

PROTOCOLS

These protocols will continue in effect until further notice.

During the duration of this order, the court may conduct limited virtual proceedings through the Zoom video conferencing, meeting ID: 248 858 0365. However, most proceedings will be held in person in open court, courtroom 5C.

There shall be no photographs, audio or video recording, broadcasting, or live streaming of court proceedings without the Court's permission. Virtual court hearings are subject to the same rules as hearings conducted within a courtroom. See MCR 8.115.

Please note: trials, settlement conferences, and evidentiary hearings will be in person and not conducted virtually at the Court's discretion.

Correspondence with the Court: Ex parte communication with the Court is inappropriate. All parties to a case must be included on all written communications with Chambers staff.

1. COURTROOM PROCEEDINGS

- a. The Court shall conduct proceedings via electronic means, including Zoom video and/or audio conferences, Judge On-Line telephone conferences, and similar means.
- b. A notice re: Zoom hearing will be e-filed by the Court with a specific date and time for your hearing prior to the hearing date. It is your responsibility to review this information upon receipt through the [e-file system](#).
- c. It is your obligation and responsibility to ensure you have the equipment and networking needed for a successful call. Further, it is your responsibility to ensure that your connection works before your court date.
- d. It is your responsibility to ensure you are attached to the e-filing system. If you have questions about how to attach yourself to the e-filing system, or are not receiving notices, Orders, or other documents pertaining to your case, please contact the e-filing clerk at 248-858-0582 or efiling@oakgov.com.

2. CONNECTING TO THE VIRTUAL COURT ROOM AT THE TIME OF THE PROCEEDING:

- a. Polycom Systems (Court Rooms, Jails, etc.): Dial 162.255.37.11##2488580365
- b. Desktop PCs and Laptops: Go to the Zoom Web Site (zoom.us). Click on "Join a Call." Join using Meeting ID 248 858 0365 OR click the following link: <https://miscao.zoom.us/my/jacobcunningham>.
- c. Tablets and Phones (Apple and Android): 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 2488580365
- d. Audio-only via Telephone: Call (646) 876 9923 or (669) 900 6833 and connect using meeting id 2488580365
- e. If, during a hearing, a need arises for a private conference between attorney and client, the Court will allow the conference in a breakout room.

3. SCHEDULING/STATUS CONFERENCES

- a. The Court will issue scheduling orders as soon as possible with trials set approximately 90-120 days from the date of the conference.
- b. If the parties wish to adjourn case evaluation, contact Case Management at cmo@oakgov.com, AND submit a stipulated order adjourning case evaluation. The Court retains its case evaluation requirement.
- c. The parties may stipulate to attend facilitation in lieu of case evaluation. To do so, the parties must submit a stipulated order that includes the name of the facilitator, and the date and time of facilitation.

4. ADJOURNMENTS

- a. **CIVIL ADJOURNMENTS:** First adjournment of the initial scheduling order may be made by stipulation and order for a maximum of sixty (60) days. Both old dates and new dates **MUST** be included. Second adjournments, and any subsequent adjournment, must be requested by motion.

5. MOTIONS

- b. At this time, all motion hearings are held via Zoom video conferencing, unless otherwise ordered by the Court.

- c. All cases are now e-file. Accordingly, all motions must be e-filed. If parties are not connected to the e-file system, a separate proof of service must be timely filed, or the motion will be dismissed for improper service.
- d. [Praecipes](#) are required for motions to be addressed by the court.
- e. If Judge's copies are emailed, please note they are only saved for two weeks. If a motion is re-noticed beyond that, a new judge's copy should be emailed if it has documents not attached to original motion filed with the Court or unredacted information. Otherwise, at this time, Judge's copies are not necessary.
- f. If a response to a motion is not received by Monday at noon the week of the motion hearing, it will not be considered by the Court. If Monday is a court holiday, responses must be submitted to the court on Friday by 4:30 p.m.
- g. If you wish to remove your motion from the docket, please notify Court staff via email.
- h. The Court may request briefing in lieu of oral arguments.
- i. A notice re: Zoom hearing will be e-filed by the Court with a specific time for your motion hearing. It is your responsibility to review this information upon receipt through the e-file system. If your motion is resolved or you wish to remove your motion from the Motion Call Docket, the parties must notify Chambers staff via email.
- j. It is your responsibility to ensure you are attached to the e-filing system. If you have questions about how to attach yourself to the e-filing system, or are not receiving notices, Orders, or other documents pertaining to your case, please contact the e-filing clerk at 248-858-0582 or efiling@oakgov.com.
- k. All motions need be in conformity with the Michigan Court Rules. See generally, MCR 2.119.
- l. **MOTIONS FOR RECONSIDERATION:** Motions for Reconsideration that are filed must be brought to the attention of the staff attorney. Motions for Reconsideration do not require oral argument. A ruling will be issued when the Court is available.
- m. **MOTIONS FOR SUMMARY DISPOSITION:** All Motions for Summary Disposition must be scheduled with the Judicial Staff Attorney directly prior to filing. For scheduling, please contact via email Xavier Donajkowski (donajkowskix@oakgov.com) .

