

FIFTH AMENDED DIVISION IX PREFERENCES

Per the Supreme Court Orders In Re: COVID-19 Pandemic, and the Circuit Court Plan for re-opening for in-person proceedings, Circuit Court Division IX is implementing the following procedures taking into account the health, safety and general welfare of the parties, lawyers, witnesses, staff, Court, and anyone having business with the Court. While the current Order of May 14, 2021 eases court operation restrictions, courts that have been conducting business by means other than in-person court proceedings have been advised to continue to do so and Courts that are not utilizing technology available to them to conduct business by means other than in-person court proceedings need to implement the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact. All of these methods continue to be the preferred option over in-person court proceedings to competently, promptly, and diligently perform judicial and administrative duties. As such, Division IX intends to handle all matters in a manner continues to limit exposure to all parties and will closely monitor the pandemic, CDC recommendations, and Orders of the Supreme Court and these preferences will be modified accordingly.

CONTACT INFORMATION FOR DIVISION IX

Devynn Winters
Courtroom Clerk
circuit.division9@shelbycountyttn.gov
901-222-3846

Demetrice Robinson
Judicial Assistant
demetrice.robinson@shelbycountyttn.gov
901-222-3800.

Jhasilyn Heyward
Law Clerk
Jhasilyn.Heyward@shelbycountyttn.gov
(only to be used when she has contacted you
regarding Motions for which she has contacted
you specifically on)

UNCONTESTED DIVORCES

All Uncontested Divorces based on irreconcilable differences and default judgment shall be heard every Wednesday at 9:00am, unless it is an excluded date, and shall be set electronically on the Circuit Court website.

Divorces by irreconcilable differences shall be heard via Affidavit and Interrogatories only unless the Court determines it needs to hear oral testimony from any of the parties or witnesses. The attorney and their client should be available on the morning their case is set to be heard in case the Divorce Referee or Judge has any questions or concerns.

If the divorce is by default, the Plaintiff and witness shall appear via Zoom at the universal link below contained in the Zoom Hearing section below.

Should you experience any problems with the link, please contact the Courtroom Clerk at circuit.division9@shelbycountytn.gov. If you are unable to reach the Courtroom Clerk, you may contact the Judicial Assistant at demetrice.robinson@shelbycountytn.gov.

The party setting the hearing is responsible for providing proper notice including the Zoom link with credentials to all other attorneys or self-represented parties and to ensure that their clients are available to participate via Zoom in an appropriate setting, if applicable. All hearings will be reset for failure to comply with notice requirements.

Please file all appropriate pleadings and email a copy of the Plaintiff's Affidavit/Interrogatories, Agreed Parenting Plan, Insurance Notification, Costs Bill, Health Insurance Form, Demographic Form, Divorce Certificate Form, the Final Decree, and any other pertinent document to Judge Debbie Branan, Divorce Referee, at KDJudge@aol.com by close of business on the Wednesday preceding the Wednesday your case is set to be heard. Please make sure all required signatures and/or certificate of service is on the Final Decree. It is important that you adhere to this requirement so that the Divorce Referee and Judge will have time to review them prior to the date its set to be heard. The Court reserves the right to reschedule any case that does not comply with this provision.

MOTIONS

Rule 5(h) is more important than ever and strict compliance is required. Please file proof of compliance with this rule and proof of proper notice with the Motion, including notice on motions for default unless service was by publication. ALL NOTICES SHALL CONTAIN THE UNIVERSAL ZOOM LINK which can be found below in the Zoom Hearing section. The Court shall strike all Motions that do not comply with this provision.

NON-DISPOSITIVE MOTIONS

Non-dispositive motions shall be set via the online system and shall be heard as outlined below on every Friday unless it is an excluded date.

Pursuant to local rules, all non-dispositive motions shall be considered on brief only without oral argument, but the Court reserves the right to specially set hearings for oral arguments should the Court deem it necessary. All motions, responses, and replies shall be timely filed in compliance with the applicable Local Rules and Tennessee Rules of Civil Procedure and all strikes shall be done in accordance with the local rules. Pursuant to Local Rules, counsel for the proponent of the motion must deliver a copy of all briefs and memoranda to the Courtroom Clerk at least five (5) days before the motion is to be considered and counsel for the responding party or parties must deliver a copy of all responsive briefs and memoranda to the Courtroom clerk no later than 2 days before the motion is to be considered to give the Judge a reasonable opportunity to review the

briefs. Following this protocol, will facilitate the best use of time for the lawyers, self-represented litigants, and the Court. Failure to follow the above requirements may result in the motion being stricken.

