

Judge Don H. Lester Instructions

Division B - Odd Numbered Civil Cases

Ex parte. 9:00-9:30, room 4-077.

- Uncontested matters only, such as motions to set, general probate matters.
- No foreclosure or replevin hearings. No court reporting.

Hearings. Schedule hearings via email to randolphj@clayclerk.com.

- Hearing times are not secured until you receive an email confirmation.
- Requests to add motions to existing hearing time require judge's approval.
- Cancellation of hearing should be emailed to randolphj@clayclerk.com.
- Memoranda of Law must be delivered 3 business days before hearing.

Motions and Proposed Orders. All motions must either be fully consented or set for hearing.

- Agreed/Consented/Stipulated Orders must show consent on the face and contain signatures of all parties.
- Proposed orders can be emailed to randolphj@clayclerk.com, in word or wordperfect format, and must be specific in detail [i.e., for extension of time].
- Moving party must either provide self-address stamped envelopes or an email address for service on all parties.
- Motion to Set Trial is required [Notice of readiness is not acceptable.]. Motion to set can be heard during ex parte with proper notice to all parties. Trial set form must be completed in time for hearing.
- Motion to withdraw requires consent or at least a non-objection to the form of order from *all* parties.
- In all probate cases in which a will or other document has been deposited separately with the clerk of court, the petition for administration must include language indicating that the documents have been deposited and provide the case number assigned to the deposit.

Telephone Appearance. Phone appearance requires motion/proposed order.

- Motion must identify what is to be heard at hearing.
- Personal appearance only on Motions for Summary Judgment and Final Pre-trial Conferences.

Foreclosures. No foreclosure matters during ex parte hours.

- MSJ hearings require personal appearance.
- Foreclosure packages should be brought to hearing by attorney - please do not pre-deliver.
- Motion/Order to Cancel Sale must be received 3 business days before sale date.