



*Brittanye Morris*

*Judge, 333<sup>rd</sup> District Court*

## **COURT PROCEDURES**

### **MOTIONS**

1. If your hearing occurs within three (3) days of the date you are filing your motion, response, or reply, **you must send a physical copy of your written work product directly to the clerk of the 333<sup>rd</sup> Judicial District Court.** Failure to provide a copy to the Court may result in the hearing/submission being passed.
2. Further, the Court requires a courtesy copy (**hard copy**) of any motion, response, or variation thereof that is over thirty (30) pages inclusive of exhibits. Failure to provide a courtesy copy of any motion, response, or variation thereof that is over thirty (30) pages inclusive of exhibits may result in the hearing/submission being passed.
3. Every motion or response **MUST** include a proposed order. Failure to provide a proposed order to the Court may result in the hearing/submission being passed.
4. Motions for summary judgment will require thirty (30) days' notice prior to being set for oral hearing. Please include a Certificate of Conference stating the amount of time all parties require for the oral hearing.
5. Notice of Hearing must be filed within twenty-four (24) hours of receiving a hearing date by the court clerk. Failure to file a Notice of Hearing will result in your hearing being passed.
6. Any motion may be set on the Submission Docket with the exception of those requiring an oral hearing. Example of Motions requiring oral hearing: Summary Judgment Motions, Motions to Compel, Motions to Strike, Writs of Sequestration. Submission Docket is Mondays at 9:00 a.m. (10 days written notice to the clerk is required).

### **RESPONSES**

1. Failure to file a written response twenty-four (24) hours prior to the scheduled hearing or submission date is considered a representation of no opposition. **NO EXCEPTIONS.**

2. Please include an order denying your opponent's motion.

### **MOTIONS FOR REHEARING**

All motions for rehearing **MUST** be set on the submission docket.

### **MOTIONS TO STRIKE**

All Motions to Strike **MUST** be set on the oral docket. A fifteen (15) minute hearing will be allowed for Motions to Strike.

### **AGREED MOTIONS**

Agreed Motions do not have to be placed on the Court's docket. Signature of all parties is required. If an agreed motion is denied without a hearing or if a ruling has not been obtained within two (2) weeks of the filing date, you may request a subsequent oral hearing on the motion.

### **MOTION FOR CONTINUANCE**

1. Trial continuances should be filed as soon as the grounds for such a motion are reasonably apparent. **Do not wait until you are assigned.**
2. First and second continuances that are **AGREED** can be filed without need for hearing/submission.
3. Third continuances **MUST** be oral hearings **PRIOR** to trial.
4. If your vacation letter covers **BOTH** weeks of your setting and you are the attorney of record, you do not need to file a Motion for Continuance, your case will be reset at the end of the two-week period and notice will be mailed. You **MUST** submit a letter to the court stating you will enforce your vacation letter and copy all parties.
5. Please refer to the Local Rules concerning summer months and non-summer months.

### **RULE 106 MOTIONS FOR SUBSTITUTED SERVICE**

1. All motions for Substituted Service under Rule 106 must be accompanied by an affidavit that includes at least four (4) attempts and the following information:
  - a. Efforts taken to verify the defendant actually lives or works at the subject address;
  - b. Each attempt at service, including date and time;
  - c. Attempts must be recent, within the last forty-five (45) days, and varied;
  - d. Identity of person(s) who were present at the subject address and what was said; and
  - e. Identity of cars in the driveway or other indications that defendant resides at the subject address.

### **CERTIFICATE OF CONFERENCE**

1. Counsel must make serious and timely efforts to confer with opposing counsel on all motions (excluding Motions for Summary Judgment, Motions to Dismiss, Motions to Strike, Motions to Transfer, Motions for Directed Verdict, Motions for Substituted Service, and Motions for New Trial) to try to reach agreements on the relief requested or any agreements that can be reached on some of the relief requested.
2. All certificates of Conference shall state whether counsel have conferred regarding the substance of the relief requested and whether the relief is opposed, agreed, or agreed in part with a statement on what relief was agreed to between the parties. In circumstances where opposition is uncertain, the party filing the motion must make at least two (2) attempts on separate days to ascertain whether the relief is opposed, and must provide a certificate of conference stating the number of attempts made to contact the opposing party, the method of those attempts (i.e., fax, e-mail, telephone call, postal mail), the date and time of the attempts, and the results obtained.
3. Failure to provide a substantive certificate of conference in your motion may result in the hearing/submission being passed.

