Honorable Tricia Dare

Location

Oakland County Circuit Court
Courtroom 3C – Third Floor
1200 N. Telegraph Rd.
Pontiac, MI 48341
Telephone: (248) 858-0337
Zoom Meeting ID: 248 858 0337
Link to Zoom Room: https://miscao-6c.zoom.us/j/2488580337.

Courtroom Policies

ZOOM HEARINGS: The Court will generally NOT allow remote hearings for matters that will require testimony from the parties or witnesses, such as bench trials, best interest hearings, etc. The Court's Zoom Meeting ID is 248 858 0337. No password is required to join.

- Zoom calls are court proceedings and therefore an extension of the courtroom and appropriate conduct and attire is required. Children should not be present in the room or be able to listen in on the hearing. Animals should not be present in the room.
- 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 most matters in person. The parties may contact chambers to inquire if an upcoming hearing may be held on Zoom instead, but please see above requirements before requesting.

- 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.
- Phones must be silenced before entering the courtroom and should not be used while in the courtroom. If a phone is needed for notetaking purposes or as a reference, please inform the clerk upon check-in for approval to use the phone during the hearing.

Orders Presented for the Judge's Signature

SIGNATURES: The Court will accept electronic signatures (i.e. /s/NAME) in addition to wet signatures. On consent judgments, all parties (litigants and attorneys) must sign the final orders.

TRUE COPIES: For e-filing cases, true copies are sent by the Court 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. It is the responsibility of the parties, not the Court, to ensure that the email addresses provided to MiFILE are kept updated. Any additional copies will need to be ordered through Court Explorer (https://courtexplorer.oakgov.com/OaklandCounty).

- *Juvenile Cases*. Copies of Juvenile orders will need to be obtained by contacting Juvenile Intake at (248) 858-0033. Chambers will not provide copies of juvenile orders.

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).

Ex Parte Orders

All ex parte motions must have the required affidavit and/or verification as required by the court rules and the accompanying proposed orders 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."

Motions for entry of ex parte orders providing for child support, custody, or visitation must also fully comply with requirements enumerated in MCR 3.207(B).

Motions

JUDGE'S COPIES: Motions, briefs, and responses that exceed twenty pages in length (inclusive of 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. Motions heard by the judge will be heard in person in Courtroom 3C unless the Court gives prior approval for one or both parties to appear by Zoom; all Zoom requests should be made by email to JudgeDareChambers@OaklandCountyMI.gov with the opposing party/counsel copied on the email. Motions sent to the Friend of the Court Referee for a pre-motion conference will be addressed with FOC on Zoom; the parties will receive a Zoom notice from FOC in advance of the hearing. Parties (litigants and attorneys) 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. The Court will dismiss any praecipe not properly brought before it for hearing and will provide the reason for the dismissal.

- *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.* Attorneys or litigants 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). Orders on motions that are filed with the Court after 4:30 p.m. the day the motion was heard are considered untimely; an order received after this time must be submitted as a stipulated order, or pursuant to MCR 2.602(B)(3).
- *Adjourned or Cancelled Motions.* Only the moving party may cancel or re-notice a motion to another Motion Call. The moving party must immediately contact opposing counsel/parties to inform them of the cancellation or adjournment – the Court is not responsible for informing the non-moving party of the cancellation. 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, and email Case Management at cmo@OaklandCountyMI.gov to remove the praecipe from the Court's Motion Call list.
- *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 non-moving party's claim of improper service. The non-moving party should contact the moving party to ask for an

adjournment of the motion or otherwise raise service issues in their responsive pleading.

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. If the parties do not enter a stipulated order following the pre-motion conference and the issuance of FOC's proposed resolution, the moving party may re-notice and re-praecipe their motion for an audience with the judge. The non-moving party may likewise properly file a motion to adopt the proposed resolution and notice the matter for hearing.

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 9:00 a.m. the Tuesday prior to motion call will 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 may be filed at any time. All emergency motions must be in writing, comply with MCR 3.207, and be properly filed with the Court using MiFILE prior to review. A copy of the motion should be emailed to JudgeDareChambers@OaklandCountyMI.gov upon the motion being filed. 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 may contact chambers for further instructions at (248) 858-0337. Please note that the Court will not review an emergency motion until it has been accepted for filing by the Clerk's Office and the motion is added to the court file.

MOTIONS FOR SUMMARY DISPOSITION/JUDGMENT: Please file the motion and direct a Judge's Copy to the staff attorney's attention. The Court will issue a scheduling order with further briefing dates and a hearing date for the motion.

MOTIONS FOR RECONSIDERATION: File the original motion with MiFILE and direct a Judge's Copy to the staff attorney's attention. 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 unless the referral is recommended by Friend of the Court during a pre-motion conference; parties requesting a referral to FOC must file a motion and notice the same for hearing on the Court's 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.

- *Status Conference*. Additional status conferences with the Court in advance of the parties' final pretrial may be requested by calling chambers or sending an email to JudgeDareChambers@oakgov.com.
- *Final Pretrial*. A final pretrial date will be provided to the parties on the domestic scheduling order. Any requests to adjourn trial by stipulation must be made prior to or at the final pretrial – such requests will not be granted following the final pretrial.

