

AGENDA

COLORADO SUPREME COURT COMMITTEE ON THE RULES OF CIVIL PROCEDURE

Friday, January 26, 2024, 1:30 p.m.
Ralph L. Carr Colorado Judicial Center
2 E.14th Ave., Denver, CO 80203

Fourth Floor, Supreme Court Conference Room

- I. Call to order
- II. Approval of November 3, 2023, minutes [Pages 2 to 4]
- III. Announcements from the Chair
 - A. Honoring Judge Kane and Judge Espinosa
 - B. Report on Proposed Rule Changes Sent to the Colorado Supreme Court for Consideration [Pages 5 to 53]
 - C. Gender Neutral Rules Language
 - D. AI Rules
- IV. Present Business
 - A. Form 28SC—Spelling Error in Title—(Judge Jones) [Pages 54 to 56]
 - B. C.R.C.P. 343—Conflicting Statute Related to Remote Hearings in Eviction Proceedings—(Justice Gabriel) [Pages 57 to 68]
 - C. C.R.C.P. 121 § 1-14(1)(a)—Clarification—(Brad Levine) [Pages 69 to 71]
 - D. C.R.C.P. 56—Conflict with Federal Rule—(Brad Levine) [Pages 69 to 71]
 - E. C.R.C.P. 16(f)(3)(VI)(D)—Deposition Schedule—(Brad Levine) [Pages 69 to 71]
- V. Adjourn—**Next meeting is April 5, 2024, at 1:30 pm.**

Jerry N. Jones, Chair
jerry.jones@judicial.state.co.us
720-625-5335

**Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure
November 3, 2023, Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on the Rules of Civil Procedure was called to order by Chair Judge Jerry N. Jones at 1:30 p.m. in the Supreme Court Conference Room. Members present at the meeting were:

Name	Present	Not Present
Judge Jerry N. Jones, Chair	X	
Judge Michael Berger	X	
Judge Karen Brody	X	
Miko Ando Brown		X
Judge Catherine Cheroutes	X	
Damon Davis	X	
David R. DeMuro	X	
Judge Stephanie Dunn	X	
Judge J. Eric Elliff	X	
Judge Adam Espinosa	X	
Peter Goldstein		X
Magistrate Lisa Hamilton-Fieldman	X	
Michael J. Hofmann	X	
Judge Thomas K. Kane		X
John Lebsack	X	
Bradley A. Levin	X	
Professor Christopher B. Mueller		X
Brent Owen	X	
John Palmeri		X
Alana Percy	X	
Lucas Ritchie	X	
Chief Judge Gilbert M. Román		X
Judge (Ret.) Sabino Romano	X	
Judge Stephanie Scoville		X
Lee N. Sternal	X	
Magistrate Marianne Tims	X	
Andi Truett	X	
Jose L. Vasquez	X	
Judge Juan G. Villaseñor	X	
Ben Vinci	X	
Judge (Ret.) John R. Webb	X	
J. Gregory Whitehair		
Judge Christopher Zenisek	X	
Non-voting Participants		
Justice Richard Gabriel, Liaison	X	
Su Cho	X	

I. Attachments & Handouts

- November 3, 2023, agenda packet.

II. Announcements from the Chair

The September 22, 2023, minutes were approved as submitted. Judge Jones then announced that the Committee had intended to honor Judge Kane at this meeting, but he was unable to attend. Therefore, honoring Judge Kane will be postponed until a time at which Judge Kane is available.

III. Present Business

A. C.R.C.P. 10—Proposed Changes from the Pathways to Access Standing Committee (PAC)

Judge Jones asked Justice Hart to speak to the Committee today because she is part of the Pathways to Access Standing Committee (PAC) proposing these changes. Justice Hart explained that the new plain language forms for domestic relations cases are inconsistent with current Rule 10. The PAC proposes several changes; the biggest change moving the name from below the caption to the top, for improved accessibility. While the PAC was discussing this Rule, two other issues came up. First, the PAC suggests that the spacing rules are not enforced and should be eliminated. Second, the PAC explored the use of pronouns in the Rule. Judge Jones stated that there is a group made up of all the chairs of the standing rules committees considering a uniform way of amending Colorado’s rules to use gender neutral language. Judge Jones noted that this instance of placing preferred pronouns in captions might be slightly different, though, and he will raise this issue with the committee working on the gender neutral language project.

Regarding the spacing issue, members noted that it protects district court judges from very long, single-spaced motions. Members generally observed that there are differences among jurisdictions in practice, and that having the spacing guidelines remain in the rule might prove helpful. Judge Jones also noted that word count rules do not come without trouble.

A motion and second were taken to consider a proposal to allow for alternative captions in e and f; strike language in section i; strike comment [2]; and insert [Reserved] where Comment 2 currently exists. The proposal passed unanimously.

B. C.R.C.P. 26—Proposed Cross-Reference Correction

This proposal comes from a member who noticed an inaccurate cross-reference in Rule 26. The proposal corrects this error. It passed unanimously.

C. C.R.C.P. 58—Proposal from Judge Leith Regarding Written Court Orders

Judge Leith proposes a change to Rule 58 regarding what constitutes a written court order. Judges in the room agreed that adopting such a proposal would eliminate a tool

that they use to complete their work in a timely manner. Some noted that adopting such a proposal would be inconsistent with access to justice goals and would increase attorney fees. Some noted that this could be a more substantial problem in the domestic relations realm.

Based on the discussion, Judge Jones suggested forwarding this issue to the domestic relations group. The motion passed unanimously.

D. Licensed Legal Paraprofessional Program—Proposed Civil Rule Changes

Subcommittee members Judge Espinosa and Magistrate Tims propose two approaches to implement the Court-approved Licensed Legal Paraprofessionals (LLP) Program into the Civil Rules. The first is a summary approach that adds a provision to Rule 1 indicating that Rules 2 through 121 apply to LLPs. The second approach is to change each related rule. Members generally liked the summary approach for its straightforwardness. One member suggested adding the language to Rule 11, as perhaps that would be a more consistent place for bar members to find it, and that placing the language there would maintain the integrity of the rules.

A motion and second were taken to approve the summary version but place the amendment in Rule 11(c) as opposed to Rule 1(d) and correct a typographical error. This proposal narrowly passed by a vote of 11 to 10; those voting no would have placed the language in Rule 1(d).

E. Gender Neutral Language in Civil Rules

Subcommittee Chair Luke Ritchie summed up the memo by stating that there are two approaches: the federal approach and the Washington approach. The federal version is a plain language approach that uses *it* on occasion, which can be confusing and offensive. The state approach does not use *it*, but can end up creating a mouthful because it repeats language. The Subcommittee looked at Washington, Minnesota, California, and Illinois and found the former two to have rules most similar to Colorado. The Subcommittee did consider *they/their*, but found it might lead to confusion and create unnecessary controversy.

F. Proposed Changes to C.R.C.C.P. 310 in Light of Legislative Changes

Judge Espinosa reported that the Subcommittee is still gathering data to understand why this is being proposed. With further information, they will be able to make a recommendation to the committee.

Future Meetings

January 26, April 5, June 28, September 27, and November 1

The Committee adjourned at 3:38 p.m.

RULE CHANGE 2024(03)

COLORADO RULES OF CIVIL PROCEDURE

**Rules 10, 16.2, 26, 121 §1-15, and 121 §1-26
Forms 29, 30, and JDF 250**

Rule 10. Form and Quality of Pleadings, Motions and Other Documents

(a) - (c) [NO CHANGE]

(d) General Rule Regarding Paper Size, Format, and Spacing. All documents filed after the effective date of this rule, including those filed through the E-Filing System under C.R.C.P. 121(1-26), shall meet the following criteria:

(1) *Paper.* Where a document is filed on paper, it shall be on plain, white, 8 ½ by 11 inch paper (recycled paper preferred).

(2) *Format.* All documents shall be legible. They shall be printed on one side of the page only (except for E-Filed documents).

(I) - (II) [NO CHANGE]

(III) *Case Caption Information.* All documents shall contain the following information arranged in the following order, as illustrated by paragraphs (e) and (f) of this rule, except that documents issued by the court under the signature of the clerk or judge should omit the attorney section as illustrated in paragraphs (e)(2) and (f)(2). Individual boxes should separate this case caption information; however, vertical lines are not mandatory. On the left side:

Document title (the document title may instead be included as a centered line at the bottom of the caption).

Court name and mailing address.

Name of parties.

Name, address, and telephone number of the attorney or pro se party filing the document. Fax number and e-mail address are optional.

Attorney registration number.

On the right side:

An area for “Court Use Only” that is at least 2 ½ inches in width and 1 ¾ inches in length (located opposite the court and party information).

Case number, division number, and courtroom number (located opposite the attorney information above).

Centered at the bottom of the caption:

Document title (the document title may instead be included as the top line on the left side of the caption).

[Orders that are submitted as proposed shall not contain the word \(PROPOSED\) in the caption of the order.](#)

(3) - (4) [NO CHANGE]

(e) - (h) [NO CHANGE]

(i) State Judicial Pre-Printed or Computer-Generated Forms. Forms approved by the State Court Administrator's Office (designated "JDF" or "SCAO" on pre-printed or computer-generated forms), forms set forth in the Colorado Court Rules, volume 12, C.R.S., (including those pre-printed or computer-generated forms designated "CRCP" or "CPC" and those contained in the appendices of volume 12, C.R.S.), and forms generated by the state's judicial electronic system, "~~ICON,~~" shall conform to criteria established by the State Court Administrator's Office with the approval of the Colorado Supreme Court. Such forms, whether preprinted or computer-generated, shall employ a form of caption similar to those contained in this rule, , and 1 inch left margin, ½ inch right and bottom margins, and at least 1 inch top margin, except that for forms designated "JDF" or "SCAO" the requirement of at least 1 inch for the top margin shall apply to forms created or revised on and after April 5, 2010.

COMMENTS [NO CHANGE]

Rule 16.2. Court Facilitated Management of Domestic Relations Cases and General Provisions Governing Duty of Disclosure

(a) – (d) [NO CHANGE]

(e) Disclosure.