The Court will issue a ruling granting or denying the motion which will be emailed to the attorneys and self-represented parties. If you do not receive it, you may contact the Court Clerk via email at circuit.division9@shelbycountyttn.gov. You will also be able to determine if the Motion has been granted or denied upon reviewing the docket report on the Circuit Court website by 4:00p.m. on the Friday the Motion is set to be considered.

Parties shall submit Orders within seven (7) days in accordance with the local rules. The Order may be submitted via email at circuit.division9@shelbycountyttn.gov or placed in the Division IX Orders Box in Room 208. Please make sure all required signatures and/or certificate of service are on the Order.

DISPOSITIVE MOTIONS

All dispositive motions shall be specially set with the Courtroom Clerk and shall not be struck without permission of the Court.

Pursuant to local rules, all dispositive motions shall be considered on brief only without oral argument, but the Court reserves the right to specially set hearings for oral arguments should the Court deem it necessary. All motions, responses, and replies shall be timely filed in accordance with the Local Rules and Tennessee Rules of Civil Procedure. Pursuant to Local Rules, all motions for summary judgment and to dismiss shall be filed with the Clerk at least thirty (30) days before the motion is heard, along with the proponent's memorandum brief and any affidavits and supporting documents. The proponent must also deliver a copy of the memorandum brief to the Courtroom clerk (with a copy of any affidavits and supporting documents). Counsel for the respondent must file a memorandum brief with the Clerk and deliver a copy to the Courtroom Clerk (with a copy of any affidavits and supporting documents) at least ten (10) days before the motion is heard. Service copies to all parties must meet the same deadlines. No motions will be heard unless all parties have complied with this rule except where the Court may have extended or shortened these time limits.

The Court may issue a ruling orally or by letter and once it has been issued, the Order shall be submitted via email at circuit.division9@shelbycountyttn.gov or placed in the Division IX Orders Box in Room 208 within seven (7) days of the ruling. Please make sure all required signatures and/or certificate of service is on the Order.

All oral arguments shall be via Zoom or telephonically unless there is an objection to a telephonic hearing. The Zoom link and credentials shall be the same for every day and can be found in the Zoom Hearing section below. Please notify the Courtroom Clerk or Judicial Assistant, if you are unable to reach the Courtroom Clerk, if you are experiencing any issues with the Zoom link and credentials.

**MINOR SETTLEMENTS, WRITS OF INQUIRY, PETITION TO APPROVE A
STRUCTURED SETTLEMENT, ALL OTHER PETITIONS (DOMESTIC & NON-
DOMESTIC), AND ANY OTHER HEARINGS**

If you have a minor settlement, writ of inquiry, petition to approve a structured settlement, other domestic or non-domestic matters, and any other hearings that needs to be heard, please contact the Courtroom Clerk via email at circuit.division9@shelbycountyttn.gov. These matters will be specially set by the Courtroom Clerk, Judge, or via Fiat.

MINOR SETTLEMENTS: Minor settlements will be heard via Zoom every Wednesday that is not an excluded date; however, the parties must contact the Courtroom Clerk to get on the calendar. The Court requires a GAL for all minor settlements of ten thousand dollars (\$10,000) or more and may require it in those less than ten thousand (\$10,000) depending on the alleged injuries. If a GAL is required or you suspect one may be required, please contact the Courtroom Clerk and the Court will appoint one. After the Court appoints the GAL and the GAL's report has been filed with the Court, contact the Courtroom Clerk for a hearing date. The legal guardian and minor must be available for the hearing via video conference. Email proposed orders and any documents the court needs to review to the Courtroom Clerk before the hearing.

The Zoom link and credentials shall be the same for every day and can be found in the Zoom Hearing section below. Please notify the Courtroom Clerk or Judicial Assistant, if you are unable to reach the Courtroom Clerk, if you are experiencing any issues with the Zoom link and credentials.

