

JUDGE JAMES H. DANIEL
DIVISION B
JENNIE PRATHER, JUDICIAL ASSISTANT
Robert M. Foster Justice Center
76347 Veterans Way
Yulee, FL 32097
Phone: (904) 548-4910

Procedures

To find out any information about division B not listed please call.

Ex Parte:

Involves only **uncontested** matters and motions to set for trial. Ex Parte hearings should take no longer than 5 minutes. Ex parte matters are not scheduled with the JA. Ex parte is always held between 9:30 to 10:00 a.m. on certain dates of every month. **Telephonic appearances are allowed by out-of-town attorneys only. If ALL attorneys plan on attending Ex Parte by phone please schedule a time certain hearing with JA.** Please call the office or visit the Court Website to confirm Ex Parte the day before.

Motion to Set Case for Trial or Motion to Set Hearing for greater than one hour steps:

1. File a *Motion to Set case for Trial/Hearing*.
2. Coordinate with opposing counsel the best available date from ex parte list. This does not require scheduling with the JA. File a *Notice of Hearing* for the chosen date. **If ALL attorneys plan on attending Ex Parte by phone please schedule a time certain hearing with JA.**
4. Moving/Requesting party **must** do the following (if not local the appearing party is required to do the following):
 - a. Fill out Trial Set Memorandum
 - b. Provide **STAMPED** addressed envelopes for parties that are **NOT** using e-Portal.

Envelopes are NOT necessary for all parties using e-Portal (including mediator).

5. Out of town attorneys may attend a Motion to Set hearing by phone. There is only one line in the Hearing Room, so multiple attorneys appearing by phone must arrange a conference call to include all others participating. **If ALL attorneys plan on attending Ex Parte by phone please schedule a time certain hearing with JA.**

6. Judicial Assistant will do Order.

****** When a case settles please contact the Judicial Assistant ASAP to have the case removed from the trial docket/calendar.**

Motion to Continue Trial:

A Motion to Continue Trial must be heard by the Judge. Consented or Contested.

Setting Hearings for Pending Motions:

To put a pending motion and/or issue on the Judge's calendar the attorney's office requesting the hearing must contact the Judicial Assistant by phone or email. Please have the opposing Attorney's office(s) (**assistants**) on the phone or send an email to JA copying opposing side. Please be prepared to provide the case number, the name of the motion to be heard (motion MUST be filed prior to requesting a hearing), and how much time is required for the hearing. The Judicial Assistant will not resolve disputes regarding when a motion will be set.

Duration Times for a Hearing:

Hearings that require more than 1 (one) hour of time must be approved by the Court. Fill out the *hearing set memorandum* and email to Judicial Assistant.

Telephonic Appearances:

The Court allows out-of-town attorney(s) to appear telephonically for motion hearings consisting of fifteen (15) minutes or less without permission from the Court. Please notify the judicial assistant of the telephonic appearance when setting the hearing. Hearings longer than 15 minutes require permission from the Court.

Courtesy Copy of Motions on the calendar:

A courtesy copy of the motion(s) and any pleadings pertaining to the motion/hearing for **ALL** time certain scheduled hearings for division B are required. Send a copy of any pleadings that may be referred to during the scheduled hearing....i.e. Motion Dismiss requires a copy of the Complaint, any memorandum(s) and/or any other pleadings regarding the motion. **Please DO NOT send case law, Judge Daniel can look up quoted case law...only send pleadings.** Please submit the copies **at least one (1) week prior** to the scheduled hearing. The copies may be mailed, hand delivered, or emailed. **PLEASE SEND ONLY ONE COPY.** Not complying with the Court's request for copies may result in the hearing being canceled without notice.

Cancellation of Hearing(s) and Trial(s)::

The moving party who set the hearing is the party required to call the office to cancel the hearing/trial. It is the responsibility of the Petitioner to contact the office to remove a trial from the docket. Please contact the office by phone or email to cancel any hearings or trials. The Judicial Assistant will confirm the cancellation. If you do not receive a phone call or email confirming the cancellation then please try contacting the Judicial Assistant again. **Do NOT assume the hearing/trial is removed by filing a notice of cancelation, notice of dismissal, etc.** **The Clerk of Court does NOT send all pleadings to the Judge's office.**

Emergency Motions/ Motion for Rehearing/Motion for New Trial: (1) Attorneys are expected to carefully consider whether the motion is a true “EMERGENCY” under the applicable case law and Rules of Procedure and Administration; (2) must be filed with the Clerk of Court, [Rule 1.610 & 12.610(a)]; (3) If seeking ex parte (w/o notice of hearing) you must state an adequate reason why the other party should not be given notice; otherwise (4) due process requires proof of service on the other party; (5) verified/sworn by the movant & signed by counsel; (6) emergency motions should be emailed to the Judge’s Judicial Assistant or delivered to the Judge’s chamber’s for review; (7) If emailed, the email should be marked urgent and “emergency” should be included in the subject line; (8) There shall be no ex parte communication concerning this request and (9) after the Judge has reviewed the action, the Judicial Assistant will advise if the motion will be granted without a hearing or notice, denied, granted with a hearing on an emergency basis or for movant to schedule the matter on the next regular calendar date. The original should be properly filed with the Clerk of Court.

Motion to Compel or Motion for Sanctions for Failure to Produce Discovery:

Once a Motion to Compel or a Motion for Sanctions is scheduled on the calendar it will remain on the calendar. Even if the issue is resolved the attorneys will still have to come before the Judge to explain the reason(s) of the filed motion and the necessity of it to be placed on the Judge’s calendar. **A hearing set for a Motion to Compel or Motion for Sanctions will NOT be removed from the calendar for any reason.** The only exception a Motion to Compel or Motion for Sanctions will be removed from the calendar is when the case completely settles.

All Proposed Orders Must Include the Following:

1. A cover letter indicating what the Order is for...i.e. hearing (date and time), dismissal, agreed to, etc. The cover letter should also indicate if it is “consent to” or “objected”.
2. Original Order for signature and appropriate number of copies for all parties that are **NOT** using e-Portal. For cases where ALL parties (attorneys) are using e-Portal the Order may be submitted via email in a PDF or Word format. Complex Orders should be sent in Word format for any potential modifications. Please contact Judicial Assistant for email address.
3. **STAMPED** addressed envelopes for parties that are **NOT** using e-Portal. Please provide proper postage on all envelopes.