

## Honorable Julie A. McDonald

### Location

Courtroom 2F – Second Floor – Oakland County

Telephone: (248) 858-0342

Zoom Meeting ID: 248 858 0342.

Link to Zoom Room: <https://miscao.zoom.us/j/2488580342>.

### Courtroom Policies

**ZOOM HEARINGS:** The Court will generally NOT allow remote hearings for matters that will require extensive testimony from the parties or witnesses, such as bench trials, best interest hearings, etc. The Court's Zoom Meeting ID is 248 858 0342. No password is required to join.

- Zoom calls are court proceedings and therefore an extension of the court room and appropriate conduct and attire is required. Children should not be present in the room or be able to listen in on the hearing.
- If the parties are unable to properly conduct themselves during a Zoom hearing or technical issues prevent the Court from effectively hearing the matter, the Court will adjourn the matter and require the parties to appear in person for continuation.
- Participants MUST have their devices properly labeled with their name and case number. Failure to do so may result in a participant missing the hearing and the Court making the finding the participant failed to appear for court.

**IN PERSON HEARINGS:** The Court is currently hearing a majority of matters in person. The parties may contact chambers to inquire if an upcoming hearing can be held on Zoom.

- No children are allowed in the courtroom, unless given specific permission or instruction by the Judge's staff.
- Please refrain from speaking loudly and discussing cases in the back of the courtroom as it is distracting and causes issues with the Court's recording system. Please go into the hallway if parties wish to discuss their case while not on the record with the Judge.
- Hats and sunglasses are not to be worn in the courtroom, unless excused by the Court.
- All parties appearing before the Judge must stand when addressing the Court, unless excused by the Court.

### Orders Presented for the Judge's Signature

**SIGNATURES:** On e-filing cases, the Court will accept electronic signatures. On all other cases, the Court requires at least one original, handwritten signature with other original photo-copied signatures if applicable. On consent judgments, all parties must sign the final documents.

**TRUE COPIES:** For e-filing cases, true copies are distributed through MiFILE. Please ensure all parties and counsel are attached to their case in the MiFILE system so they can receive copies

of submitted documents. All other copies will need to be ordered through [Court Explorer](#). Copies of Juvenile orders will need to be obtained by contacting Juvenile Intake at (248) 858-0033.

**WITHDRAWAL OF COUNSEL/SUBSTITUTION OF COUNSEL:** When filing a withdrawal or substitution of counsel, all parties must sign the stipulation including withdrawing counsel's client and opposing party/parties. If the opposing party is represented by counsel, only counsel's signature is needed on the stipulation.

**DOCUMENT CAPTIONS:** For e-filing cases, pleading and document captions should include email addresses for counsel of record and/or in pro per parties (if applicable).

## Motions

**JUDGE'S COPIES:** Motions, briefs, and responses that exceed twenty pages in length (including exhibits) must have a printed Judge's Copy delivered to chambers.

**MOTION CALL:** Motions must be properly noticed in front of the Court to be heard as part of the Court's Wednesday motion call. Beginning July 23, 2023, motions will be heard in person in Courtroom 2F unless the Court gives prior approval for the parties to appear by Zoom. Parties are expected to appear in person for all motions, including procedural motions, unless prior approval is given by the Court for an absence or a remote appearance.

- *Praecipes Filed Late.* If you were unable to timely or properly file a motion, we cannot add it to the motion call. You may re-praecipe the motion for hearing on a subsequent motion day.
- *Orders Following Motion Call.* Orders on motions are due no later than 4:30 p.m. the day the motion was heard. An order received after this time must be submitted as a stipulated order, or pursuant to MCR 2.602(B)(3). If counsel is present when the motion is heard, they must prepare an order to present to the Judge before leaving the Courtroom (unless otherwise stated, the Judge's staff will not prepare the order).
- *Adjourned or Cancelled Motions.* Only the moving party may cancel or adjourn a motion to another Motion Call. The moving party must immediately contact opposing counsel/parties to inform them of the cancellation or adjournment. If adjourning a motion, another Judge's Copy of the motion must be delivered to chambers no later than the Friday prior to the adjourned motion call. For an adjournment or cancellation to be excused by the Court, the moving party must call chambers by 4:00 p.m. on Tuesday to advise the clerk that the motion has been adjourned or withdrawn.
- *Abandoned Motions.* Unless excused by the Court, the moving party must appear for the motion. Failure to appear may result in a \$100.00 assessed penalty to the moving party, pursuant to MCR 2.119. To be excused by the Court, the moving party must call