NON-JURY TRIALS INCLUDING CONTESTED DIVORCES

All bench trials scheduled will be conducted via Zoom until further notice. Please submit a binder of exhibits properly tabbed to the Court and opposing party at least 48 hours prior to the trial. Attorneys are to ensure that client and their witnesses can participate via Zoom, dressed appropriately, and in an appropriate environment that does not interfere with the trial.

Contested Divorces: Compliance with Local Rule 14 is required.

The Zoom link and credentials shall be the same for every day and can be found in the Zoom Hearing section below. Please notify the Courtroom Clerk or Judicial Assistant, if you are unable to reach the Courtroom Clerk, if you are experiencing any issues with the Zoom link and credentials.

JURY TRIALS

Shelby County Circuit Court resumed jury trials on May 17, 2021, subject to juror availability. Because the pandemic continues, Circuit Court will stagger start dates among the divisions to ensure the safety and well-being of all personnel, attorneys, litigants, jurors, and witnesses. Please contact the Courtroom Clerk at circuit.division9@shelbycountyttn.gov. The parties will need to submit an Order with the trial date to ensure all parties have proper notice of the new

trial date. The Order shall be submitted via email to the Court Clerk at circuit.division9@shelbycountyttn.gov or placed in the Division IX Orders Box in Room 208. Please make sure all required signatures and/or certificate of service are on the Order.

ORDERS OF PROTECTION, EMERGENCY CHILD CUSTODY MATTERS, D&N, CONTEMPT, INJUNCTIVE RELIEF, & TRO'S

Orders of Protection Emergency Child Custody, Dependency and Neglect, Contempt and Petitions for Injunctive Relief/TRO will be conducted via Zoom if it is feasible to do so unless the Court notifies you otherwise. All matters shall be set by contacting the Courtroom Clerk via circuit.division9@shelbycountyttn.gov.

The Zoom link and credentials shall be the same for every day and can be found in the Zoom Hearing section below. Please notify the Courtroom Clerk or Judicial Assistant, if you are unable to reach the Courtroom Clerk, if you are experiencing any issues with the Zoom link and credentials.

OTHER MATTERS

Please contact the Courtroom Clerk via email at circuit.division9@shelbycountyttn.gov to inquire about any other legal matter or case not otherwise addressed herein.

MASK AND SOCIAL DISTANCING: Effective immediately, the Supreme Court has: (1) reduced the required distance between persons in the courtroom from six feet to three feet; (2) removed courtroom capacity limits; and (3) lifted the facial covering requirement. Although the use of facial coverings will no longer be required, continued use of facial coverings in compliance with current CDC guidelines is strongly encouraged. See [https://urldefense.com/v3/_https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html_!!Gc99PbnFYChlqJFE!NFC_5bSUBel3eAQxOGgQShTZeklwxw7HZ3TnfyPF Tq3l1peKgxioUQI03Fxuqquc1aqDYrWLDLcqCw\\$](https://urldefense.com/v3/_https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html_!!Gc99PbnFYChlqJFE!NFC_5bSUBel3eAQxOGgQShTZeklwxw7HZ3TnfyPF Tq3l1peKgxioUQI03Fxuqquc1aqDYrWLDLcqCw$) . Judges retain the discretion to require the use of facial coverings generally or in specific cases, particularly cases involving persons in the courtroom who are at an elevated risk from COVID-19. Any person desiring to wear a facial covering shall be allowed to do so. Judges also have the discretion to implement more restrictive distancing and capacity requirements in their courtrooms as health and safety conditions or circumstances necessitate. Should Division IX determine at any time that it needs to have an in-person proceeding, social distancing of six feet is required except for communication between attorneys on the same case and communication between attorneys and their client(s) only if these persons feel comfortable to do so and, in these cases, social distancing shall be three feet. Masks will always be required in Division IX until the attorney reaches counsel table and are appropriately distanced and client reaches their seat behind the counsel table and are appropriately distanced. When attorneys are not at counsel table and their client is not in their

seat, they must have mask on and a mask must be worn when attorneys are communicating with their clients or other counsel unless they are comfortable communicating without masks. Masks and social distancing in other areas of the building are subject to the requirements of Shelby County administration.

