

# **Honorable Jeffery S. Matis**

## **COURTROOM PROTOCOL**

1200 North Telegraph Road Pontiac, MI 48341

Courtroom 4B, Fourth Floor – Oakland County Courthouse

Telephone: (248) 858-0368

### **Procedural Guidelines for Practice in Judge Jeffery S. Matis’s Courtroom**

In order to better serve the attorneys and litigants appearing in Judge Matis’s courtroom, the following guidelines have been adopted by the Court.

**Judge Matis has returned to in-person proceedings, unless otherwise indicated. In compliance with the recommendations of the Oakland County Health Department, masks are not required to be worn in the courtroom. Individuals may wear a mask if they feel more comfortable and in fact, the Court will provide one if necessary. Please see court staff upon your arrival should a mask be needed.**

### **eFiling**

Judge Matis participates in the Electronic Data Management System. All civil cases, appeals and criminal pleadings are to be electronically filed. It is your responsibility to become aware of, and comply with, the eFiling requirements.

### **Scheduling Orders**

The Case Management Office issues an initial scheduling order for all civil cases. The Court permits a first adjournment extending scheduling order dates for a total of 60 days by stipulation and order. Requests for subsequent scheduling order adjournments or requests for a lengthier extension of time must be made by motion. Such requests are not routinely granted; good cause must be shown.

### **Motions and Motion Day**

- **Parties may choose to appear for Motion Call via Zoom or in person, unless otherwise indicated by the Court.**

Except with leave by the Court or as otherwise described herein, motions are scheduled pursuant to the local court rules and are heard on every Wednesday at 8:30 a.m. Parties must praecipe motions for any Wednesday of their choice (including orders for show cause) at least one week prior to the chosen Wednesday. Absent good cause, the Court declines to hear add-ons. The judge takes the bench promptly at 8:30 a.m. Parties are expected to complete an order in accordance with the judge’s ruling before leaving the courtroom. If you expect to be more than 15 minutes late, you must call chambers immediately to inform the staff. Pursuant to local court rules, if the moving party of a praeciped motion has not checked in with the Court Clerk the time the case is called, the Court may dismiss the motion. If the non-moving party has not checked in by the time the case is called, the clerk shall call the case upon the request of the moving party and the Court may grant the requested relief if appropriate. A Judge’s copy of all motions and responses is appreciated.

<b>Zoom Instructions</b>	
<b>Tablets and Phones:</b> Install the Zoom App from the App Store or Play Store prior to the call. At the time of the call, launch the Zoom app and join using Meeting ID 248 858 0368	<b>Desktop PCs and Laptops:</b> From the browser, go to Zoom Website ( <a href="http://www.zoom.us">www.zoom.us</a> ). Click on “Join the Meeting.” Join using meeting ID 248 858 0368
<b>Audio-only via Telephone:</b>  Call 646 876 9923 and enter Meeting ID 248 858 0368	<b>Or Click</b>  <a href="https://miscao.zoom.us/j/2488580368">https://miscao.zoom.us/j/2488580368</a>
<b>Participants are reminded that all virtual court appearances are an extension of the courtroom; therefore, parties must adhere to proper conduct and appropriate attire is required. Viewers are prohibited from recording, streaming or otherwise copying or distributing court proceedings.</b>	

- **Responsive Pleadings:** Any responsive pleadings must be filed no later than the Monday before the motion. The cut-off time is noon. Any late filings will not be considered.
- **Adjourning Motions:** Only the moving party may adjourn their motion. Chambers must be notified by the moving party when a motion is adjourned by 4:00 pm on the Tuesday prior to the hearing date. Filing a re-Praecipe and re-Notice of Hearing alone **does not** give notice to the Judge’s Chambers.
- **Dispositive Motions:** When filing a motion for summary disposition, the notice of hearing shall provide “a date and time to be determined by the Court.” A judge’s copy of any motion for summary disposition, brief in support, and all attachments thereto are appreciated. Upon filing, the Court will issue a scheduling order (providing briefing

deadlines and a hearing date), to schedule your dispositive motion. The moving party must file a praecipe for the assigned date. Motions which exceed the page limit will be rejected. Late filings will be rejected. A judge's copy is appreciated for all summary disposition pleadings. Any questions regarding summary disposition motions should be directed to the Judicial Staff Attorney, Carmen Lyon at [lyonc@oakgov.com](mailto:lyonc@oakgov.com).