- n. **DISCOVERY MOTIONS:** All discovery motions will be referred to the Discovery Master on Motion Call Day. If you do not resolve your motion with the Discovery Master, then you will meet with Judge Cunningham at your scheduled time. Should your motion not move forward on Wednesday, the parties must notify Chambers staff AND Case Management (cmo@oakgov.com).

6. MOTIONS FOR SUMMARY DISPOSITION

- a. Prior to filing your motion for summary disposition, please email the staff attorney Xavier Donajkowski (donajkowski@oakgov.com) and include the case name and number in the subject line. The Court will then assign a hearing date and issue a scheduling order.
- b. Please note that the Court schedules motions for summary disposition on motion docket Wednesdays. The Court is scheduling motions for summary disposition several months out, so it is the responsibility of counsel to make sure motions are heard before pertinent deadlines.
- c. The Court will enforce its scheduling orders. Should a non-moving party fail to timely respond to a motion for summary disposition, the Court will assume that party has no legal authority for their position and will grant the motion for summary disposition.
- d. If the Court assigns a motion date after the date scheduled for the beginning of trial, please timely reach out to the Court's Judicial Clerks for a new scheduling order if one is not provided.
- e. Judge's copies need be provided to chambers as detailed in the summary disposition scheduling order.

7. EMERGENCY MOTIONS:

- a. Parties seeking emergency relief shall follow the appropriate procedures on the Oakland County Circuit Court COVID-19 Court Information website (<https://www.oakgov.co/courts/circuit/resources/Pages/COVID-19Court-Info.aspx>). A copy of the Emergency Motion MUST be emailed to Chambers staff. There is a 24 hour turn around time from when the emergency motion is filed to when the Court will issue its ruling.
- b. The court will follow the directives of the Sixth Judicial Circuit Court COVID19 State of Emergency Procedure.
- c. Emergency Motions can be e-filed. Movants seeking emergency or ex parte relief should contact chambers staff **prior to filing** to ensure court

staff is aware of the motion being filed, and should also be brought to the staff attorneys attention.

8. CRIMINAL MATTERS

- a. Criminal call is held on **IN PERSON** on Tuesdays beginning at 9:00 a.m.
- b. **ARRAIGNMENTS BY MAIL** are permissible on a case-by-case basis. Counsel is to contact chambers for approval and will be provided a pretrial date to insert in the ABM and have e-filed. Please contact the Judicial Secretary, Lena Essak, for more information.
- c. **CRIMINAL ADJOURNMENTS:** stipulated orders are required for pretrial and sentencing adjournments. Please e-file the stipulated order AND notify Lena Essak.
- d. **CRIMINAL CALL OBSERVATION:** If an individual is Court ordered to observe an criminal call docket, the individual must contact chambers and speak to the Judicial Assistant, Lena Essak, and request a date to observe. Observer must bring the appropriate Court paperwork which requires signature of staff at the end of the call. Observer must be dressed professionally when attending Court proceedings.

9. GENERAL INFORMATION

- a. **Chambers Contact Information**
 - i. Phone - (248) 858-0365
 - ii. Fax – (248) 975-9787
 - iii. Clerks
 - 1. Ceara Murphy, murphyc@oakgov.com
 - 2. Ashley Kunath, kunatha@oakgov.com
 - iv. Staff Attorney
 - 1. Xavier Donajkowski, donajkowskix@oakgov.com
 - v. Judicial Secretary
 - 1. Lena Essak, essakl@oakgov.com
- b. **Zoom Room 3**
 - i. Connecting
 - 1. Direct Link: <https://miscao.zoom.us/my/jacobcunningham>
 - 2. From browser: www.zoom.us - > 248 858 0365
 - 3. From telephone: (646) 876-9923 - > 2488580365
 - 4. From h.323: 162.255.37.11##2488580365
 - 5. From iOS/Android: Download Zoom from App Store

- ii. The virtual courtroom is public. People will be admitted as they log in to Zoom and while court is in session. Please mute yourself and remain on mute until your matter is called.
- iii. Attorneys are expected to only have one court appearance via Zoom at a time. If an attorney has a conflict that cannot be resolved, the attorney should contact the court or seek an adjournment in advance.
- iv. Parties and attorneys are expected to dress and behave appropriately in virtual court just as if they were in the Courthouse. Driving, eating, and smoking are all strictly prohibited while in session. Litigants must be alone in a room or private space and free from all distractions to attend court. Children are not permitted unless expressly requested by the Court.