(1) [NO CHANGE]

(2) Except as set forth in C.R.C.P. 16.2(e)(11) below, a party shall, without a formal discovery request, provide the Mandatory Disclosures, as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.1, C.R.C.P., and shall provide a completed Sworn Financial Statement and (if applicable) Supporting Schedules as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.2 and Form 35.3, C.R.C.P., to the other party within 42 days after service of a petition or a post decree motion involving financial issues. The parties shall exchange the required Mandatory Disclosures, the Sworn Financial Statement and (if applicable) Supporting Schedules by the time of the initial status conference to the extent reasonably possible. Parties proceeding under C.R.C.P. 16.2(e)(11) shall file and serve a completed Affidavit in Support of Waiver of Mandatory Disclosures, Form 1372, within 42 days after service of a petition or a post decree motion involving financial matters.

(3) - (10) [NO CHANGE]

(11) (a) Parties to a domestic relations matter may agree in writing to limit exchange of financial disclosures otherwise required under C.R.C.P. 16.2(e)(2) to Sworn Financial Statements so long as the parties affirm that all of the following conditions exist at the time of their agreement:

1. Limiting disclosure will not create a substantial hardship to any party;

2. No party is pregnant, and the matter will not involve a determination of paternity, entry of a parenting plan, or an order of child support;

3. Neither party is currently seeking an award of maintenance;

4. The net equity (estimated value as of the current date minus all amounts owed) of all marital assets in a dissolution matter, (excluding the marital residence) is less than \$100,000.

5. The combined debt of the parties, not including the mortgage on the marital residence, is less than \$50,000; and

6. Neither party has any separate property interests with net equity exceeding \$10,000, any interest in a pension, or any interest in a trust.

(b) Each party shall execute an Affidavit in Support of Waiver of Mandatory Disclosures, Form 1372, affirming they meet the requirements above for limited disclosures.

(c) In all domestic relations cases, the filing of a Sworn Financial Statement remains mandatory. At any time after filing Sworn Financial Statements, either party may withdraw consent to limited financial disclosures by filing a Notice of Withdrawal of Consent to Waiver of Mandatory Financial Disclosures in Domestic Relations Cases, Form 1373, with the Court withdrawing consent to limited disclosures, or the Court may order that limited financial disclosure is not appropriate given the facts of a particular case. All disclosures required under C.R.C.P. 16.2(e)(2) shall be exchanged and the Certificate of Compliance filed within 28 days following the earlier of the date of filing a withdrawal of consent or entry of a Court order mandating complete financial disclosures.

(f) - (j) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 26. General Provisions Governing Discovery; Duty of Disclosure

(a) – (c) [NO CHANGE]

(d) Timing and Sequence of Discovery. Except when authorized by these Rules, by order, or by agreement of the parties, a party may not seek discovery from any source before service of the Case Management Order pursuant to C.R.C.P. 16(b)(19~~8~~). Any discovery conducted prior to issuance of the Case Management Order shall not exceed the limitations established by C.R.C.P. 26(b)(2). Unless the parties stipulate or the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(e) – (g) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 121. Local Rules—Statewide Practice Standards

(a) – (c) [NO CHANGE]

Section 1 – 1 to 1 – 14 [NO CHANGE]

Section 1 – 15 DETERMINATION OF MOTIONS

1. Motions and Briefs; When Required; Time for Serving and Filing--Length.

(a) Except motions during trial or where the court orders that certain or all non-dispositive motions be made orally, any motions involving a contested issue of law shall be supported by a recitation of legal authority incorporated into the motion, which shall not be filed with a separate brief. Unless the court orders otherwise, motions and responsive briefs not under C.R.C.P.

12(b)(1) or (2), or 56 are limited to 15 pages, and reply briefs to 10 pages, not including the case caption, signature block, certificate of service and attachments. Unless the court orders otherwise, motions and responsive briefs under C.R.C.P. 12(b)(1) or (2) or 56 are limited to 25 pages, and reply briefs to 15 pages, not including the case caption, signature block, certificate of service and attachments. All motions and briefs shall comply with C.R.C.P. 10(d).

(b) The responding party shall have 21 days after the filing of the motion or such lesser or greater time as the court may allow in which to file a responsive brief. If a motion is filed 42 days or less before the trial date, the responding party shall have 14 days after the filing of the motion or such lesser or greater time as the court may allow in which to file a responsive brief.

(c) Except for a motion pursuant to C.R.C.P. 56, the moving party shall have 7 days after the filing of the responsive brief or such greater or lesser time as the court may allow to file a reply brief. For a motion pursuant to C.R.C.P. 56, the moving party shall have 14 days after the filing of the responsive brief or such greater or lesser time as the court may allow to file a reply brief.

(d) A motion shall not be included in a response or reply to the original motion.

2. Affidavits. If facts not appearing of record may be considered in disposition of the motion, the parties may file affidavits with the motion or within the time specified for filing the party's brief in this section 1-15, Rules 6, 56 or 59, C.R.C.P., or as otherwise ordered by the court. Copies of such affidavits and any documentary evidence used in connection with the motion shall be served on all other parties.

3. Effect of Failure to File Legal Authority. If the moving party fails to incorporate legal authority into a written motion, the court may deem the motion abandoned and may enter an order denying the motion. Other than motions seeking to resolve a claim or defense under C.R.C.P. 12 or 56, failure of a responding party to file a responsive brief may be considered a confession of the motion.

4. Motions to Be Determined on Briefs, When Oral Argument is Allowed; Motions Requiring Immediate Attention. Motions shall be determined promptly if possible. The court has discretion to order briefing or set a hearing on the motion. If possible, the court shall determine oral motions at the conclusion of the argument, but may take the motion under advisement or require briefing before ruling. Any motion requiring immediate disposition shall be called to the attention of the courtroom clerk by the party filing such motion.

5. Notification of Court's Ruling; Setting of Argument or Hearing When Ordered. Whenever the court enters an order denying or granting a motion without a hearing, all parties shall be forthwith notified by the court of such order. If the court desires or authorizes oral argument or

an evidentiary hearing, all parties shall be so notified by the court. After notification, it shall be the responsibility of the moving party to have the motion set for oral argument or hearing. Unless the court orders otherwise, a notice to set oral argument or hearing shall be filed in accordance with Practice Standard § 1-6 within 7 days of notification that oral argument or hearing is required or authorized.

6. Effect of Failure to Appear at Oral Argument or Hearing. If any of the parties fails to appear at an oral argument or hearing, without prior showing of good cause for non-appearance, the court may proceed to hear and rule on the motion.

7. Sanctions. If a frivolous motion is filed or if frivolous opposition to a motion is interposed, the court may assess reasonable attorney's fees against the party or attorney filing such motion or interposing such opposition.

8. Duty to Confer. Unless a statute or rule governing the motion provides that it may be filed without notice, moving counsel and any self-represented party shall confer with opposing counsel and any self-represented parties before filing a motion. The requirement of self-represented parties to confer and the requirement to confer with self-represented parties shall not apply to any incarcerated person, or any self-represented party as to whom the requirement is contrary to court order or statute, including, but not limited to, any person as to whom contact would or precipitate a violation of a protection or restraining order. The motion shall, at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel and any self-represented parties about the motion. If the relief sought by the motion has been agreed to by the parties or will not be opposed, the court shall be so advised in the motion. If no conference has occurred, the reason why, including all efforts to confer, shall be stated.

9. Unopposed Motions. All unopposed motions shall be so designated in the title of the motion.

10. Proposed Order. Except for orders containing signatures of the parties or attorneys as required by statute or rule, each motion shall be accompanied by a proposed order submitted in editable format. The proposed order complies with this provision if it states that the requested relief be granted or denied. [Orders that are submitted as proposed shall not contain the word \(PROPOSED\) in the caption of the order. Proposed Orders must only be designated as proposed in the e-filing transmission.](#)

11. Motions to Reconsider. Motions to reconsider interlocutory orders of the court, meaning motions to reconsider other than those governed by C.R.C.P. 59 or 60, are disfavored. A party moving to reconsider must show more than a disagreement with the court's decision. Such a motion must allege a manifest error of fact or law that clearly mandates a different result or other circumstance resulting in manifest injustice. The motion shall be filed within 14 days from the date of the order, unless the party seeking reconsideration shows good cause for not filing within that time. Good cause for not filing within 14 days from the date of the order includes newly available material evidence and an intervening change in the governing legal standard. The court may deny the motion before receiving a responsive brief under paragraph 1(b) of this standard.

COMMENTS [NO CHANGE]

Section 1 – 16 to 1 – 25 [NO CHANGE]

Section 1 – 26 ELECTRONIC FILING AND SERVICE SYSTEM

1. - 14. [NO CHANGE]

15. Form of Electronic Documents.

(a) - (b) [NO CHANGE]

(c) *Proposed Orders*. Proposed orders shall be E-Filed in editable format. Proposed orders that are E-Filed in a non-editable format shall be rejected by the Court Clerk's office and must be resubmitted. Orders that are submitted as proposed shall not contain the word (PROPOSED) in the caption of the order. Proposed Orders must only be designated as proposed in the e-filing transmission.

COMMENTS [NO CHANGE]

Rule 10. Form and Quality of Pleadings, Motions and Other Documents

(a) - (c) [NO CHANGE]

(d) General Rule Regarding Paper Size, Format, and Spacing. All documents filed after the effective date of this rule, including those filed through the E-Filing System under C.R.C.P. 121(1-26), shall meet the following criteria:

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(2) *Format.* All documents shall be legible. They shall be printed on one side of the page only (except for E-Filed documents).

(I) - (II) [NO CHANGE]

(III) *Case Caption Information.* All documents shall contain the following information arranged in the following order, as illustrated by paragraphs (e) and (f) of this rule, except that documents issued by the court under the signature of the clerk or judge should omit the attorney section as illustrated in paragraphs (e)(2) and (f)(2). Individual boxes should separate this case caption information; however, vertical lines are not mandatory. On the left side:

Document title (the document title may instead be included as a centered line at the bottom of the caption).

Court name and mailing address.

Name of parties.

Name, address, and telephone number of the attorney or pro se party filing the document. Fax number and e-mail address are optional.

Attorney registration number.

On the right side:

An area for “Court Use Only” that is at least 2 ½ inches in width and 1 ¾ inches in length (located opposite the court and party information).

Case number, division number, and courtroom number (located opposite the attorney information above).

Centered at the bottom of the caption:

Document title (the document title may instead be included as the top line on the left side of the caption).

Orders that are submitted as proposed shall not contain the word (PROPOSED) in the caption of the order.