ZOOM HEARINGS: All matters to be conducted remotely will be conducted via Zoom. Adherence to Local Rule 1 is expected and proper attire and decorum are expected at all Zoom hearings. The Court shall use the same Zoom link for all matters and it is:

Topic: Division IX's Zoom Meeting
Time: This is a recurring meeting Meet anytime

Join ZoomGov Meeting
<https://www.zoomgov.com/j/1609074549?pwd=eDYwSmp1OGphc3F4R01LZzFialJNQT09>

Meeting ID: 160 907 4549
Passcode: 460292
One tap mobile
+16692545252,,1609074549# US (San Jose)
+16468287666,,1609074549# US (New York)

Dial by your location
+1 669 254 5252 US (San Jose)
+1 646 828 7666 US (New York)
+1 669 216 1590 US (San Jose)
+1 551 285 1373 US
Meeting ID: 160 907 4549
Find your local number: <https://www.zoomgov.com/u/abvSTGPker>

Join by SIP
1609074549@sip.zoomgov.com

Join by H.323
161.199.138.10 (US West)
161.199.136.10 (US East)
Meeting ID: 160 907 4549
Passcode: 460292

This link is to be used when the Court has set the matter to be heard orally via Zoom or any other time the Court has required the parties to appear remotely. Please notify the Courtroom Clerk at circuit.division9@shelbycountytngov or Judicial Assistant at Demetrice.robinson@shelbycountyttn.gov should you experience any problems with the link.

ANNOUNCEMENTS: If the parties need to make an announcement or address the Court concerning any matter, including the issuance of ex parte injunctions and other urgent matters,

please contact the Courtroom Clerk, Devynn Winters, via circuit.division9@shelbycountyttn.gov. The Court will schedule a Zoom or telephone conference.

TRIAL DATES: Pursuant to Rule 4(C)(3) of the Local Rules, attorneys or pro se litigants may contact the Courtroom Clerk via circuit.division9@shelbycountyttn.gov to request a trial date if agreed to by all parties. If no agreement, a motion to set the matter for trial should be filed and set accordance with the provisions above under Non-dispositive Motions.

PRE-TRIAL CONFERENCES: Pre-Trial Conferences will be scheduled on Health Care Liability, Product Liability, Wrongful Death case or any other case expected to last more than three days. Parties/attorneys may request a Pre-Trial conference on any case. All Pre-Trial Conferences should be conducted at least two weeks before trial and any dispositive motions shall be resolved at least thirty (30) days prior to the trial date. Attorneys/parties should timely contact the Courtroom Clerk to obtain a PTC date.

STATUS CONFERENCES: Status conferences are held every Monday at 9:00am via Zoom unless you are notified otherwise. Please contact the Courtroom Clerk at circuit.division9@shelbycountyttn.gov if you need to be placed on the calendar for a status conference. Appearance is mandatory unless excused by the Judge.

DISMISSAL DOCKET: Pursuant to our local rules, the Court will set a dismissal docket periodically in cases that have had no activity for at least six (6) months. You will receive a notification of when your case is set to be heard, if applicable. Failure to appear may result in your matter being dismissed.

ORDERS INCLUDING CONSENT ORDERS: All orders may be submitted electronically via email at circuit.division9@shelbycountyttn.gov or placed in the Order Box in Room 208. Please ensure that all Orders are appropriately signed and submit a Word version of the Order to the Court Clerk so the Court will have it in the event any changes need to be made.

FIATS, EX PARTE ORDERS OF PROTECTION: Fiats, including requests for injunctive relief, and ex parte orders of protection to be signed, absent extraordinary circumstances, should be e-filed and sent to the division email for the Court to review and sign, if appropriate.

Thank you for your continued cooperation during this challenging time. Your case and legal matters are very important and we will do our absolute best to accommodate all parties in a timely and efficient manner. If you have any other questions or need further assistance, please email the Courtroom Clerk, Devynn Winters, at circuit.division9@shelbycountyttn.gov. If you do not receive a timely response to your communications and messages, you may also contact my Judicial Assistant, Demetrice Robinson at demetrice.robinson@shelbycountyttn.gov or contact the Judicial Assistants' office at 901-222-3800. **Please be mindful that neither the Court Clerk nor Judicial Assistants email is the proper place to make arguments or negotiate scheduling of trials or other matters.**

Please continue to be safe.

JUDGE YOLANDA KIGHT BROWN

Effective 9/30/2021

Subject to change at Court's discretion