ADJOURNMENTS: Judge Dare will generally allow for stipulated adjournments of trial for cause (see below for three requirements). Requests to adjourn trial by stipulated order will not be granted once the parties have had their final pretrial. Parties must first contact chambers to receive approval for adjournment by stipulation and for a new date. All motions and orders for adjournment must state the reason for the adjournment, the requesting party or parties, and be labeled as "First Adjournment," "Second 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 by stipulation should meet the following conditions (requests for adjournments outside of these conditions should be made by formal motion):

1. The proposed new date for Trial does not exceed 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 also 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.

PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW: Generally, at the close of the trial or evidentiary hearing, the Court will direct the parties to each submit proposed findings of fact and conclusions of law. Parties may rely on their written submission in lieu of giving an oral closing argument.

MEDIATION: Before the judge will proceed to trial on a case, it must be mediated if it has been ordered by the Court. Cases where mediation has not been excused and where the parties fail to mediate prior to trial may be dismissed by the Court for failing to comply with the requirements in the scheduling order.

SETTLEMENTS: Generally, the Court requires final orders to be submitted at least three days in advance of when the parties are scheduled to appear or otherwise plan to take statutory proofs. All unrepresented litigants must appear for statutory proofs, regardless of whether they are the plaintiff or the defendant. If the parties are submitting signed final orders in advance of taking statutory proofs, and the defendant is represented by counsel, then the defendant and defendant's counsel are excused from appearing for proofs. If the parties are seeking to take statutory proofs and obtain a return of judgment date in lieu of submitting a signed judgment in conjunction with the statutory proofs, all parties are required to appear unless there is a signed acknowledgment of settlement in place or the settlement was recorded. In those instances, only Plaintiff and Plaintiff's counsel need to appear (but see the above requirement regarding unrepresented litigants).

RETURN OF JUDGMENT DATES: Upon advanced request of the parties, the Court will generally allow the parties to place the statutory proofs on the record without having a signed judgment and receive a return of judgment date, when the parties are still circulating a judgment for signatures; the Court will not authorize statutory proofs without the final orders when there are any pending disagreements, including over drafting or language of the judgment. The Court will not entertain motions to enter judgment on return of judgment dates – such motions must be noticed for hearing on the Court's regular Motion Call. The return of judgment date acts as an informal hearing for the purposes of docket management. The parties may contact chambers for an adjournment of this date if additional drafting time is needed, otherwise the parties are expected to appear for the hearing.

Exhibits

Parties should refer to the case's Scheduling Order and/or Order setting the hearing for the specific requirements for filing of exhibit lists. To the extent possible, the parties should attempt to prepare a joint exhibit list that identifies which exhibits are stipulated to and which exhibits are to be offered by the parties individually. It is the Court's general practice to admit stipulated exhibits at the outset of trial/evidentiary hearing.

When labeling exhibits, Plaintiff is to use numbers and Defendant is to use letters. Unless otherwise permitted, a Judge's Copy of proposed and stipulated exhibits must be delivered to chambers in a tabbed binder no later than one (1) week prior to the hearing with an electronic copy of exhibits provided to chambers by way of email or Dropbox link.

Settlement Conferences

APPEARANCES: At the request of the parties, the Court may issue a scheduling order in lieu of requiring an appearance at the parties' initial settlement conference; the parties may contact the Court 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 notified otherwise by court staff or on the Domestic Scheduling Order, clients and attorneys must appear at all subsequent hearings even if their appearance was excused for the Settlement Conference.

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 or a hard copy provided to the Court on the day of the hearing. 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: Consent judgments must be submitted via MiFILE at least three days prior to appearing for statutory proofs. If the consent judgment has not been prepared when the parties appear before the Court to take statutory proofs, the Court will generally allow the parties 21 days to submit a signed consent judgment based on a recorded settlement so long as there are no pending disagreements over the judgment and it is only a matter of obtaining signatures. If the Court does not receive a signed consent judgment within 21 days, it is within the Court's discretion to rescind proofs and 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 support 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. Any deviation in child support must be accompanied by the UCSO Deviation Addendum. When possible, calculations should be attached to the order.

Personal Protection Orders (PPO)

HEARINGS: Hearings regarding PPOs may be referred for hearing in front of a Visiting Judge. Referrals to the Visiting Judges' will be indicated on the issued Notice of Hearing as taking place in Courtroom W3 or will include a Zoom Meeting ID if the hearing is being held remotely. All other PPO hearings will be heard by Judge Dare in Courtroom 3C; no Zoom hearings will be allowed if the matter is scheduled to be heard by Judge Dare.

MOTIONS TO TERMINATE/MODIFY/EXTEND: Motions relating to the termination, extension, or modification of PPOs are not heard on Wednesday mornings and should not be scheduled for the Court's regular motion call. To schedule such a motion hearing, please refer to the instructions provided on the PPO Office's webpage. Upon acceptance of the motion for filing, court staff will email a completed notice of hearing to the moving party – the moving party is responsible for arranging service of the motion consistent with the Michigan Court Rules.

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 and must be made using the appropriate SCAO form. Any request for an 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.

Chamber's Contact Information

JudgeDareChambers@OaklandCountyMI.gov
Telephone: 248-858-0337
Fax: 248-858-2919

Mary *Judicial Clerk* 248-858-0338 Mathiakm@OaklandCountyMI.gov	**Ava** *Judicial Clerk* 248-858-0337 Laurina@OaklandCountyMI.gov
Tiffany *Judicial Assistant* Johnsonta@OaklandCountyMI.gov	**Molly** *Judicial Staff Attorney* Knappenbergerm@OaklandCountyMI.gov