chambers by 4:00 p.m. on Tuesday to advise the clerk that the motion has been adjourned or withdrawn.

- *Requests to Adjourn for Service.* The Court will not typically adjourn a moving party's motion without requiring an appearance based on a respondent's claim of improper service. The respondent should contact the moving party to ask for an adjournment of the motion or raise service issues in the response.

**FRIEND OF THE COURT PRE-MOTION CONFERENCE:** Friend of the Court pre-motion conferences will continue to be held on Zoom until further notice; if a motion is to be addressed by Friend of the Court in a pre-motion conference, FOC staff will send the parties notice prior to the scheduled motion call with further instructions regarding the time of the meeting and the Zoom login information. Parties may contact Chambers beginning the Friday prior to Motion Call to clarify if a motion has been referred to Friend of the Court for a pre-motion conference. Following the pre-motion conference and the issuance of FOC's recommendation, a motion to adopt the recommendation/in opposition to the recommendation must be properly noticed and praeciped for a future Motion Call in order for the Court to further address the motion., unless a stipulated order is submitted to the Court.

**RESPONSES TO MOTIONS:** Responses must be filed with MiFILE no later than 12:00 p.m. the Monday before the scheduled call; Responses not in the court file by 9:00am the Tuesday prior to motion call may not be reviewed by the Court. Answers/Replies to Responses must be approved for filing by chambers pursuant to MCR 2.119(2)(b).

**EMERGENCY MOTIONS:** An emergency motion can be filed at any time. All emergency motions must be in writing and properly filed with the Court using MiFILE prior to review. A copy of the motion must be emailed to the clerks and the staff attorney (see end of protocol for contact information). Please do not leave emergency motions in the County Clerk's office downstairs or in the courtroom. To receive prompt assistance with your emergency motion, the moving party should contact chambers for further instructions at (248) 858-0342.

**MOTIONS FOR SUMMARY JUDGMENT:** Please schedule the motion hearing with the staff attorney for Judge McDonald by contacting her at [heritagek@oakgov.com](mailto:heritagek@oakgov.com) (and copy [mcdonaldchambers@oakgov.com](mailto:mcdonaldchambers@oakgov.com) on the email). Please file the motion and direct any Judge's Copies (if included) to the staff attorney's attention. You must also verify with the staff attorney when to praecipe the motion for hearing.

**MOTIONS FOR RECONSIDERATION:** File the original motion with MiFILE and email a copy to the staff attorney for Judge McDonald at [heritagek@oakgov.com](mailto:heritagek@oakgov.com) (and copy [mcdonaldchambers@oakgov.com](mailto:mcdonaldchambers@oakgov.com) on the email). Do not file a praecipe or Notice of Hearing. Pursuant to the Court Rules, a hearing will not be held unless ordered by the Court.

**ORDERS OF REFERENCE TO FOC:** Orders of Reference to Friend of the Court will not be accepted by stipulation; the parties must file a motion and notice it for hearing on motion call.

**REQUESTS FOR EVIDENTIARY HEARINGS:** If you have an issue that involves a factual dispute, you must file a motion to request an evidentiary hearing before the Judge.

### Trials/Evidentiary Hearings

**TRIAL DATES:** Trial dates are set by the Domestic Scheduling Order issued at the parties' Settlement Conference. Parties and counsel are expected to comply with all dates set forth in the Scheduling Order.