(3) - (4) [NO CHANGE]

(e) - (h) [NO CHANGE]

(i) State Judicial Pre-Printed or Computer-Generated Forms. Forms approved by the State Court Administrator's Office (designated "JDF" or "SCAO" on pre-printed or computer-generated forms), forms set forth in the Colorado Court Rules, volume 12, C.R.S., (including those pre-printed or computer-generated forms designated "CRCP" or "CPC" and those contained in the appendices of volume 12, C.R.S.), and forms generated by the state's judicial electronic system shall conform to criteria established by the State Court Administrator's Office with the approval of the Colorado Supreme Court. Such forms, whether preprinted or computer-generated, shall employ a form of caption similar to those contained in this rule, , and 1 inch left margin, ½ inch right and bottom margins, and at least 1 inch top margin, except that for forms designated "JDF" or "SCAO" the requirement of at least 1 inch for the top margin shall apply to forms created or revised on and after April 5, 2010.

COMMENTS [NO CHANGE]

Rule 16.2. Court Facilitated Management of Domestic Relations Cases and General Provisions Governing Duty of Disclosure

(a) – (d) [NO CHANGE]

(e) Disclosure.

(1) [NO CHANGE]

(2) Except as set forth in C.R.C.P. 16.2(e)(11) below, a party shall, without a formal discovery request, provide the Mandatory Disclosures, as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.1, C.R.C.P., and shall provide a completed Sworn Financial Statement and (if applicable) Supporting Schedules as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.2 and Form 35.3, C.R.C.P., to the other party within 42 days after service of a petition or a post decree motion involving financial issues. The parties shall exchange the required Mandatory Disclosures, the Sworn Financial Statement and (if applicable) Supporting Schedules by the time of the initial status conference to the extent reasonably possible. Parties proceeding under C.R.C.P. 16.2(e)(11) shall file and serve a completed Affidavit in Support of Waiver of Mandatory Disclosures, Form 1372, within 42 days after service of a petition or a post decree motion involving financial matters.

(3) - (10) [NO CHANGE]

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1. Limiting disclosure will not create a substantial hardship to any party;
2. No party is pregnant, and the matter will not involve a determination of paternity, entry of a parenting plan, or an order of child support;
3. Neither party is currently seeking an award of maintenance;
4. The net equity (estimated value as of the current date minus all amounts owed) of all marital assets in a dissolution matter, (excluding the marital residence) is less than \$100,000.
5. The combined debt of the parties, not including the mortgage on the marital residence, is less than \$50,000; and
6. Neither party has any separate property interests with net equity exceeding \$10,000, any interest in a pension, or any interest in a trust.

(b) Each party shall execute an Affidavit in Support of Waiver of Mandatory Disclosures, Form 1372, affirming they meet the requirements above for limited disclosures.

(c) In all domestic relations cases, the filing of a Sworn Financial Statement remains mandatory. At any time after filing Sworn Financial Statements, either party may withdraw consent to limited financial disclosures by filing a Notice of Withdrawal of Consent to Waiver of Mandatory Financial Disclosures in Domestic Relations Cases, Form 1373, with the Court withdrawing consent to limited disclosures, or the Court may order that limited financial disclosure is not appropriate given the facts of a particular case. All disclosures required under C.R.C.P. 16.2(e)(2) shall be exchanged and the Certificate of Compliance filed within 28 days following the earlier of the date of filing a withdrawal of consent or entry of a Court order mandating complete financial disclosures.

(f) - (j) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 26. General Provisions Governing Discovery; Duty of Disclosure

(a) – (c) [NO CHANGE]

(d) Timing and Sequence of Discovery. Except when authorized by these Rules, by order, or by agreement of the parties, a party may not seek discovery from any source before service of the Case Management Order pursuant to C.R.C.P. 16(b)(19). Any discovery conducted prior to issuance of the Case Management Order shall not exceed the limitations established by C.R.C.P. 26(b)(2). Unless the parties stipulate or the court upon motion, for the convenience of parties and witnesses and in the interests of justice, orders otherwise, methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(e) – (g) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 121. Local Rules—Statewide Practice Standards

(a) – (c) [NO CHANGE]

Section 1 – 1 to 1 – 14 [NO CHANGE]

Section 1 – 15 DETERMINATION OF MOTIONS

1. Motions and Briefs; When Required; Time for Serving and Filing--Length.

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12(b)(1) or (2), or 56 are limited to 15 pages, and reply briefs to 10 pages, not including the case caption, signature block, certificate of service and attachments. Unless the court orders otherwise, motions and responsive briefs under C.R.C.P. 12(b)(1) or (2) or 56 are limited to 25 pages, and reply briefs to 15 pages, not including the case caption, signature block, certificate of service and attachments. All motions and briefs shall comply with C.R.C.P. 10(d).

(b) The responding party shall have 21 days after the filing of the motion or such lesser or greater time as the court may allow in which to file a responsive brief. If a motion is filed 42 days or less before the trial date, the responding party shall have 14 days after the filing of the motion or such lesser or greater time as the court may allow in which to file a responsive brief.

(c) Except for a motion pursuant to C.R.C.P. 56, the moving party shall have 7 days after the filing of the responsive brief or such greater or lesser time as the court may allow to file a reply brief. For a motion pursuant to C.R.C.P. 56, the moving party shall have 14 days after the filing of the responsive brief or such greater or lesser time as the court may allow to file a reply brief.

(d) A motion shall not be included in a response or reply to the original motion.

2. Affidavits. If facts not appearing of record may be considered in disposition of the motion, the parties may file affidavits with the motion or within the time specified for filing the party's brief in this section 1-15, Rules 6, 56 or 59, C.R.C.P., or as otherwise ordered by the court. Copies of such affidavits and any documentary evidence used in connection with the motion shall be served on all other parties.

3. Effect of Failure to File Legal Authority. If the moving party fails to incorporate legal authority into a written motion, the court may deem the motion abandoned and may enter an order denying the motion. Other than motions seeking to resolve a claim or defense under C.R.C.P. 12 or 56, failure of a responding party to file a responsive brief may be considered a confession of the motion.

4. Motions to Be Determined on Briefs, When Oral Argument is Allowed; Motions Requiring Immediate Attention. Motions shall be determined promptly if possible. The court has discretion to order briefing or set a hearing on the motion. If possible, the court shall determine oral motions at the conclusion of the argument, but may take the motion under advisement or require briefing before ruling. Any motion requiring immediate disposition shall be called to the attention of the courtroom clerk by the party filing such motion.

5. Notification of Court's Ruling; Setting of Argument or Hearing When Ordered. Whenever the court enters an order denying or granting a motion without a hearing, all parties shall be forthwith notified by the court of such order. If the court desires or authorizes oral argument or

an evidentiary hearing, all parties shall be so notified by the court. After notification, it shall be the responsibility of the moving party to have the motion set for oral argument or hearing. Unless the court orders otherwise, a notice to set oral argument or hearing shall be filed in accordance with Practice Standard § 1-6 within 7 days of notification that oral argument or hearing is required or authorized.

6. Effect of Failure to Appear at Oral Argument or Hearing. If any of the parties fails to appear at an oral argument or hearing, without prior showing of good cause for non-appearance, the court may proceed to hear and rule on the motion.

7. Sanctions. If a frivolous motion is filed or if frivolous opposition to a motion is interposed, the court may assess reasonable attorney's fees against the party or attorney filing such motion or interposing such opposition.

8. Duty to Confer. Unless a statute or rule governing the motion provides that it may be filed without notice, moving counsel and any self-represented party shall confer with opposing counsel and any self-represented parties before filing a motion. The requirement of self-represented parties to confer and the requirement to confer with self-represented parties shall not apply to any incarcerated person, or any self-represented party as to whom the requirement is contrary to court order or statute, including, but not limited to, any person as to whom contact would or precipitate a violation of a protection or restraining order. The motion shall, at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel and any self-represented parties about the motion. If the relief sought by the motion has been agreed to by the parties or will not be opposed, the court shall be so advised in the motion. If no conference has occurred, the reason why, including all efforts to confer, shall be stated.

9. Unopposed Motions. All unopposed motions shall be so designated in the title of the motion.

10. Proposed Order. Except for orders containing signatures of the parties or attorneys as required by statute or rule, each motion shall be accompanied by a proposed order submitted in editable format. The proposed order complies with this provision if it states that the requested relief be granted or denied. Orders that are submitted as proposed shall not contain the word (PROPOSED) in the caption of the order. Proposed Orders must only be designated as proposed in the e-filing transmission.

11. Motions to Reconsider. Motions to reconsider interlocutory orders of the court, meaning motions to reconsider other than those governed by C.R.C.P. 59 or 60, are disfavored. A party moving to reconsider must show more than a disagreement with the court's decision. Such a motion must allege a manifest error of fact or law that clearly mandates a different result or other circumstance resulting in manifest injustice. The motion shall be filed within 14 days from the date of the order, unless the party seeking reconsideration shows good cause for not filing within that time. Good cause for not filing within 14 days from the date of the order includes newly available material evidence and an intervening change in the governing legal standard. The court may deny the motion before receiving a responsive brief under paragraph 1(b) of this standard.

COMMENTS [NO CHANGE]

Section 1 – 16 to 1 – 25 [NO CHANGE]

Section 1 – 26 ELECTRONIC FILING AND SERVICE SYSTEM

1. - 14. [NO CHANGE]

15. Form of Electronic Documents.

(a) - (b) [NO CHANGE]

(c) *Proposed Orders*. Proposed orders shall be E-Filed in editable format. Proposed orders that are E-Filed in a non-editable format shall be rejected by the Court Clerk's office and must be resubmitted. Orders that are submitted as proposed shall not contain the word (PROPOSED) in the caption of the order. Proposed Orders must only be designated as proposed in the e-filing transmission.

COMMENTS [NO CHANGE]

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: <hr/> Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	▲ COURT USE ONLY ▲
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division _____ Courtroom _____
Writ of Garnishment with Notice of Exemption and Pending Levy	

The Judgment creditor is (check one): a licensed collection agency pursuant to §5-16-101, et. seq., C.R.S.; represented by an attorney; or not represented by an attorney and is not a licensed collection agency pursuant to §5-16-101 et. seq., C.R.S.

Judgment Debtor's name, last known address, other identifying information: _____

- | | | |
|---|------|--|
| 1. Original Amount of Judgment Entered _____ (date) | \$ | |
| 2. Plus any Interest Due on Judgment (currently _____ % per annum) | + \$ | |
| 3. Taxable Costs (including estimated cost of service of this Writ) | + \$ | |
| 4. Less any Amount Paid | - \$ | |
| 5. Principal Balance/Total Amount Due and Owing | = \$ | |

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
 By checking this box, I am acknowledging that I have made a change to the original content of this form.