### **DISCOVERY**

1. All discovery, including requests, responses, production, and objections, must be served electronically.
2. All Parties are required to respond to disclosures forty-five (45) days after an answer is filed. Late added Parties have forty-five (45) days after an appearance to respond to disclosures.
3. If Court intervention is necessary, the following procedure must be followed:
  - a. The Party seeking Court intervention must file their Motion and Order along with a letter not to exceed two (2) pages (12 point font) explaining the nature of the dispute and include the date, time, and place of prior out-of-court discovery of scheduling discussion(s) and the names of all counsel participating in the discussion(s). This Discovery Letter must be both e-filed and e-mailed to the lead clerk.
  - b. The responding party must file a response to the Discovery Letter within three (3) days of the date the moving party served said Discovery Letter. This Discovery Letter response must be both e-filed and e-mailed to the lead clerk.
  - c. After receiving the letters, the Court will either rule on the Motion or schedule a ten (10) to fifteen (15) minute video conference with the parties within seven (7) to ten (10) business days. Failure to file a written response to the Motion or the

Discovery Letter is considered a representation of no opposition. NO EXCEPTIONS.

- d. At the conclusion of the video conference, the Court may order further briefing and a submission/hearing date.
4. The Party seeking Court intervention will send notice to all parties of any discovery submissions/hearings once set by the Court. The parties will be limited to briefing not to exceed three (3) pages on any discovery matter.
5. All motions to quash will be set for video/phone conference by the Court within ninety-six (96) hours of the motion being filed. The parties are able to pass the hearing by agreement and filed Rule 11 only.

### **DEPOSITIONS**

1. **Scheduling.** To the extent possible, depositions should be scheduled by agreement. Generally, the party who requests the first deposition is entitled to take the first deposition.
2. **Deposition Exhibits.** Exhibits should be sequentially marked Ex. 1, Ex. 2, etc., regardless of the identity of the deponent or of the side introducing the exhibit. These same exhibit numbers will be used throughout pre-trial and trial.

### **SPECIAL EXCEPTIONS**

1. Attach a copy of the pleading you are excepting to (unless the exception is only to the amount of damages sought) or state verbatim the paragraph to which you except.
2. Proposed orders should list each special exception separately.

### **TEMPORARY INJUNCTIONS**

1. Temporary injunctions and evidentiary hearings typically are set on Wednesdays unless otherwise directed by the Court. Please call the Court Clerk before your scheduled hearing to confirm the hearing. For a temporary injunction hearing, it is imperative that the Court know whether or not you are ready to proceed; if the parties were properly served; and the length of time and the number of witnesses.
2. We may need to reschedule your hearing and extend the TRO (as permitted by law) if there are trial conflicts. Do not bring your witnesses to court until you have spoken with the Court Clerk.

### **SEVERANCE**

The order of severance must include the following information:

- Style of the case;
- Case number (e.g., 2020-33313-A);
- Parties to be included in the severed case;
- Documents to be included in the severed case;

- The order should state whether or not the severed order disposes of the severed case or if the case shall remain active; and
- Party paying for cost of the severance.

### **EXPEDITED HEARINGS**

Any party requesting an expedited or emergency hearing **MUST** file a detailed request.

### **MEDIATIONS**

Generally, all cases are required to be mediated before trial. If you believe your case is not appropriate for mediation, file an objection to the mediation and set it for a hearing or put it on the submission docket.

### **MOTIONS FOR WITHDRAWAL OF COUNSEL**

All motions for withdrawal of counsel must be set for oral hearing, unless all counsel and the client of the attorney seeking withdrawal (as evidenced by the client's signature) agree to the motion.

If your withdrawal as attorney of record will leave a pro se party, you **MUST** provide the court with the complete contact information for the pro se party. Contact information should include name, address, phone number, and email address, no exceptions. You may redact the contact information in your motion, but provide the court clerk and coordinator with a courtesy copy of same.

### **MOTIONS FOR DEFAULT JUDGMENT**

1. All default judgment motions and settings require Rule 21a notice to all defendants.
2. It is the responsibility of movant to follow-up and check the status of motions.
3. Foreclosures and default judgments involving real property must be set for an **oral hearing**. Call the court clerk to schedule.
4. A notice of hearing on a default must be served to the Defendant by regular mail and certified mail with return receipt.
5. The Non-Military Affidavit **MUST** be in compliance with the most recent amendments to the Soldiers and Sailors Relief Act.

### **TRIALS**

1. The Court's docket control order sets the first trial date approximately twelve (12) months after an answer has been filed.
2. The Court does not have a docket call, there is no need to make an appearance unless you have been assigned to trial.
3. The Court considers continuances on a case-by-case basis.

4. If you need an earlier trial date, please contact the trial court coordinator with an agreed trial date and length of time needed for trial.
5. Pretrial conference is held at the time of trial, unless the parties request an earlier conference.
6. Please exchange and file your pre-trial orders. If a specific Trial Preparation Order has not been generated in your case, Trial Preparation Orders are due ten (10) days before the two-week trial docket begins.
7. Your case is **ON CALL** for the entire two-week period. This means you may be called to trial at any time during the two-week period.
8. You will be assigned for trial when the trial court coordinator emails/calls you and informs you of the day and time to appear.
9. Jury charge needs to be emailed to the trial court coordinator, Kirina McNamara, in word format.
10. Exhibits should be on a flash drive as well as hard copies.
11. If your case has settled, please notify the trial court coordinator in writing as soon as possible.