**ADJOURNMENTS:** Judge McDonald will generally allow for stipulated adjournments of trials for cause. Parties must first contact Chambers to receive approval for adjournment by stipulation and for new dates. All motions and orders for adjournment must state the reason for the adjournment and be labeled as "First Adjournment," "Second Adjournment," "Third Adjournment," etc. Trials and hearing dates will remain on the Court's docket until a stipulated order is presented to the Court for the Judge's signature; if parties fail to submit a stipulated order to the Court prior to their scheduled date, it is expected that all parties shall appear for the scheduled trial or hearing. Cases eligible for adjournment should meet the following conditions (requests for adjournments outside of these conditions should be made by formal motion):

1. The new date for Trial falls no closer than four months to the case's one-year filing guideline,
2. The parties have an upcoming mediation session scheduled, and
3. The parties are stipulating to the adjournment.

**TRIAL AND EVIDENTIARY HEARING BRIEFS:** Trial and Evidentiary Hearing briefs must be filed in all cases no less than one week prior to the hearing date, unless otherwise indicated in the scheduling order. Be sure to identify uncontested issues. Failure to follow requirements of the Scheduling Order may result in rejection of the trial brief. Parties should refer to the case's Scheduling Order and/or Order setting the hearing for specific requirements.

**TRIAL AND EVIDENTIARY HEARING EXHIBITS:** See "Exhibits" section of protocol.

**TRIAL AND EVIDENTIARY HEARING WITNESSES:** All parties and witnesses must appear in person for the hearing unless given prior leave by the Court to appear remotely by Zoom.

**MEDIATION:** Before the Judge will try a case, it must be mediated. Cases where mediation has not been excused and where the parties fail to mediate prior to trial may be dismissed by the Court.

**SETTLEMENTS:** When putting a settlement on the record or taking statutory proofs, all parties are required to appear unless there is a signed acknowledgment of settlement in place. If a signed settlement is in place, then only Plaintiff and Plaintiff's counsel need to appear.

### Exhibits

Proposed exhibits should be stipulated to prior to trial or evidentiary hearing, with objections raised by formal motion and noticed for no later than the Court's last regular motion call preceding the trial/evidentiary hearing. When labeling exhibits, Plaintiff is to use numbers and Defendant is to use letters. Parties and counsel must identify and simplify the issues to be settled by the Court. A Judge's Copy of proposed and stipulated exhibits must be delivered to Chambers in a tabbed binder no later than five (5) days prior to the hearing.

### Settlement Conferences

**APPEARANCES:** Generally, the Court will issue a scheduling order in lieu of requiring an appearance at the parties' initial settlement conference; the Court will contact the parties prior to the conference date to confirm the appointment of a mediator and excuse the parties' appearance at the upcoming conference. For all other conferences, attorneys and parties must attend any scheduled conference or hearing unless excused by the Court. Unless otherwise notified by court staff, clients and attorneys must appear at all subsequent hearings even if their appearance was excused for the Settlement Conference.

**SCHEDULING ORDERS:** The Judge's Clerk will issue a scheduling order at the Settlement Conference. Please be sure to take your copy of the scheduling order with you, as that will be the only notice of subsequent dates. The order will contain deadlines for discovery cut-off, witness list exchange, mediation, and other important information. A mediator is to be stipulated by the parties or will be named by the Court, and a trial date will be set. Ask the clerk for the form when checking in. Parties will not be required to go on the record to obtain a Scheduling Order.

### Judgments of Divorce

**DEFAULT JUDGMENTS:** A party must file and obtain a default against the non-moving party from the County Clerk prior to presenting a default judgment to the Court (see MC 07). Please verify entry of default with the Clerk's Office and proper service before moving for entry of a default judgment. The party moving for a default judgment must comply with MCR 3.210(B) before appearing for the default judgment hearing. All motions for entry of default judgments MUST include an attached copy of the proposed judgment (and support orders, if applicable). An additional copy of the proposed judgment and any applicable support orders should be e-

filed prior to the hearing for the Judge's signature. Motions for entry of a default judgment must be noticed for the Court's regular Wednesday Motion Call and will not be heard on a case's scheduled trial date.