Verification

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct and I am authorized to act for the Judgment Creditor.

 Printed name of Judgment Creditor

Address _____ City _____ State _____ Zip Code _____

Executed on the _____ day of _____, _____, at _____
 (date) (month) (year) (city or other location, and state OR country)

 Printed name of Authorized Party

 Signature of Authorized Party (Title and Phone No.)

Address _____ City _____ State _____ Zip Code _____

Writ of Garnishment with Notice of Exemption and Pending Levy

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon _____, Garnishee,

with proper return of service to be made to the Court.

To The Garnishee:

You are hereby summoned as garnishee in this action and ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

You Are Notified:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, and after receiving a separate notice or order from the court, **make checks payable** and mail to: the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); the Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: _____

Address: _____

Please Put the Case Number (Above) on the Front of the Check.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

YES NO

- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above? YES NO

- d. If you answered YES to question c, describe the nature and amount of the setoff claimed: (Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the foregoing is true and correct.

Name of Garnishee (Print) _____

Executed on the _____ day of _____, _____, at _____
(date) (month) (year) (city or other location, and state OR country)

(Printed name of Person Answering)

Signature of Person Answering

Notice to Judgment Debtor of Exemption and Pending Levy

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along

with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

Partial List of Exempt Property

1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social Security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.
14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. §5301.
18. Civil service retirement benefits under 5 U.S.C. §8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.
23. ~~Through February 1, 2021, up to four thousand dollars cumulative in a depository account or accounts in the name of the debtor~~ Up to two thousand five hundred dollars cumulative in a depository account or accounts in the name of the debtor under Section 13-54-102, C.R.S.

If the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 14 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

Remember that this is only a partial list of "exempt property"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 14 days after receiving this notice to file your claim of exemption with the Clerk of the Court.

Small Claims Court _____ County, Colorado Court Address: _____	
PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">▲ COURT USE ONLY ▲</p> <p style="margin: 0;">Case Number: _____</p> <p style="font-size: 2em; font-weight: bold; margin: 10px 0 10px 0;">S</p> <p style="margin: 0;">Division Courtroom</p> </div>
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 1)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

 Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____
_____ Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 3)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____
 at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

 Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$_____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

 Plaintiff's Signature

 Plaintiff's Signature

INFORMATION FOR PLAINTIFFS IN SMALL CLAIMS CASES

A. FILING. You may file your claim in this Court if:

1. Your claim is for money, property, specific performance or rescission of a contract, or enforcement of a restrictive covenant that does not exceed \$7,500.00. You may reduce a larger claim and waive the balance. You cannot divide a claim and file two separate cases.
2. At least one of the parties you sue resides, is regularly employed, has an office for the transaction of business, or is a student in this county, or they own rental property in the county that is the subject of this claim.
3. You pay the clerk one of the following **NONREFUNDABLE** filing fees.
 - ◆ **Claim \$500.00 or less:** **\$31.00**
 - ◆ **Claim over \$500.00 but less-no more than \$7,500.00:** **\$55.00**

B. SERVICE. This notice to appear must be served at least 15 days prior to the trial on each Defendant. It may be served by:

1. Any person whose age is 18 years or older and who is not a party to this action.
2. Sheriff or process server.
3. Certified Mail that is mailed by the clerk. You must deposit the cost for certified mail in advance.

C. SETTLEMENT. If you settle your claim before trial, you must notify the Small Claims Court and Defendant in writing.

D. SUBPOENAS. Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.

E. TRIAL RESPONSIBILITY. You have a right to a trial. Bring all evidence necessary to prove your case: books, papers, repair bills, photographs or other exhibits. Be on time. If you are late or do not appear, the Court may enter judgment in favor of the Defendant and against you if the Defendant filed a counterclaim.

F. APPEAL. If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P. 411.

G. JUDGMENT. THE COURT DOES NOT COLLECT ANY JUDGMENT, but will help with the necessary forms.

Money Judgment. If judgment is entered in favor of the Defendant and against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.

Non-monetary Judgment. If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, failure to comply with the Court order may result in an award of damages and or being held in contempt.

H. CASE INQUIRIES. When inquiring about this case, refer to the case number on the other side of this document. Direct all inquiries to the clerk, not the judge or magistrate.

I. ATTORNEY. If the Defendant(s) want(s) to be represented by an attorney, the Defendant(s) or attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then, you may have representation by an attorney. If either party is an attorney, the other party may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.

J. JUDICIAL OFFICER. A magistrate or judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.

K. Language Interpreter. If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at:
http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; font-weight: bold; margin: 0 10px;">▲ COURT USE ONLY ▲</div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 4)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____
 at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

AFFIDAVIT OF SERVICE
(Must be returned to Court)

I swear/affirm under oath that I am 18 years or older and not a party to the action, and that I served the **Notice, Claim, and Summons to Appear for Trial (JDF 250)** on the following:

Name of Person Served

Date and Time of Service

Address of Service
(Street, County, City, State)

Check type of Service:

- By handing the documents to a person identified to me as the Defendant.
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant's usual place of abode with _____ (Name of Person) who is a member of the Defendant's family and whose age is 18 years or older. (Identify family relationship) _____.
- By leaving the documents at the Defendant's usual workplace with _____ (Name of Person) who is the Defendant's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with _____ (Name of Person), who as _____ (title) is authorized by appointment or by law to receive service of process for the Defendant.
- By leaving the documents with an officer, partner, manager, stockholder, elected official or functional equivalent pursuant to C.R.C.P. 304 _____ (please identify) of the corporation or non-corporate entity which was to be served. (Circle title of person who was served.)
- By serving the documents as follows (other service under C.R.C.P. 304: _____
_____.

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
Fee \$ _____ Mileage \$ _____

Signature of Process Server

Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public

CERTIFICATE OF SERVICE BY MAILING
(To be performed by Clerk within three days of filing)

I hereby certify that on _____ (date), I mailed a true and correct copy of the **NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL**, by placing it in the United States Mail, postage pre-paid to the Defendant(s) at the address(es) listed above.

Clerk of Court/Deputy Clerk

(If applicable) Plaintiff(s) notified of non-service on (date) _____. Clerk's Initials _____

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s)/Petitioner(s): v. Defendant(s)/Respondent(s):	▲ COURT USE ONLY ▲
Judgment Creditor's Attorney or Judgment Creditor (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
Writ of Garnishment with Notice of Exemption and Pending Levy	

The Judgment creditor is (check one): a licensed collection agency pursuant to §5-16-101, et. seq., C.R.S.; represented by an attorney; or not represented by an attorney and is not a licensed collection agency pursuant to §5-16-101 et. seq., C.R.S.

Judgment Debtor's name, last known address, other identifying information: _____

- | | | |
|---|------|--|
| 1. Original Amount of Judgment Entered _____ (date) | \$ | |
| 2. Plus any Interest Due on Judgment (currently _____ % per annum) | + \$ | |
| 3. Taxable Costs (including estimated cost of service of this Writ) | + \$ | |
| 4. Less any Amount Paid | - \$ | |
| 5. Principal Balance/Total Amount Due and Owing | = \$ | |

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
 By checking this box, I am acknowledging that I have made a change to the original content of this form.

Verification

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct and I am authorized to act for the Judgment Creditor.

 Printed name of Judgment Creditor

Address _____ City _____ State _____ Zip Code _____

Executed on the _____ day of _____, _____, at _____
 (date) (month) (year) (city or other location, and state OR country)

 Printed name of Authorized Party

 Signature of Authorized Party (Title and Phone No.)

Address _____ City _____ State _____ Zip Code _____

Writ of Garnishment with Notice of Exemption and Pending Levy

THE PEOPLE OF THE STATE OF COLORADO to the Sheriff of any Colorado County, or to any person 18 years or older and who is not a party to this action:

You are directed to serve a copy of this Writ of Garnishment upon _____, Garnishee,

with proper return of service to be made to the Court.

To The Garnishee:

You are hereby summoned as garnishee in this action and ordered:

- a. To answer the following questions under oath and file your answers with the Clerk of the Court (AND to mail a completed copy with your answers to the Judgment Creditor or attorney when a stamped envelope is attached) within 14 days following service of this Writ upon you.

Your failure to answer this writ with notice may result in the entry of a default against you.

- b. To hold pending court order the personal property of any kind (other than earnings of a natural person) in your possession or control, including the debts, credits, choses in action or money owed to the Judgment Debtor whether they are due at the time of the service of the writ or are to become due thereafter.

You Are Notified:

- a. This Writ with Notice applies to all personal property (other than earnings) owed to or owned by the Judgment Debtor and in your possession or control as of the date and time this Writ was served upon you.
- b. In no case may you withhold any personal property greater than the amount on Line 5 on the front of this Writ unless the personal property is incapable of being divided.
- c. After you file your answers to the following questions, and after receiving a separate notice or order from the court, **make checks payable** and mail to: the Judgment Creditor named above (May select only if the Judgment Creditor is a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.); the Judgment Creditor's Attorney (if applicable); or to the Clerk of the County Court or District Court in _____ (city), Colorado (Must select if the Judgment Creditor is not represented by an attorney AND is not a licensed collection agency pursuant to 5-16-101, et. seq., C.R.S.) at the address below:

Name: _____

Address: _____

Please Put the Case Number (Above) on the Front of the Check.

CLERK OF THE COURT

By Deputy Clerk: _____

Date: _____

Questions to be Answered by Garnishee

Judgment Debtor's Name: _____ **Case Number:** _____

The following questions MUST be answered by you under oath:

- a. On the date and time this Writ was served upon you, did you possess or control any personal property of the Judgment Debtor or did you owe any rents, payments, obligations, debts or moneys other than earnings to the Judgment Debtor?

YES NO

- b. If YES, list all items of personal property and their location(s) and/or describe the nature and amount of the debt or obligation: (Attach additional pages if necessary): _____

- c. Do you claim any setoff against any property, debt or obligation listed above? YES NO

- d. If you answered YES to question c, describe the nature and amount of the setoff claimed: (Attach additional pages if necessary): _____

Verification

I declare under penalty of perjury under the law of Colorado that I am authorized to act for the Garnishee and the foregoing is true and correct.

Name of Garnishee (Print) _____

Executed on the _____ day of _____, _____, at _____
(date) (month) (year) (city or other location, and state OR country)

(Printed name of Person Answering)

Signature of Person Answering

Notice to Judgment Debtor of Exemption and Pending Levy

This Writ with Notice is a Court order which may cause your property or money to be held and taken to pay a judgment entered against you. You have legal rights which may prevent all or part of your money or property from being taken. That part of the money or property which may not be taken is called "exempt property". A partial list of "exempt property" is shown below, along

with the law which may make all or part of your money or property exempt. The purpose of this notice is to tell you about these rights.

