify the exact matter to be heard and time allotted. The Notice must **VISIBLY** reflect that the Hearing will be *Virtual* using **Microsoft TEAMS** video and not in person. The link will be sent at a later date and is not needed in order to efile the notice. Please email a *courtesy copy* to the judicial assistant, with email addresses and/or telephone numbers for all parties receiving the link.

If opposing is pro se, and no email address is provided, please include the following on the notice:

“UPON RECEIPT OF THIS NOTICE, YOU MUST CONTACT THE JUDICIAL ASSISTANT HENRIETTA FRAZIER AT **321-637-5604** OR BY EMAIL AT Henrietta.frazier@flcourts18.org TO SUBMIT YOUR EMAIL ADDRESS AND PHONE NUMBER AND RECEIVE INFORMATION ON APPEARING VIRTUALLY”.

Note: A party scheduling the hearing shall provide notice to the other party even if a default has been entered by the Court.

Please provide case law and exhibits by email to the judicial assistant at least 5 days prior to the hearing. Orders or Final Judgments should be submitted after the Hearing.

2) SPECIAL SET HEARING

The only Special Set Hearings are **Evictions** and **Uncontested Dissolution of Marriage**. You may contact the JA for hearing time either by phone or by email regarding these case types. Final Judgments/Orders for these hearings shall be submitted AFTER THE VIRTUAL HEARING. All documents must be in the case file upon requesting hearing time

3) CANCELLATION OF HEARING

Only the party who has scheduled the hearing may cancel the hearing. Notice of Cancellation of Hearing shall be efiled and furnished to the opposing party.

The scheduling party cancelling hearing shall promptly notify the judicial assistant by email and attach the Notice of Cancellation.

4) MATTERS NOT REQUIRING A HEARING

The following matters need not be set for a hearing and may be submitted through the portal.

- **Stipulated Orders/Final Judgments.** The Stipulation, signed by both parties, should be efiled with the clerk prior to Submitting the Proposed Document.

- Motion for **substitution of counsel** (signed by both the party and counsel)
- Consented Motion (Client must consent) to **withdraw as counsel**

5) SMALL CLAIMS – PRETRIAL CONFERENCE

These proceedings are held **in person** and **virtually** by Microsoft TEAMS. Anyone requesting to appear by TEAMS must contact the judicial assistant no later than twenty four (24) hours or more prior to the court event. Send an email with the full name of the attorney appearing and an email address(es) to receive the link.

JUDGE BABB DOES NOT START ADDRESSING ATTORNEYS ON TEAMS UNTIL 10:00AM AND LATER. EVEN IF YOUR CASE IS SCHEDULED FOR 9:30AM. SHE WILL START WITH COUNSEL AND PARTIES IN THE COURTROOM TO HELP ESTABLISH SOCIAL DISTANCING.

You must contact the clerks by email or in person to obtain the docket number for the case(es) that you are appearing on. The Court will ask for the docket# when addressing your case. VieraCivilCourtClerks@brevardclerk.us and BrevardMedation@flcourts18.org

6) NOTICE FOR TRIAL

Before a case proceeds to trial, each party shall attend a mediation session.

When e-filing a notice for trial, specify the amount of time required; whether the trial is on the original action or a subsequent proceeding.

7) CASE MANAGEMENT CONFERENCE

Once a case is noticed as ready for trial, the case shall be set for a case management/ pretrial conference pursuant to a pretrial order. All parties are expected to appear before the Court by video conference to discuss the issues at which time the case shall be set for trial.

8) EXHIBITS AND CASE LAW

Prior to the commencement of the trial, all case law and exhibits shall be submitted no later than 5 days prior. All exhibits shall be pre-marked for identification using the designation such as Plaintiff's or Defendant's exhibit "A" through "Z", and if additional exhibits need to be marked, said exhibits shall be labeled "AA" through "ZZ" and so on.

A copy of the exhibit list shall describe each marked exhibit. The exhibit list shall be provided to the Court and the opposing party prior to the commencement of the trial.

9) CONTINUING A TRIAL

In the event a party is seeking to continue a trial, said party shall, prior to the actual trial date contact the opposing party regarding the request. If no objection is being raised, a

proposed order shall be submitted to the Court by the moving party. In the event an objection is raised, the motion to continue shall be set before the Court.