**CONSENT JUDGMENTS:** Please e-file consent judgments prior to appearing for statutory proofs. If the consent judgment has not been prepared when the parties appear before the Court to place their settlement on the record or to take statutory proofs, the Court will generally allow the parties 21 days to submit a signed consent judgment based on the settlement that was placed on the record. If the Court does not receive a signed consent judgment within 21 days, it is within the Court's discretion to dismiss the case.

**UNIFORM CHILD SUPPORT ORDERS:** All judgments involving minor children must be accompanied by a Uniform Child Support Order, even if the parties are seeking to deviate to a zero sum. The Court will not enter a consent judgment that reserves the issue of child support or simply refers the issue of support to Friend of the Court. All deviations in child support must be accompanied by the Deviation Addendum.

### Ex Parte Orders

All Ex Parte Orders must have the required affidavit and/or verification as required by the court rules and must include the following notice, pursuant to MCR 3.207(B)(6):

- "This Order will automatically become a temporary order if the other party does not file a written objection or motion to modify or rescind the ex parte order and a request for a hearing. The written objection or motion and the request for a hearing must be filed with the clerk of the court, and a true copy provided to the friend of the court and the other party, within 14 days after the order is served."

### Personal Protection Orders (PPO)

**HEARINGS:** Hearings regarding PPOs will be held in person and may be referred for hearing in front of the Visiting Judge. Referrals to the Visiting Judge will be indicated on the issued Notice of Hearing as taking place in Courtroom W3. All other hearings will be heard by Judge McDonald in Courtroom 2F.

**MOTIONS TO TERMINATE/MODIFY/EXTEND:** Motions for PPO's will not be heard on Wednesday mornings and are not to be scheduled for the Court's regular motion call. To schedule a motion hearing regarding a PPO, please refer to the instructions provided on the PPO Office's webpage. Upon the filing of a motion, court staff will email a notice of hearing to the moving party – the moving party is responsible for arranging service of the motion.

**ADJOURNMENTS:** Unless otherwise stipulated, only the moving party may adjourn or withdraw a PPO motion.

### Interpreter Requests

Any party in need of an interpreter must let chambers know as soon as possible. Any requests for interpreter made with less than one week's notice may result in an inability for the Court to provide an interpreter for the hearing or the adjournment of the hearing.

### Prisoner Participation

To make the necessary arrangements, requests for remote prisoner participation must be made to chambers no later than one week prior to the hearing date or as soon as practical based on the date of incarceration. Chambers must be provided with the correct spelling of the prisoner's name, his/her date of birth, and his/her identifying inmate number. Failure to provide any of the above information may prevent chambers from arranging for the prisoner's participation in the hearing.

### Transcripts

**DOMESTIC DOCKET:** Typed transcripts may be obtained directly through About Town Court Reporting:

- Contact Person: Naomi Leach
- Phone: (248) 634-3369
- Address: 104 Oakland, Holly, MI 48442

**JUVENILE DOCKET:** Please contact the Juvenile Department at (248) 858-0033 for more information on transcripts for -NA and -DL cases.

### Contact Information

**CHAMBER'S EMAIL:** [McDonaldChambers@oakgov.com](mailto:McDonaldChambers@oakgov.com).

**CHAMBER'S TELEPHONE:** (248) 858-0342.

**CHAMBER'S FAX:** (248) 975-9786.

**STAFF ATTORNEY:** Kathy at [heritagek@oakgov.com](mailto:heritagek@oakgov.com)

**CLERKS:** See below.

- Kylie: [forrestk@oakgov.com](mailto:forrestk@oakgov.com)
- Collin: [johnsoncd@oakgov.com](mailto:johnsoncd@oakgov.com).

**JUDICIAL SECRETARY:** Debbie at [Gibbsd@oakgov.com](mailto:Gibbsd@oakgov.com).