- **Motions for Reconsideration:** A judge's copy is required. Unless the Court otherwise indicates, no hearing will be scheduled, and no response is required.
- **Emergency Motions:** A request for an emergency hearing may be submitted anytime. To be considered, a written motion explaining the request must be submitted to the Court. Oral requests for an emergency motion will not be considered. The moving party shall e-file the written motion and then email judicial staff a copy of the motion. The individuals to be emailed are identified below:
  - **Judicial Staff Attorney, Carmen Lyon at [lyonc@oakgov.com](mailto:lyonc@oakgov.com)**
  - **Judicial Clerk, Maya Kreczmer at [kreczmerm@oakgov.com](mailto:kreczmerm@oakgov.com)**
  - **Judicial Clerk, Brian Brown at [brownba@oakgov.com](mailto:brownba@oakgov.com)**
- **Appeals and Miscellaneous:** Follow court rules for license restoration and district court appeals.
- **Temporary Restraining Orders and Preliminary Injunctions:** The Court strictly adheres to MCR 3.310 and will only grant ex-parte relief in accordance with the court rules. The Court may accelerate the briefing schedule for motions for a temporary restraining order or a preliminary injunction if good cause is shown.

## **Criminal Call**

- **All matters are scheduled for in-person, unless otherwise indicated by the Court.**

Criminal call will be held weekly on Thursday at 8:30 a.m. The Judge takes the bench promptly at 8:30 a.m. Attorneys are expected to check in with the clerk prior to 8:30 a.m. If you expect to be more than 15 minutes late, you must call chambers to inform court staff. If you need to leave the courtroom for any reason, you must inform the clerk and then sign out on the whiteboard. If you fail to inform the clerk and your case is called while you are absent, you should expect to go to the end of the list. Attorneys should not check-in with the Court until the client has arrived. Chambers will not arrange stand-in coverage for any attorney. Those arrangements will need to be made by the assigned lawyer.

- **Arraignments by Mail:** Arraignments by mail are considered on a case-by-case basis. Please contact chambers to determine if one will be accepted in your matter.
- **Adjournments:** All adjournment requests must be submitted by stipulated order. Adjournments will only be considered for good cause. Faxed orders will not be considered.
- **Motion Cut-Off:** All motions on criminal cases must be filed and heard at least three weeks prior to the scheduled trial date. Please notice and praecipe your motion(s). Late filings will not be considered.
- **Sentencing Memoranda:** All sentencing memoranda must be filed **at least three days** prior to sentencing.

## **Civil Matters**

### Alternate Service

Proposed orders must be accompanied by a verified motion & brief with supporting authority, proof of certified address, postal verification, affidavit of process server (or reason why one cannot be given) showing at least 3 attempts (service on individuals, these 3 attempts must be during times which a working individual would reasonably be expected to be at home).

### Extended/Second Summons

Proposed orders must be accompanied by supporting authority, summons expiration date, verified motion & brief, postal verification, proof of certified address, affidavit of process server (or reason why one cannot be given) showing at least 3 attempts (service on individuals, these 3 attempts must be during times which a working individual would reasonably be expected to be at home).

### Settlement and Final Pretrial Conferences

The Court holds settlement and final pretrial conferences in-person, unless otherwise indicated by the Court. **Trial attorneys, clients, and any insurance representatives with full settlement authority must be physically present at the conference.** The Court routinely becomes involved in settlement negotiations in a case with a jury trial. If the Court is unable to settle the case, it may order the parties to facilitation.

If a matter has settled, the parties shall inform the Court and the judge's clerk will issue a show cause order. A stipulated order of dismissal must be entered prior to the show cause date

or all trial counsel **must** appear for the scheduled show cause. Failure to appear for the show cause (in the absence of a submission of a dismissal order) will result in the entry of a dismissal and/or default.

## **Trials**

### Adjournments

Requests to adjourn trial must be made by motion and will be granted only for good cause.

### Schedule

Unless otherwise ordered, the Court conducts trial on the following days: Mondays from 8:30 a.m. to 4:30 p.m., Tuesdays from 8:30 a.m. to 4:30 p.m., Wednesdays from 1:30 p.m. to 4:30 p.m., Thursdays from 1:30 p.m. to 4:30 p.m., and Fridays from 8:30 a.m. to 4:30 p.m.

### Exhibits and Motions in Limine

The parties are required to exchange and stipulate to exhibits in advance of trial. Exhibits must be marked by counsel prior to trial and a complete set must be submitted to the Court on the first day of trial. Plaintiff/Petitioner is to mark its exhibits with numbers.

Defendant/Respondent is to mark its exhibits with letters.

Motions in limine must be filed and praeciped 30 days prior to trial.

### Jury Trials

The parties are required to exchange and stipulate to pre-trial jury instructions in advance of trial. All such disputes are to be resolved before the morning of trial. Jury instructions are to be submitted without citation of authority or identification of the proponent (please reference the Pretrial Order). Jury instructions are due **one week** before trial and must be submitted electronically in Word format via email to the following:

- **Judicial Staff Attorney, Carmen Lyon at [lyonc@oakgov.com](mailto:lyonc@oakgov.com)**
- **Judicial Assistant, Jolie Wackter at [wacktery@oakgov.com](mailto:wacktery@oakgov.com)**

The Court conducts initial voir dire but also allows counsel to conduct voir dire. The jury will be charged after closing arguments and will be allowed to take the exhibits and jury instructions into deliberations. Jurors are allowed to take notes.