Partial List of Exempt Property

1. All or part of your property listed in Sections 13-54-101 and 102, C.R.S., including clothing, jewelry, books, burial sites, household goods, food and fuel, farm animals, seed, tools, equipment and implements, military allowances, stock-in-trade and certain items used in your occupation, bicycles, motor vehicles (greater for disabled persons), life insurance, income tax refunds, attributed to an earned income tax credit or child tax credit, money received because of loss of property or for personal injury, equipment that you need because of your health, or money received because you were a victim of a crime.
2. All or part of your earnings under Section 13-54-104, C.R.S.
3. Worker's compensation benefits under Section 8-42-124, C.R.S.
4. Unemployment compensation benefits under Section 8-80-103, C.R.S.
5. Group life insurance benefits under Section 10-7-205, C.R.S.
6. Health insurance benefits under Section 10-16-212, C.R.S.
7. Fraternal society benefits under Section 10-14-403, C.R.S.
8. Family allowances under Section 15-11-404, C.R.S.
9. Teachers' retirement fund benefits under Section 22-64-120, C.R.S.
10. Public employees' retirement benefits (PERA) under Sections 24-51-212 and 24-54-111, C.R.S.
11. Social Security benefits (OASDI, SSI) under 42 U.S.C. §407.
12. Railroad employee retirement benefits under 45 U.S.C. §231m.
13. Public assistance benefits (OAP, AFDC, TANF, AND, AB, LEAP) under Section 26-2-131, C.R.S.
14. Police Officer's and Firefighter's pension fund payments under Sections 31-30-1117 & 31-30.5-208 and 31-31-203, C.R.S.
15. Utility and security deposits under Section 13-54-102(1)(r), C.R.S.
16. Proceeds of the sale of homestead property under Section 38-41-207, C.R.S.
17. Veteran's Administration benefits under 38 U.S.C. §5301.
18. Civil service retirement benefits under 5 U.S.C. §8346.
19. Mobile homes and trailers under Section 38-41-201.6, C.R.S.
20. Certain retirement and pension funds and benefits under Section 13-54-102(1)(s), C.R.S.
21. A Court-ordered child support or maintenance obligation or payment under Section 13-54-102(1)(u), C.R.S.
22. Public or private disability benefits under Section 13-54-102(1)(v), C.R.S.
23. Up to two thousand five hundred dollars cumulative in a depository account or accounts in the name of the debtor under Section 13-54-102, C.R.S.

If the money or property which is being withheld from you includes any "exempt property," you must file within 14 days of receiving this notice a written Claim of Exemption with the Clerk of the Court describing what money or property you think is "exempt property" and the reason that it is exempt. YOU MUST USE THE APPROVED FORM attached to this Writ or a copy of it. When you file the claim, you must immediately deliver, by certified mail, return receipt requested, a copy of your claim to the Garnishee (person/place that was garnished) and to the Judgment Creditor's attorney, or if none, to the Judgment Creditor at the address shown on this Writ with Notice. Notwithstanding your right to claim the property as "exempt," no exemption other than the exemptions set forth in Section 13-54-104(3), C.R.S., may be claimed for a Writ which is the result of a judgment taken for arrearages for child support or for child support debt.

Once you have properly filed your claim, the court will schedule a hearing within 14 days. The Clerk of the Court will notify you and the Judgment Creditor or attorney of the date and time of the hearing, by telephone, by mail or in person.

When you come to your hearing, you should be ready to explain why you believe your money or property is "exempt property". If you do not appear at the scheduled time, your money or property may be taken by the Court to pay the judgment entered against you.

Remember that this is only a partial list of "exempt property"; you may wish to consult with a lawyer who can advise you of your rights. If you cannot afford one, there are listings of legal assistance and legal aid offices in the yellow pages of the telephone book.

You must act quickly to protect your rights. Remember, you only have 14 days after receiving this notice to file your claim of exemption with the Clerk of the Court.

Small Claims Court _____ County, Colorado Court Address: _____	
PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center; margin: 0;">▲ COURT USE ONLY ▲</p> <p style="margin: 0;">Case Number: _____</p> <p style="font-size: 2em; font-weight: bold; margin: 10px 0 10px 0;">S</p> <p style="margin: 0;">Division Courtroom</p> </div>
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 1)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

 Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County this calendar year.

Dated: _____

 Plaintiff's Signature

 Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; padding: 5px 0;"> ▲ COURT USE ONLY ▲ </div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 2)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on _____ (date) at _____ (time) at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____
_____ Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00. I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; margin: 0 auto; width: 80%;">▲ COURT USE ONLY ▲</div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px auto;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 3)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____
 at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00.
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

Plaintiff's Signature

INFORMATION FOR PLAINTIFFS IN SMALL CLAIMS CASES

- A. FILING.** You may file your claim in this Court if:
1. Your claim is for money, property, specific performance or rescission of a contract, or enforcement of a restrictive covenant that does not exceed \$7,500.00. You may reduce a larger claim and waive the balance. You cannot divide a claim and file two separate cases.
 2. At least one of the parties you sue resides, is regularly employed, has an office for the transaction of business, or is a student in this county, or they own rental property in the county that is the subject of this claim.
 3. You pay the clerk one of the following **NONREFUNDABLE** filing fees.

◆ Claim \$500.00 or less:	\$31.00
◆ Claim over \$500.00 but no more than \$7,500.00:	\$55.00
- B. SERVICE.** This notice to appear must be served at least 15 days prior to the trial on each Defendant. It may be served by:
1. Any person whose age is 18 years or older and who is not a party to this action.
 2. Sheriff or process server.
 3. Certified Mail that is mailed by the clerk. You must deposit the cost for certified mail in advance.
- C. SETTLEMENT.** If you settle your claim before trial, you must notify the Small Claims Court and Defendant in writing.
- D. SUBPOENAS.** Upon your request, the clerk will issue a subpoena to require witnesses to appear or bring documents for your trial. It is your responsibility to complete the information needed on the subpoena and to have the subpoena served. Subpoenas must be served personally and may be served by a person over the age of 18 that is not a party to the case. Subpoenas must be accompanied by a check for payment of witness fees and mileage for any witnesses served.
- E. TRIAL RESPONSIBILITY.** You have a right to a trial. Bring all evidence necessary to prove your case: books, papers, repair bills, photographs or other exhibits. Be on time. If you are late or do not appear, the Court may enter judgment in favor of the Defendant and against you if the Defendant filed a counterclaim.
- F. APPEAL.** If you wish to appeal, you must file your notice of appeal within 14 days of the judgment and proceed according to C.R.C.P. 411.
- G. JUDGMENT. THE COURT DOES NOT COLLECT ANY JUDGMENT**, but will help with the necessary forms.
Money Judgment. If judgment is entered in favor of the Defendant and against you, you are expected to immediately pay the judgment, including filing fees and court costs. If the judgment is not paid immediately, you must answer questions about your assets and income and the other party can obtain a writ of garnishment or execution against your wages or property. Once the judgment is paid, you are entitled to have the judgment satisfied.
Non-monetary Judgment. If the Court orders immediate possession of the property, performance of a contract, setting aside of a contract or compliance with a restrictive covenant, failure to comply with the Court order may result in an award of damages and or being held in contempt.
- H. CASE INQUIRIES.** When inquiring about this case, refer to the case number on the other side of this document. Direct all inquiries to the clerk, not the judge or magistrate.
- I. ATTORNEY.** If the Defendant(s) want(s) to be represented by an attorney, the Defendant(s) or attorney must file a Notice of Representation of Attorney (JDF 256) at least 7 days before the trial date on this notice. Then, you may have representation by an attorney. If either party is an attorney, the other party may be represented by an attorney without filing a notice of representation. Even if there are attorneys in the case, the rules and procedures of the Small Claims Court will still apply.
- J. JUDICIAL OFFICER.** A magistrate or judge may hear your case. If you want a judge to hear your case, you must file an Objection to a Magistrate Hearing Case (JDF 259) at least 7 days before the trial date set in this notice. The rules and procedures of the Small Claims Court will still apply.
- K. Language Interpreter.** If you or a witness requires a language interpreter to be present for hearings, you must contact the Managing Interpreter corresponding to the district in which the case will be heard at least 7 days before the trial date is set on this notice. A language interpreter may only interpret what is said between parties during a hearing and immediately prior to or after the hearing. A language interpreter may not provide legal advice or any other service that is not related to interpreting. Interpreters may not provide any services that may constitute a violation of the language interpreter's Code of Professional Responsibility. A current list of Managing Interpreters can be viewed at:
http://www.courts.state.co.us/Administration/Custom.cfm?Unit=interp&Page_ID=117.

Small Claims Court _____ County, Colorado Court Address: _____ <hr/> PLAINTIFF(S): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ v. DEFENDANT(1): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____ DEFENDANT(2): _____ Address: _____ City/State/Zip: _____ Phone: Home _____ Work _____ Cell _____	<div style="border-top: 1px solid black; border-bottom: 1px solid black; font-weight: bold; margin: 0 10px;">▲ COURT USE ONLY ▲</div> Case Number: _____ <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">S</div> Division _____ Courtroom _____
NOTICE, CLAIM AND SUMMONS TO APPEAR FOR TRIAL (Part 4)	

If Defendant(s) is/are other than a person, go on-line at www.coloradosos.gov to determine the registered agent for service of this notice. Please enter name and address of the agent. Name: _____
 Address: _____

1. The Defendant(s) is/are in the military service: Yes No Unknown
2. The Defendant(s) reside(s), is/are regularly employed, has/have an office for the transaction of business, or is/are a student in this county, or real property located in this county is the subject of claim(s) arising from a restrictive covenant or security deposit dispute. Yes No
3. I/We understand that it is my/our responsibility to have each Defendant served with the "Defendant's Copy" of this Notice by a person whose age is 18 years or older and who is not a party to this action 15 days prior to the trial and to provide the Court with written proof of service. Yes No
4. I am an attorney: Yes No

Notice and Summons to Appear for Trial

To the Defendant(s):
 You are scheduled to have your trial in this case on (date) _____ (time) _____
 at the Court address stated in the above caption. Bring with you all books, papers and witnesses you need to establish your defense. **If you do not appear, judgment may be entered against you.** If you wish to defend the claim or present a counterclaim, you must provide a written response or written counterclaim on or before the scheduled trial date and pay a **nonrefundable** filing fee.

