

DIVISION CVL OPERATIONS ORDER

All civil returns and pre-trials for County Court cases in the Fourth Judicial District are assigned to Division CVL ("CVL"). **All civil returns and pre-trials are NON-APPEARANCE.** "Non-Appearance" means that the parties DO NOT appear in person in Court for the return date on summons. The Plaintiff must be available on the return time/date to accept phone calls to discuss settlement with the other party. All CVL trials and hearings shall be virtual via Webex unless a party requests an in-person proceeding. Requests for in-person proceedings should be made on the Answer form or via the CVL e-mail at:

D04_Courts_DivCVL@judicial.state.co.us

For all civil returns, Rule 365 returns and pre-trials, the following applies:

1) Represented FEDs (evictions)

- a) **Returns are non-appearance.**
- b) All summonses for FED represented returns must list a date and time that is a Tuesday, Wednesday, or Thursday at 8:30 a.m. or 9:00 a.m. **There is a 100 per firm per day per time slot return limit.** The summons should include a statement that returns are "non-appearance". Insert the words "NONAPPEARANCE" after the time and date on the Summons.
- c) **Plaintiffs are required to serve with the FED Summons and Complaint the separate advisement issued by the Court (available on the 4th Judicial District website) which is entitled "Advisement for Eviction Cases".** Do not serve defendants this Operations Order as doing so causes confusion. The return of service for each case MUST indicate the Advisement for Eviction Cases was served, with enough copies served for each defendant and one for all other occupants if AOO are listed on the case caption.
- d) The return of service MUST evidence as required by CRCCCP 304 service of the summons, complaint, Request for Documents in Eviction Cases, Information for Eviction Cases, a blank copy of a Motion and Order in Forma Pauperis JDF 205 and JDF 206 are still required (although FED filing fees are waived for all Defendants as of 11/1/24 pursuant to CRS 13-32-101, jury request fees still require these forms be served) and a blank answer form.
- e) The Summons and Complaint must contain a telephone number with live people available to answer calls from defendants regarding Stipulations. It is acceptable if a defendant must leave a message and await a return call so long as messages may be left via telephone and do not require the submission of a form via the internet (this is to accommodate litigants without internet access).
- f) Docket sheets must be filled out, scanned and returned to the CVL Clerk at the e-mail listed above.

2) Pro Se FEDs (non-represented evictions)

- a) **Please see 1(a), (c), (d) and (e) above.**
- b) All summonses for Pro Se FED returns must list a date and time that is a Tuesday or Thursday at 8:30 a.m. **There is a maximum of 20 pro se returns allowed per day per Pro Se plaintiff.**

3) Pro Se plaintiffs may file court paperwork in-person in the Clerk's office located in Room S101 of the courthouse or create an on-line E-Filing account via this link:

<https://www.coloradojudicial.gov/e-filing-non-attorneys>

4) Pre-Trial Conferences for Money Cases

Pre-trial conferences are non-appearance. Represented plaintiffs must send notice of a date and time for pretrial to defendant(s) for any Monday through Friday, at any time between 9:00 a.m. and 4:00 p.m. with at least thirty days advance notice. Said notice shall include a telephone number to call. The plaintiff will then file a Case Status Update telling the court if the case was settled or not, the amount in controversy and if a limited discovery order is needed. For amounts in controversy \$1,500.01 or above, the Court MUST issue a mandatory mediation order. For cases that do not settle at pre-trial for amounts in controversy \$1,500.00 and below, the plaintiff must contact the assigned division per the following matrix to set the matter for trial. **Matrix** (find the last number of the case number and go to the corresponding division): 1/Div A, 2/Div B, 3/Div C, 4/Div D, 5/Div E, 6/go to # prior to last #, 7/Div G, 8/Div H, 9/Div J, 0/go to # prior to last #. **Pro se parties must contact Div CVL via the email listed herein to request scheduling of the pre-trial conference.**

