

james brennan
<jamesbrennanlaw64@gmail.com>
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May 12, 2021, 6:34:58 PM



to Jonathan Morse

We are still locked down to the general public due to COVID-19. I had a small claims contractual dispute that ended in a default judgment. The period ran for the judgment to become final and plaintiff scheduled a discovery hearing. The subpoena was issued, served and filed after personal service. The Defendant did nothing other than appear for the zoom discovery hearing. Defendant offered a payment plan (\$100/mo) which Plaintiff rejected. I ended up setting the matter for a show cause hearing in June. Defendant wanted to know if she could pay it off before the hearing, to which I replied "yes ". But I was wondering how the other Magistrates are handling zoom discovery hearings. Any insight would be appreciated. Thanks,
Brennan

Sent from my iPad



sheldonlarky
<sheldonlarky@aol.com>
unread,
May 12, 2021, 6:45:43 PM



to madcm@googlegroups.com

Unless given authority from the chief judge of the court, a magistrate has no authority to hold a discovery hearing.

Shel Larky
Magistrate
52-4 District Court



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james brennan

<jamesbrennanlaw64@gmail.com>
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to Jonathan Morse

True but I have the authority.
Thanks, Shel.

What I'm thinking about is having the subpoena material routed through the court to insure that both parties have the material. Swear the Defendant in and placing the parties in a breakout room.



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sheldonlarky

<sheldonlarky@aol.com>

unread,

May 13, 2021, 6:45:32 AM



to madcm@googlegroups.com

I like the idea. However, you are using the court's resources to be the document repository which requires docketing and holding the information in a court file accessible to anyone in the public.

Shel

