

COUNTY COURT DIVISION (8) POLICIES AND PROCEDURES
JUDGE GARAGOZLO

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I. PRETRIAL HEARINGS

1) SCHEDULING

A party requesting a hearing upon filing the motion for relief shall contact the Court's judicial assistant in order to obtain a hearing date.

Parties are required to give a good faith assessment of the time needed for the hearing.

The hearing date provided by the Judicial Assistant need to be coordinated with opposing party.

If the opposing party is pro se and a telephone 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 a pro se party does not have a listed email address or phone number, then the hearing may not be set no sooner than twenty (20) days.

Note: All pro se parties who have an email address must complete and submit an email designation form with the Clerk of Court as part of said party's initial pleading.

Note: Hearings requiring more than **one (1)** hour will be provided only by the judicial assistant and can not be set through JACS.

2) VIDEO CONFERENCING / TELEPHONIC HEARINGS

For the foreseeable future, all pretrial hearing shall be conducted by way of video conference. In the event a party and/or counsel is unable to coordinate an appearance through video conferencing, said party and/or counsel shall appear in person on the date of the pretrial conference.

To appear by video conference, the party and party's counsel - if any- are directed to contact the judicial assistant at (321) 617-7266 at least five (5) business days prior to the hearing date for instructions as to the procedure to appear by videoconference.

If a party is not able to appear via video conferencing, the party shall notify the judicial assistant at (321) 617-7266 at least five (5) business days prior to the hearing date for instructions.

Note: By following the above instructions, a motion or an Order seeking for video conferencing or telephonic appearance is not required.

3) NOTICE OF HEARING

A notice of hearing shall specify the exact matter to be heard.

Once a hearing date is given, a *courtesy copy* of notice shall be delivered to the judicial assistant before close of business on the same day as when the hearing is provided by the judicial assistant.

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

If an additional motion needs to be added to an existing hearing date, kindly contact the judicial assistant to notify the Court and thereafter file an amended notice of hearing.

a. NOTICE SHALL INCLUDE THE FOLLOWING:

*“The hearing set in this cause shall be conducted by way of video conference. To appear by video conference, the parties and their counsel - if any - shall comply with the directive herein by contacting the judicial assistant at (321) 617-7266 at **least five (5) business days** prior to the trial date for instructions as to the procedure to appear by videoconference. In the event a party is unable to coordinate appearance through video conferencing, the party must notify the judicial assistant*

at (321) 617-7266 at least five (5) business days prior to the hearing date for instructions. Failure to comply with the instructions or to appear at the hearing will result in an adverse ruling against noncompliant party”.

Note: Pursuant to amended Administrative Order 20-28, until further order of this Court, all notices of court hearings issued by counsel shall contain the following statement:

“If attending court in person you are required to bring and wear a mask in the courthouse; also bring a valid photo ID such as a driver’s license and if questions you are to call 321-351-6255 to receive relevant information regarding entering a courthouse”.

4) CANCELLATION OF HEARING

Only the party who has scheduled the hearing may cancel the hearing. Notice of cancellation of hearing shall be filed and furnished to the opposing party. The scheduling party cancelling hearing shall promptly notify the judicial assistant.

5) CROSS NOTICING OF HEARING

Before cross noticing a motion on a previously set hearing date, kindly obtain permission from the party who has set the hearing.

6) CONTEMPT/ RULE TO SHOW CAUSE HEARING

a. Contempt / Rule to Show Cause Hearing: A verified petition for rule to show cause with accompanying affidavit should be forwarded to the Court. If motion / petition is granted, the judicial assistant will contact you to provide a hearing date.

7) EMERGENCY HEARING

The verified motion filed with the Clerk of Court shall set out the basis for the emergency relief with a copy of the motion submitted to the judicial assistant.

All verified emergency motions will be set for an immediate hearing by the judicial assistant – if possible on the same date as notification.

8) MATTERS NOT REQUIRING A HEARING

The following matters need not be set for a hearing and may be submitted through the email/ or E-portal. The submission through e-portal shall specify that opposing party has reviewed the proposed submission and has no objection to the form or content of the proposed order or stipulated judgment.

- a. Stipulated Orders / Final Judgments;
- b. Motion for substitution of counsel signed by both the party and counsel);
- c. Consented Motion to withdraw as counsel;

9) E-PORTAL SUBMISSIONS

Only agreed-to submissions are accepted through e-portal. The submission shall specify that opposing party has reviewed the proposed submission and has no objection to the form or content of the proposed submission.

Form of the Order:

- Must be in Word format (.docx extension);
- No additional formatting – text boxes, macros, etc.;
- There cannot be any attachments to the proposed Order;
- Judge cannot enter data into the proposed Order (i.e. granted/denied; attorney’s fees; costs), otherwise please see mailing instructions set out below;
- Body of Order: suggested language: “it is therefore Adjudged ...” in the body of the proposed Order 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:

“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”.

II. TRIAL

1) NOTICE FOR TRIAL

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

When filing a notice for trial specify the amount of time required; whether the trial is on the original action or a subsequent proceeding. The notice will be forwarded to the Family Division Coordinator for review.

2) 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 in person or by video conferencing to discuss the issues at which time the case shall be set for a date certain trial.

3) EXHIBITS

Prior to the commencement of the trial 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 as 'AA' through 'ZZ' and then as 'AAA' through 'ZZZ'.

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 actual trial.

4) CONTINUING A TRIAL

In the event a party is seeking a continuance of the trial, said party shall prior to the actual trial date contact the opposing party regarding the request. If no objection is raised, a proposed order shall be submitted to the Court for approval by the moving party. In the event an objection is raised, the motion to continue shall be set before the Court forthwith. Parties should be prepared to have the motion tabled by the Court within three (3) hours of the filing.

III. POST JUDGMENT

1) MOTION FOR REHEARING/ RECONSIDERATION

Upon filing of the motion for rehearing/ reconsideration, a courtesy copy should be submitted to the Court. If a hearing is to be set the judicial assistant will provide the hearing date.