Dated: _____

Clerk of Court/Deputy Clerk

Plaintiff(s)'s Claim (Please summarize reasons to support your claim below.)
 The Defendant(s) owe(s) me \$ _____, which includes penalties, plus interest and costs allowed by law, and/or should be ordered to return property, perform a contract or set aside a contract or comply with a restrictive covenant for the following reasons. (If seeking return of property, please describe the property being requested).

Note: The combined value of money, property, specific performance or cost to remedy a covenant violation cannot exceed \$7,500.00
 I/we declare under penalty of perjury under the law of Colorado that the foregoing is true and correct. I/we have not filed in any Small Claims Court in this County more than 2 claims during this calendar month, nor more than 18 claims in this County in this calendar year.

Dated: _____

Plaintiff's Signature

AFFIDAVIT OF SERVICE
(Must be returned to Court)

I swear/affirm under oath that I am 18 years or older and not a party to the action, and that I served the **Notice, Claim, and Summons to Appear for Trial (JDF 250)** on the following:

Name of Person Served

Date and Time of Service

Address of Service
(Street, County, City, State)

Check type of Service:

- By handing the documents to a person identified to me as the Defendant.
- By identifying the documents, offering to deliver them to a person identified to me as the Defendant who refused service, and then leaving the documents in a conspicuous place.
- By leaving the documents at the Defendant's usual place of abode with _____ (Name of Person) who is a member of the Defendant's family and whose age is 18 years or older. (Identify family relationship) _____.
- By leaving the documents at the Defendant's usual workplace with _____ (Name of Person) who is the Defendant's secretary, administrative assistant, bookkeeper, or managing agent. (Circle title of person served.)
- By leaving the documents with _____ (Name of Person), who as _____ (title) is authorized by appointment or by law to receive service of process for the Defendant.
- By leaving the documents with an officer, partner, manager, stockholder, elected official or functional equivalent pursuant to C.R.C.P. 304 _____ (please identify) of the corporation or non-corporate entity which was to be served. (Circle title of person who was served.)
- By serving the documents as follows (other service under C.R.C.P. 304: _____
_____.

I have charged the following fees for my services in this matter:

- Private process server
- Sheriff, _____ County
Fee \$ _____ Mileage \$ _____

Signature of Process Server

Name (Print or type)

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public

CERTIFICATE OF SERVICE BY MAILING
(To be performed by Clerk within three days of filing)

I hereby certify that on _____ (date), I mailed a true and correct copy of the **NOTICE, CLAIM, AND SUMMONS TO APPEAR FOR TRIAL**, by placing it in the United States Mail, postage pre-paid to the Defendant(s) at the address(es) listed above.

Clerk of Court/Deputy Clerk

(If applicable) Plaintiff(s) notified of non-service on (date) _____. Clerk's Initials _____

Amended and Adopted by the Court, En Banc, January 11, 2024, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**

RULE CHANGE 2024(04)

**COLORADO RULES OF CIVIL PROCEDURE
Chapter 25 Colorado Rules of County Court Civil Procedure**

Forms 4 and 5

<input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): v. Defendant(s):	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: Division _____ Courtroom _____
NOTICE OF APPEAL	

To: The County Court in and for the County of _____, State of Colorado and the above named _____.

Please take notice that ~~the undersigned will file~~ [this is](#) an appeal.

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
 By checking this box, I am acknowledging that I have made a change to the original content of this form.

~~Said~~[The](#) appeal will be docketed in the District Court pursuant to Rule 411, Rules of County Court Civil Procedure.

Done this _____ day of _____, 20 _____.

 Signature(s) of Appellant(s)

 Signature of Attorney for Appellant(s), if applicable

 Name, Address(es) of Appellant(s)

 Telephone Number(s) of Appellant(s)

CERTIFICATE OF MAILING

I certify that a true copy of the Notice of Appeal ~~and the Designation of Record on Appeal~~ was mailed, postage prepaid, to _____ (opposing party(ies) or attorney), at _____ (address), on _____ (date).

 Appellant(s) or Attorney for Appellant(s)

County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff/ Petitioner(s) : v. Defendant/ Respondent(s) :	▲ COURT USE ONLY ▲
Attorney or Filing Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____ Court of Appeal's Case Number: _____
DESIGNATION OF RECORD ON APPEAL TRANSCRIPTS	

1. [I would like the following transcripts included in the Record on Appeal:](#)

[\(For an event that lasted more than one day, please list each day separately.\)](#)

Type of Event (Examples: Motions Hearing, Trial Day 1, Conference)	Date	Start Time	Court Reporter Name (If Any)
1)			
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			

2. [I will submit a Transcript Request Form to the District Court along with this Designation.](#)

3. [I Understand:](#)

- [• I will have to pay for each transcript I list.](#)
- [• I will **NOT** attach any transcripts to this document.](#)
- [• This document just lists the transcripts to be included in the appeal.](#)

- The transcriptionist will send the transcripts to the District Court.
- The transcripts are sent when they are completed and only if I fully pay for them.

CERTIFICATE OF MAILING

I certify that a true copy of the Designation of Transcripts was mailed, postage prepaid, to
 _____ (opposing party(ies) or attorney), at
 _____ (address), on _____ (date).

Appellant(s) or Attorney for Appellant(s)

The clerk will prepare for the District Court a record on appeal which shall include the following:

- ~~1. All original process and pleadings on file in the trial court.~~
- ~~2. All exhibits.~~
- ~~3. Jury instructions.~~
- ~~4. Judgments and orders of the Court.~~
- ~~5. Reporter's original transcript excluding transcript of jury voir dire, opening statements, and closing summation, but including all evidence.~~

- ~~By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.~~
- ~~By checking this box, I am acknowledging that I have made a change to the original content of this form.~~

~~Please prepare and certify with all convenient speed.~~

~~Requested this _____ day of _____, 20 ____.~~

 _____ Appellant(s) or Attorney for Appellant(s)

~~Amount deposited \$ _____ for record.~~

~~Appeal bond in the amount of \$ _____ filed.~~

<input type="checkbox"/> County Court _____ County, Colorado Court Address: _____ <hr/> Plaintiff(s): _____ v. Defendant(s): _____	COURT USE ONLY ▲ ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
NOTICE OF APPEAL	

To: The County Court in and for the County of _____, State of Colorado and the above named _____.

Please take notice that this is an appeal.

- By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
- By checking this box, I am acknowledging that I have made a change to the original content of this form.

The appeal will be docketed in the District Court pursuant to Rule 411, Rules of County Court Civil Procedure.

Done this _____ day of _____, 20 _____.

Signature(s) of Appellant(s)

Signature of Attorney for Appellant(s), if applicable

Name, Address(es) of Appellant(s)

Telephone Number(s) of Appellant(s)

CERTIFICATE OF MAILING

I certify that a true copy of the Notice of Appeal was mailed, postage prepaid, to _____ (opposing party(ies) or attorney), at _____ (address), on _____ (date).

Appellant(s) or Attorney for Appellant(s)

County Court _____ County, Colorado Court Address: _____ Plaintiff/Petitioner: v. Defendant/Respondent:	▲ COURT USE ONLY ▲
Attorney or Filing Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____ Court of Appeal's Case Number: _____
DESIGNATION OF TRANSCRIPTS	

1. I would like the following transcripts included in the Record on Appeal:

(For an event that lasted more than one day, please list each day separately.)

Type of Event (Examples: Motions Hearing, Trial Day 1, Conference)	Date	Start Time	Court Reporter Name <i>(If Any)</i>
1)			
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			

2. I will submit a [Transcript Request Form](#) to the District Court along with this Designation.

3. **I Understand:**

- I will have to pay for each transcript I list.
- I will **NOT** attach any transcripts to this document.
- This document just lists the transcripts to be included in the appeal.
- The transcriptionist will send the transcripts to the District Court.
- The transcripts are sent when they are completed and only if I fully pay for them.

CERTIFICATE OF MAILING

I certify that a true copy of the Designation of Transcripts was mailed, postage prepaid, to _____ (opposing party(ies) or attorney), at _____ (address), on _____ (date).

Appellant(s) or Attorney for Appellant(s)

Amended and Adopted by the Court, En Banc, January 11, 2024, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**

<input type="checkbox"/> County Court <input type="checkbox"/> District Court _____ County, Colorado Court address: _____ Plaintiff(s): _____ v. Defendant(s): _____		▲ COURT USE ONLY ▲
Judgment Debtor's Attorney or Judgment Debtor (Name and Address): _____ Case Number: _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty.Reg. #: _____ Division _____ Courtroom _____		
OBJECTION TO CALCULATION OF THE AMOUNT OF EXEMPT EARNINGS OR FOR REDUCTION OF WITHHOLDING PURSUANT TO SUBSECTION 13-54-104(2)(a)(I)(D)		

Commented [ss1]: Spelling error.

Instructions to Judgment Debtor: Use this form to object to the calculations of your exempt earnings.

Name: _____ Phone Number: _____

Street Address: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

EXEMPTION CHART ("Minimum Hourly Wage" means state or federal minimum wage, whichever is greater.)	PAY PERIOD	AMOUNT EXEMPT IS THE GREATER OF:
	Weekly	40 x Minimum Hourly Wage or 80% of Disposable Earnings
	Bi-Weekly	80 x Minimum Hourly Wage or 80% of Disposable Earnings
	Semi-monthly	86.67 x Minimum Hourly Wage or 80% of Disposable Earnings
	Monthly	173.3 x Minimum Hourly Wage or 80% of Disposable Earnings

1. Judgment Debtor's objection to the Garnishee's Calculation of the Amount of Exempt Earnings because I believe that the correct calculation is:

Gross Earnings for My Pay Period from _____ thru _____ \$ _____

Less Deductions Required by Law
 (For Example, Withholding Taxes, FICA, Costs for Employer-Provided Health Insurance Withheld From Earnings)

- \$ _____

Disposable Earnings (Gross Earnings Less Deductions) = \$ _____

Less Statutory Exemption (Use Exemption Chart on Writ) - \$ _____

Net Amount Subject to Garnishment = \$ _____

Less Wage/Income Assignment(s) During Pay Period (If Any) - \$ _____

Amount which should be withheld = \$ _____

OR

2. The earnings garnished are pension or retirement benefits/deferred compensation/health, accident or disability insurance and they are totally exempt because:

I understand that I must make a good faith effort to resolve my dispute with the Garnishee.

