

**Temporary Supplemental Procedures for
Ninth Circuit Domestic Relations Division 41
and Osceola Domestic Relations Division 43
Judge Diana M. Tennis**

Pursuant to current Ninth Circuit Standing Administrative Orders, domestic proceedings continue to be deemed “non-essential” and are being conducted remotely, with very few extraordinary exceptions. Programs used will be Zoom and Microsoft Teams (for injunction return hearings in Osceola 43)

All proceedings in Divisions 41 and 43, unless specifically determined to be essential by the Judge, will be either by video or, in rare circumstances, by telephonic conference. No parties/attorneys/court reporters will be allowed to attend in person at the Orange County Courthouse.

Please provide to the Court a digital copy of all motions/responses filed in all Division 41 or 43 cases, whether they are being set for hearing or not. Please understand that motions of the sort that do not require a hearing may be ruled upon ex parte. If you believe that a motion ruled upon without hearing needs a hearing, please file a Motion for Reconsideration.

All hearings must be pre-approved and docketed, including short matter hearings. The process to secure hearing time on JACS and by emailing Division 41 and 43 remains the same. IT IS IMPERATIVE THAT YOU USE THE DIVISION DESIGNATED EMAILS WHEN REQUESTING HEARING TIME; 43Osceola@ninthcircuit.org for Osceola cases or 41Orange@ninthcircuit.org for Orange County cases. Division designated emails may also be used for other routine matters, submission of evidence, proposed orders, and general inquiries.

The requirement that attorney’s attempt to discuss issues prior to setting hearings will remain in place, but those “meetings” may be done electronically. Unless the hearing is set by the Court, a courtesy copy of the Notice of Hearing must be delivered by the moving party to the Court via email at least forty eight (48) hours prior to the hearing.

Please follow these guidelines depending upon the nature of your hearing:

NON-EVIDENTIARY HEARINGS

Video Conferencing:

This will be the predominate method for holding hearings in both Division, until such time as the Courthouses are open for routine business.

You may request a time prior to your video hearing to “test” the program with all participants. Any emails requesting this procedure should include three times that the lawyers (and any

parties/witnesses) are available for testing (over the noon hour is acceptable). The test should take less than 5 minutes. If the Hearing is set via Video Conference and not all parties have a computer or smart phone available to them, they will be able to “call in” and participate. IF a Party or participant is going to “call in”, make sure to have some method in place by which to ascertain their identity for the record.

The Court has access to Zoom and Microsoft Teams. The format being used will be included on your notice for hearing. If you are scheduling a hearing and have a preference, this should be noted at the time you request the hearing time.

For Full Details see the Temporary Videoconference Hearing Procedures for Divisions 41 and 43.

Telephone Conference:

This method is not preferred and can be utilized with prior Court approval and direction. With the ability for all parties/attorneys to “phone in” for virtual video hearings, this should rarely be needed.

Do not call prior to your appointed time. The “conference space” created is not private, thus if a hearing is held past the appointed time or the next caller is early, they will enter the same space as the prior hearing. Just like if you enter a courtroom prior to your hearing and another matter is being presented, please remain quiet until it is your turn to proceed.

NOTE: Attorneys, parties, interpreters, notaries, 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 will consider all types of evidentiary hearings and trials:

- A. Hearing Waivers: If attorneys and/or the parties prefer the Court to enter a ruling on a motion without hearing, they shall 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 the Court, 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 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 became effective March 23, 2020.

- D. Stipulated Documentary Evidence: The Court will consider stipulated documentary evidence submitted electronically, prior to the hearing. The witnesses and parties should be provided copies prior to the hearing.
- E. Regular Evidentiary hearings: Should be scheduled similarly to non-video hearings. Available times are listed on the JACS systems in both Orange and Osceola counties. The required “meet and confer” should take place to attempt to resolve the issue. Then the agreed upon hearing time should be requested through the JA. IT IS IMPERATIVE THAT YOU USE THE DIVISION DESIGNATED EMAILS WHEN REQUESTING HEARING TIME; 43Osceola@ninthcircuit.org for Osceola cases or 41Orange@ninthcircuit.org for Orange County cases.

For Full Details see the Temporary Videoconference Hearing Procedures for Divisions 41 and 43.

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. If Pick-Up Orders are entered, a return hearing will be scheduled. The Court will provide certified copies of any Pick-Up Order.

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.

CASE MANAGEMENT CONFERENCES

In certain 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, unless set concurrently to a motion hearing, 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.