5) Money Returns

- a) Returns are non-appearance.
- b) Summonses for money returns for represented plaintiffs must list a date and time that is a Tuesday, Wednesday or Thursday at 10:00 a.m. or 1:30 p.m. Summonses for money returns for pro se plaintiffs must list a date and time that is a Tuesday or Thursday at 1:30 p.m. The summons should include a statement that returns are “non-appearance”. Insert the words “NON-APPEARANCE” after the time and date on the Summons. COUNSEL FOR REPRESENTED PLAINTIFF’S AND PRO SE PLAINTIFFS MUST BE AVAILABLE BY TELEPHONE VIA A TELEPHONE NUMBER LISTED ON THE COMPLAINT. **The defendants must be able to reach the plaintiff’s attorney or their representative and must be able to leave a voicemail message if needed. There is a 100 per firm per day per time slot return limit.**
- c) **Plaintiffs are REQUIRED to serve with the Summons and Complaint the separate advisement issued by the Court (available on the 4th Judicial District website) which is entitled “Collections Return Date Advisement”, and service of the same must be reflected on the return of service.** The advisement includes the MIFP Motion and Order which must also be served. Do not serve defendants this Operations Order as doing so causes confusion.
- d) Represented plaintiffs will not receive a PPJ from the Division Clerk. Instead, the attorneys need only file their notices of continuance and dismissals electronically and they will get processed. Defaults should be filed as a motion with a proposed order.
- e) Pro se money plaintiffs must file their Complaints, Motions for Default Judgment and any other filings via U.S. mail addressed to the Clerk of Court at 270 S. Tejon St., Colorado Springs, CO 80903 or in-person in the Clerk’s office located in Room S101 of the courthouse. When mailing, please include the filing fee if applicable. E-Filing is not available for pro se money cases.

6) Rule 365 and Replevin Matters

A Rule 365 and Replevin Advisement is available on the 4th Judicial District website and a copy of the same must be served along with the summons for each defendant in those types of cases. Returns for these cases are nonappearance as described above and the summons must indicate “NON-APPEARANCE” for the return time/date.

7) Summonses

All summonses must list as the location to appear as “NON-APPEARANCE”. Do not list a courtroom or physical location.

8) Trial Notices for FED Cases

Due to slow mailing times, attorneys on FED cases **MUST post trial notices at the property AND mail via U.S. mail or e-mail if available.** The trial notice shall include a statement as to whether the trial will be in-person or via Webex and shall include the CVL Webex instructions if via Webex. Attorneys may obtain a Word version of the CVL Webex instructions by contacting the CVL Clerk via the e-mail above.

9) Squatter (Unauthorized Occupant) Cases

If you need to file a complaint for removal of unauthorized persons (a squatter case) pursuant to CRS 13-40.1-101 et. seq. at any time, please contact the CVL Clerk at the e-mail above for a summons return date and time.

10) Warranty of Habitability Injunctive Relief Pursuant to CRS 38-12-507

FED Defendant requests for injunctive relief under the warranty of habitability will be heard on the earliest available date and will take precedence over other matters. Warranty of habitability injunction hearings will be set at 10:00 a.m. via Webex by the CVL Clerk. The Clerk of Court shall notify the CVL Clerk about these case filings and a setting will be provided by the CVL Clerk. Defendants should provide an e-mail address and telephone number when filing injunction requests to facilitate prompt settings.

11) FED Jury Demands Pursuant to Mercy Housing Management Group, Inc. v. Naomi Bermudez, 547 P.3d 1153

Cases with a jury demand where the jury fee has been paid simultaneously with the jury demand per CRCCCP 338(e) will be assigned to the appropriate division per the case number matrix above.

CVL is presided over by Magistrates. You may waive your right to appear before a County Court Judge and consent to appear before a Magistrate or you may object to your matter being heard by a Magistrate. Once consent is given it cannot be withdrawn. If you reach a settlement agreement it can be approved by the Magistrates only if it contains a consent to Magistrate. Settlement agreements without consent will be forwarded to judges for approval per the case number.

So, Ordered.

Magistrates Andrea Paprzycki, Gregory Duncan, and Carissa Cruson, Fourth Judicial District, December 3, 2024