I have have not attempted to resolve this dispute with the Garnishee.

Name of Person I Talked to: _____

Position: _____ Phone Number: _____

OR

3. A greater portion of my disposable earnings should be exempt from garnishment for the support of me or my family that is supported in whole or in part by me. I request a court hearing to determine whether my earnings subject to garnishment, together with any other income received by my family, are insufficient to pay the actual and necessary living expenses of me and/or my family based upon proof of such expenses incurred during the 60 days prior to the hearing. In support of this I state the following:*

Gross Monthly Income		Monthly Expenses	
Self (wages, salary, commission)	\$	Rent or Mortgage	\$
Spouse/Partner, Other Household Members	\$	Groceries	\$
Parents (if same household)	\$	Utilities	\$
Unemployment Benefits	\$	Clothing	\$
Social Security/Retirement Funds	\$	Maintenance/Alimony and/or Child Support	\$
Maintenance/Alimony	\$	Medical/Dental	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Other Income (identify)	\$	Other Expenses (identify)	\$
Total Income	\$	Total Expenses	\$

*You are not required to use this form but will have to prove to the court that you are entitled to claim this exemption.

Debtor's Notice to Garnishee: Even though I am filing this Objection, you are directed to send my nonexempt earnings to the Court at the address noted instead of to the party designated in paragraph "e" on the front of the Writ of Continuing Garnishment. The Court will hold my nonexempt earnings in its registry until my Objection is resolved.

I certify that the above is correct to the best of my knowledge and belief and that I sent a copy of this document by certified mail (return receipt requested) to both the Garnishee and to the Judgment Creditor, or if the Judgment Creditor is represented by Counsel, certified mail (return receipt requested) to the Judgment Creditor's Attorney or E-Service to the Judgment Creditor's Attorney.

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

Garnishee

Address: _____

Judgment Creditor or Attorney

Address: _____

Signature of Judgment Debtor or
Judgment Debtor's Counsel and Reg. Number

From: [gabriel, richard](#)
Sent: Thursday, December 14, 2023 2:47 PM
To: [jones, jerry](#); [michaels, kathryn](#)
Cc: [hart, melissa](#)
Subject: Civil Rules
Attachments: [Rule 343 Evidence.pdf](#)

Hi, Jerry and Kathryn –

On behalf of my court, I am writing to ask that the Civil Rules Committee take up at its January meeting a possibly necessary amendment to C.R.C.P. 343(h) (copy attached). As you can see C.R.C.P. 343(h)(3) give a court discretion to permit remote participation in county court proceedings. A statute governing residential eviction proceedings that goes into effect on January 1, 2024, however, makes remote participation in such proceedings *mandatory* if either party or any witness chooses to appear in person or remotely. See § 13-40-113.5 (you can find it here: https://leg.colorado.gov/sites/default/files/documents/2023A/bills/sl/2023a_sl_415.pdf).

Obviously, the rule and the forthcoming statute conflict, at least to the extent that the rule applies in residential eviction proceedings. Hence, we are asking the Civil Rules Committee to consider this issue expeditiously at its next meeting (a prompt decision is needed, given that the statute goes into effect on January 1). Should the Committee decide that the rule should be amended to conform to the statute, an easy fix might be to amend C.R.C.P. 343(h)(3) to add at the beginning of that subsection, “Subject to the requirements of section 13-40-113.5, C.R.S., concerning residential eviction proceedings, . . .” I obviously defer to the Committee, though.

Thanks!

Rich



Richard L. Gabriel (he/him/his)
Justice, Colorado Supreme Court
2 East 14th Avenue
Denver, Colorado 80203
(720) 625-5440
richard.gabriel@judicial.state.co.us

From: hart, melissa <melissa.hart@judicial.state.co.us>
Sent: Thursday, December 14, 2023 11:55 AM
To: gabriel, richard <richard.gabriel@judicial.state.co.us>
Subject: FW: Eviction Summons

Here is the county court evidence rule that is an issue.



Melissa Hart
Justice, Colorado Supreme Court
2 East 14th Avenue
Denver, Colorado 80203
(720) 625-5430
melissa.hart@judicial.state.co.us

From: rottman, andrew <andrew.rottman@judicial.state.co.us>
Sent: Wednesday, December 13, 2023 5:25 PM
To: hart, melissa <melissa.hart@judicial.state.co.us>
Subject: RE: Eviction Summons

Here are my initial thoughts. I'm attaching rule 343 as well, which only concerns testimony, but is clearly in conflict with the FED appearance statute. Maybe there is room to provide information about attending the initial meeting by phone or webex without getting into the conflict. However, I think even under the remote proceedings CJD the initial meeting would be presumed flexible and not automatically flexible. I think we could use some more time to work through these issues.

-Andy

Andrew Rottman, Esq. (He/him/his)
Counsel to Chief Justice Brian D. Boatright | Colorado Supreme Court
2 East 14th Avenue | Denver, CO 80203
o: 720-625-5466 | andrew.rottman@judicial.state.co.us

From: hart, melissa <melissa.hart@judicial.state.co.us>
Sent: Wednesday, December 13, 2023 4:24 PM
To: rottman, andrew <andrew.rottman@judicial.state.co.us>
Subject: FW: Eviction Summons
Importance: High

Can you actually look at this one?



Melissa Hart
Justice, Colorado Supreme Court
2 East 14th Avenue
Denver, Colorado 80203
(720) 625-5430
melissa.hart@judicial.state.co.us

From: slagle, sean <sean.slagle@judicial.state.co.us>
Sent: Wednesday, December 13, 2023 3:36 PM
To: hart, melissa <melissa.hart@judicial.state.co.us>
Subject: Re: Eviction Summons
Importance: High

Hi Justice Hart,

Kayla confirmed re District Court evictions.

I've attached a revised draft that removed the "county court only" mentions in the summons.

Best,

Sean Slagle, J.D. (she/her)
Court Forms Coordinator
Judicial Access & Inclusion Unit
Court Services Division | SCAO

Empowering people to engage with the court system.

From: hart, melissa <melissa.hart@judicial.state.co.us>
Date: Wednesday, December 13, 2023 at 11:14 AM
To: slagle, sean <sean.slagle@judicial.state.co.us>
Subject: RE: Eviction Summons

Sean – We’ve been in oral argument all morning. I am going to take a look at these asap.



Melissa Hart
Justice, Colorado Supreme Court
2 East 14th Avenue
Denver, Colorado 80203
(720) 625-5430
melissa.hart@judicial.state.co.us

From: slagle, sean <sean.slagle@judicial.state.co.us>
Sent: Wednesday, December 13, 2023 9:49 AM
To: hart, melissa <melissa.hart@judicial.state.co.us>
Subject: Re: Eviction Summons
Importance: High

An updated version fixing the section reference in § 2 and a few other polishes noted in the comments.

My Schedule to chat if you’d like:

10-11 (optional meeting)
11-12 – Free
After 2: Free

Thank you,

Sean Slagle, J.D. (she/her)
Court Forms Coordinator
Judicial Access & Inclusion Unit
Court Services Division | SCAO

Empowering people to engage with the court system.

From: slagle, sean <sean.slagle@judicial.state.co.us>
Date: Wednesday, December 13, 2023 at 9:00 AM
To: hart, melissa <melissa.hart@judicial.state.co.us>
Subject: Re:

You know when I said I wouldn't have time to rework the entire form... I've attached my rework based on the revisions you made.

I'm about to hop onto a call with Sharon. I can skip my 10 am meeting today if needed. ~ Sean

From: hart, melissa <melissa.hart@judicial.state.co.us>
Date: Wednesday, December 13, 2023 at 6:55 AM
To: slagle, sean <sean.slagle@judicial.state.co.us>
Subject: <no subject>



Melissa Hart
Justice, Colorado Supreme Court
2 East 14th Avenue
Denver, Colorado 80203
(720) 625-5430
melissa.hart@judicial.state.co.us

West's Colorado Revised Statutes Annotated
Colorado Court Rules
Chapter 25. Rules of County Court Civil Procedure

C.R.C.P. Rule 343

Rule 343. Evidence

Currentness

(a) Form and Admissibility. In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise provided by these rules or any statute of this state or of the United States excepting the Federal Rules of Evidence.

(b) to (d) [Repealed].

(e) Evidence on Motions. When a motion is based on facts not appearing of record the court may hear the matter on affidavits presented by the respective parties, or the court may direct that the matter be heard wholly or partly on oral testimony or depositions. This shall include applications to grant or dissolve an injunction and for the appointment or discharge of a receiver.

(f), (g) [Repealed].

(h)(1) Request for Absentee Testimony. A party may request that testimony be presented at a trial or hearing by a person absent from the courtroom by means of telephone or some other suitable and equivalent medium of communication. A request for absentee testimony shall be made by written motion or stipulation filed as soon as practicable after the need for absentee testimony becomes known. The motion shall include:

(A) The reason(s) for allowing such testimony.

(B) A detailed description of all testimony which is proposed to be taken by telephone or other medium of communication.

(C) Copies of all documents or reports which will be used or referred to in such testimony.

(2) *Response.* If any party objects to absentee testimony, said party shall file a written response within 7 days following service of the motion unless the opening of the proceeding occurs first, in which case the objection shall be made orally in open court at the commencement of the proceeding or as soon as practicable thereafter. If no response is filed or objection is made, the motion may be deemed confessed.

(3) *Determination.* The court shall determine whether in the interest of justice absentee testimony may be allowed. The facts to be considered by the court in determining whether to permit absentee testimony shall include but not be limited to the following:

- (A) Whether there is a statutory right to absentee testimony.
- (B) The cost savings to the parties of having absentee testimony versus the cost of the witness appearing in person.
- (C) The availability of appropriate equipment at the court to permit the presentation of absentee testimony.
- (D) The availability of the witness to appear personally in court.
- (E) The relative importance of the issue or issues for which the witness is offered to testify.
- (F) If credibility of the witness is an issue.
- (G) Whether the case is to be tried to the court or to a jury.
- (H) Whether the presentation of absentee testimony would inhibit the ability to cross examine the witness.
- (I) The efforts of the requesting parties to obtain the presence of the witness.

If the court orders absentee testimony to be taken, the court may issue such orders as it deems appropriate to protect the integrity of the proceedings.

Credits

Amended effective July 1, 1994; January 9, 1995; June 28, 2007; January 1, 2012.

Rules Civ. Proc., County Court Rule 343, CO ST CTY CT RCP Rule 343
Current with amendments received through December 1, 2023.

