

JUDGE MCDONALD'S COVID-19 PROTOCOL

These protocols are intended to assist parties and litigants navigating the court process for cases assigned to Judge McDonald during the COVID-19 crisis and will continue in effect until further notice. During the duration of the state of emergency and the Sixth Circuit Court Order, the Court will only be conducting limited in-court proceedings, with all other matters to be conducted remotely on Zoom whenever possible. In all respects, parties and attorneys are encouraged to check the official register of actions for most updated appearance dates.

Zoom Access Code for Judge McDonald's Courtroom: 248 858 0342

Courtroom Proceedings

- The Court shall conduct proceedings via electronic means, including Zoom video and/or audio conferences, Judge On-Line telephone conferences, and similar means.
- If, during a Zoom hearing, a need arises for a private conference between attorney and client, the Court will move the necessary individuals to a break-out room and allow the necessary individuals to confer in confidence outside of the electronic system.
- 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. Such matters will be conducted in-person upon agreement of the parties, or shall be adjourned until such a time as the Court resumes its regular procedures.
- 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 you have any pleadings you wish the Court to review or sign on the day of your hearing, you must email the documents to knappenbergerm@oakgov.com and rivetg@oakgov.com at least 24 hours prior to the hearing. You must also serve the other party with a copy of what you want the Court to review or sign.

Motions

- Parties are to follow the Court's regular motion call procedure, and must properly file and notice the motion before the Court for the Court's normal motion call, and shall properly serve the non-moving party pursuant to Michigan Court Rules. The moving party must also file a praecipe. The motion *must include* a phone number and email address for both the moving party and the non-moving party, or it will not be accepted.
 - Starting Monday, April 13, 2020, all domestic cases will be able to e-file all documents, including judgments, through the MiFILE system (<https://mifile.courts.michigan.gov/>). If the case does not yet appear in the MiFILE e-filing system, please email efiling@oakgov.com to have it added.
- The Court and/or FOC staff will reach out to the parties the Thursday/Friday prior to the scheduled motion call to discuss the motion and provide the parties with further instructions on how to appear for the hearing.
- Where appropriate, the Court will continue its practice of dispensing with oral argument.
- Emergency Motions

- Emergency Motions must be properly filed with the Court. After the motion has been filed, the moving party must send an email to rivetg@oakgov.com, knappenbergerm@oakgov.com, and heritagek@oakgov.com to inform the Court an emergency motion has been filed in the case.
- Motions for Reconsideration
 - Do not file a praecipe or Notice of Hearing. E-file the original motion using MiFile and you must email a Judge's Copy to rivetg@oakgov.com, knappenbergerm@oakgov.com, and heritagek@oakgov.com. Pursuant to the Court Rules, a hearing will not be held unless ordered by the Court.

Exhibits

- 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.
- Two hard copy versions of exhibits should be delivered or mailed to chambers in advance of the hearing, and a copy should be e-filed.

Scheduling/Status/Settlement Conferences

- Until further notice, the Court will be conducting conferences remotely by Zoom.
- Cases without scheduling orders can expect a new date on which to appear remotely by Zoom for a settlement conference for a scheduling order to issue. Parties will receive a Notice of Remote Proceedings and instructions for accessing Zoom by mail. A Judicial Clerk will appear on the Zoom call and fill out the scheduling order with the parties.
 - The Court retains its mediation requirement, unless excused by motion and order, and supports parties proactively scheduling mediation as soon as possible. To the extent parties have agreed upon a mediator, they should contact chambers indicating they have agreed to a mediator so a scheduling order can issue without having to appear in court.
- Cases scheduled for a return of judgment should refer to the register of actions for a new judgment due date or contact chambers to apprise the Court of the status of the judgment.
- Starting Monday, April 13, 2020, all domestic cases will be able to e-file all documents, including judgments, through the MiFILE system (<https://mifile.courts.michigan.gov/>). If the case does not yet appear in the MiFILE e-filing system, please email efiling@oakgov.com to have it added.

Divorce & Domestic Relations Matters

- Pending cases and cases with court dates that have been adjourned during the COVID-19 emergency may contact chambers to schedule a pro confesso/statutory proofs hearing via Zoom prior to next hearing scheduled provided:
 - At least one of parties are represented by an attorney who appears electronically at the hearing, and
 - The parties and/or attorneys agree to waive having the case heard in open court.
- If a return of judgment date falls during the duration of this order and the matter is contested, the attorneys or unrepresented parties shall notify the Court's Staff Attorney (heritagek@oakgov.com) as soon as possible. Otherwise, existing orders directing return of

judgment remain in effect as reflected in the register of actions. Should a motion be necessary to settle a matter regarding returning a judgement, see above for how to schedule a motion before the Court.

- Starting Monday, April 13, 2020, all domestic cases will be able to e-file all documents, including judgments, through the MiFILE system (<https://mifile.courts.michigan.gov/>). If the case does not yet appear in the MiFILE e-filing system, please email efiling@oakgov.com to have it added.

Juvenile Matters

- Subject to the Sixth Judicial Circuit Court COVID-19 State of Emergency Procedures, and these protocols regarding emergency and non-emergency proceedings, the Court will continue to hear matters as scheduled or review matters and issue orders, as appropriate.
- Parties wishing to file motions for juvenile matters should send their motion and notice of hearing to juvenilelegal@oakgov.com for filing, and should file a praecipe.
- Parties seeking any other relief for juvenile matters shall follow the appropriate procedures on the Oakland County Circuit Court COVID-19 Court Information website <https://www.oakgov.com/courts/circuit/resources/Pages/COVID-19-Court-Info.aspx>.
- The Court may, if appropriate and in its discretion, refer a hearing to referee.

Personal Protection Orders

- Parties seeking emergency relief shall follow the appropriate procedures on the Oakland County Circuit Court COVID-19 Court Information website <https://www.oakgov.com/courts/circuit/resources/Pages/COVID-19-Court-Info.aspx>.

CHAMBERS CONTACT INFORMATION

Phone: (248) 858-0342 and (248) 705-3678

Clerk Emails: knappenbergerm@oakgov.com and rivetg@oakgov.com

Staff Attorney Email: heritagek@oakgov.com

Judicial Secretary Email: Gibbsd@oakgov.com

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