CHAPTER 415

COURTS

HOUSE BILL 23-1186

BY REPRESENTATIVE(S) Lindsay and Jodeh, Amabile, Bacon, Boesenecker, Brown, Dickson, Duran, Epps, Froelich, Garcia, Gonzales-Gutierrez, Herod, Joseph, Kipp, Mabrey, Marshall, Snyder, Story, Titone, Valdez, Vigil, Weissman, Willford, Woodrow, McCluskie;
also SENATOR(S) Exum and Jaquez Lewis, Buckner, Cutter, Fields, Gonzales, Marchman, Moreno, Priola, Sullivan, Winter F.

AN ACT

**CONCERNING REMOTE PARTICIPATION IN A RESIDENTIAL EVICTION FILED IN COUNTY COURT, AND,
IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Many renters face significant barriers to appearing in court for an eviction in person, including work, child care, transportation, and living with a disability. Attending court proceedings in person can require renters facing eviction to miss work, find and fund child care, and incur transportation costs.

(b) Renters living in rural parts of Colorado may be particularly challenged in appearing in person for an eviction, as county courthouses may often be located dozens of miles away;

(c) When renters do not appear for an eviction court proceeding, a default judgment is automatically entered against them, and the renter is evicted without a hearing;

(d) Data shows that parties are more likely to participate in an eviction proceeding if there are options for remote participation. One study in Arizona found that when a county adopted processes for remote participation in eviction hearings, the percentage of renters who did not appear in court decreased from 40% to 13%.

(e) Ensuring that parties to an eviction proceeding can participate in the legal

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

process is in the best interest of all parties and a responsible use of government resources. A survey of litigants, attorneys, and other court participants on remote participation in court proceedings found that 92% of defendants cited reduced travel time, 76% cited taking less time off work, 72% reported reduced costs, and 55% reported increased safety as benefits of remote participation.

(f) Some Colorado courts have already adopted processes for remote participation in eviction hearings, which remove barriers to the parties' ability to appear in court. However, many courts throughout the state have yet to adopt such processes. This creates an inequitable and arbitrary procedural patchwork where access to the legal process depends on geography.

(g) Allowing parties to an eviction proceeding to choose how to appear at a hearing bolsters due process by increasing participation and reducing barriers in access to courts.

(2) The general assembly encourages the Colorado supreme court to review the necessary forms associated with filing an eviction case for efficacy and clarity, and determine whether the forms would be suitable for plain language updates.

(3) Therefore, the general assembly intends:

(a) To create uniform access to court processes by establishing statewide standards for remote appearances in residential eviction proceedings;

(b) To expand participation in residential eviction proceedings in order to decrease the number of evictions by default judgment caused by a party's inability to appear in court; and

(c) For any interpretation regarding the implementation of this act to be weighted toward expanding access to the judicial process and easing barriers to participation in residential evictions.

SECTION 2. In Colorado Revised Statutes, **add** 13-40-113.5 as follows:

13-40-113.5. Residential actions in county court - remote participation - electronic filing - procedures for technology failure - auxiliary services providers. (1) FOR A RESIDENTIAL ACTION FILED IN COUNTY COURT PURSUANT TO THIS ARTICLE 40:

(a) THE COURT SHALL ALLOW EITHER PARTY AND ANY WITNESS TO CHOOSE TO APPEAR IN PERSON OR REMOTELY BY PHONE OR VIDEO ON A PLATFORM DESIGNATED BY THE COURT AT ANY RETURN, CONFERENCE, HEARING, TRIAL, OR OTHER COURT PROCEEDING. EITHER PARTY AND ANY WITNESS MAY ELECT TO CHANGE HOW THE PARTY OR WITNESS INTENDS TO PARTICIPATE BY CONTACTING THE COURT; EXCEPT THAT, IF A PARTY OR WITNESS CONTACTS THE COURT WITHIN FORTY-EIGHT HOURS OF THE SCHEDULED APPEARANCE, THE COURT HAS DISCRETION WHETHER TO APPROVE THE PARTY OR WITNESS'S REQUESTED CHANGE IN PARTICIPATION.

(b) A PRO SE DEFENDANT MAY FILE AN ANSWER ELECTRONICALLY THROUGH AN E-FILING SYSTEM. IF EITHER PARTY IS PRO SE, THE PARTY MAY FILE A MOTION OR

OTHER DOCUMENTS, INCLUDING, BUT NOT LIMITED TO, EVIDENCE, ADDITIONAL DOCUMENTATION, OR A MOTION TO WAIVE FILING FEES, ELECTRONICALLY THROUGH AN E-FILING SYSTEM.

(c) (I) THE COURT SHALL NOT ASSESS AN E-FILING OR SERVICE FEE ON A MOTION TO WAIVE FILING FEES. IF A MOTION TO WAIVE FILING FEES IS SUBMITTED, THE COURT MAY REQUEST ADDITIONAL DOCUMENTATION AND THE COURT SHALL GIVE THE PETITIONER AT LEAST TWENTY-FOUR HOURS TO PROVIDE THE REQUESTED DOCUMENTATION TO THE COURT.

(II) THE COURT SHALL NOT ASSESS AN E-FILING FEE, SERVICE FEE, OR ANY OTHER FEE ASSOCIATED WITH THE E-MAIL FILING OF MOTIONS, ANSWERS, OR DOCUMENTS FOR AN INDIGENT PARTY; AND

(d) THE COURT SHALL COMPLY WITH ANY FEDERAL OR STATE LAW OR REGULATION, INCLUDING ANY SUPREME COURT DIRECTIVE OR POLICY, REGARDING THE PROVISION OF ACCOMMODATIONS FOR PEOPLE WITH A DISABILITY OR FOR PEOPLE WITH LIMITED ENGLISH PROFICIENCY DURING ANY PROCEEDING, REGARDLESS OF WHETHER THE PROCEEDING IS CONDUCTED IN PERSON OR REMOTELY BY PHONE OR VIDEO ON A PLATFORM DESIGNATED BY THE COURT.

(2) IN THE EVENT A PARTY IS DISCONNECTED OR THERE IS A TECHNOLOGY FAILURE, THE COURT SHALL MAKE ALL REASONABLE EFFORTS TO CONTACT THE PARTY AND SHALL ALLOW REASONABLE TIME FOR THE PARTY TO REESTABLISH CONNECTION WITH THE COURT. IF THE PARTY IS UNABLE TO REESTABLISH CONNECTION, THE COURT SHALL RESCHEDULE THE HEARING, TO BE HELD IN PERSON, FOR THE FIRST AVAILABLE DATE AFTER THE DATE OF THE ORIGINALLY SCHEDULED HEARING BUT NO LATER THAN ONE WEEK AFTER THE ORIGINALLY SCHEDULED HEARING, TO THE EXTENT PRACTICABLE. THE COURT SHALL NOT ENTER A DEFAULT JUDGMENT IF A PARTY IS UNABLE TO PARTICIPATE REMOTELY DUE TO A TECHNOLOGICAL DISCONNECTION OR FAILURE.

(3) A COURT SHALL NOT CONSTRUE THIS SECTION TO PROVIDE LESS THAN IS REQUIRED BY TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS.

SECTION 3. In Colorado Revised Statutes, 13-40-110, **add** (3) as follows:

13-40-110. Action - how commenced. (3) THE COMPLAINT MUST INCLUDE:

(a) A DESIGNATION OF WHETHER THE PLAINTIFF ELECTS TO PARTICIPATE IN ANY HEARING IN PERSON OR REMOTELY BY PHONE OR VIDEO ON A PLATFORM DESIGNATED BY THE COURT. UPON FILING THE COMPLAINT, THE COURT SHALL PROVIDE THE PLAINTIFF WITH ANY NECESSARY INFORMATION TO FACILITATE THE PLAINTIFF'S PARTICIPATION; AND

(b) A BOX INDICATING IF THE EVICTION IS FOR A RESIDENTIAL OR COMMERCIAL TENANCY.

SECTION 4. In Colorado Revised Statutes, 13-40-111, **amend** (4) and (6) as follows:

13-40-111. Issuance and return of summons. (4) A summons issued pursuant to this section must contain a statement in bold-faced type notifying the defendant that:

(a) Any records associated with the action are suppressed and not accessible to the public until an order is entered granting the plaintiff possession of the premises; **and**

(b) If the plaintiff is granted possession of the premises, the court records may remain private if both parties agree to suppress the records; **AND**

(c) **FOR A RESIDENTIAL ACTION FILED IN COUNTY COURT PURSUANT TO THIS ARTICLE 40, EITHER PARTY HAS A RIGHT TO APPEAR IN PERSON OR REMOTELY BY PHONE OR VIDEO ON A PLATFORM DESIGNATED BY THE COURT. IF A PARTY PARTICIPATES REMOTELY AND THE PARTY IS DISCONNECTED OR THERE IS A TECHNOLOGY FAILURE, THE COURT SHALL MAKE ALL REASONABLE EFFORTS TO CONTACT THE PARTY AND SHALL ALLOW REASONABLE TIME FOR THE PARTY TO REESTABLISH CONNECTION. IF THE PARTY IS UNABLE TO REESTABLISH CONNECTION, THE COURT SHALL RESCHEDULE THE HEARING IN PERSON ON THE FIRST AVAILABLE DATE AFTER THE DATE OF THE ORIGINALLY SCHEDULED HEARING BUT NO LATER THAN ONE WEEK AFTER THE ORIGINALLY SCHEDULED HEARING, TO THE EXTENT PRACTICABLE. THE COURT SHALL NOT ENTER A DEFAULT JUDGMENT IF A PARTY IS UNABLE TO PARTICIPATE REMOTELY DUE TO A TECHNOLOGICAL DISCONNECTION OR FAILURE.**

(6) A summons issued pursuant to this section must also contain:

(a) A copy of a blank answer form required pursuant to section 13-40-113. **and** THE FORM MUST INCLUDE A PLACE FOR THE DEFENDANT TO INDICATE WHETHER THE DEFENDANT WILL PARTICIPATE IN THE EVICTION HEARING IN PERSON OR REMOTELY BY PHONE OR VIDEO ON A PLATFORM DESIGNATED BY THE COURT.

(b) A form that allows either party to request all documents in the landlord's and tenant's possession relevant to the current action; **AND**

(c) **INFORMATION ABOUT HOW A PRO SE PARTY CAN FILE DOCUMENTS RELATED TO THE CASE.**

SECTION 5. In Colorado Revised Statutes, 13-40-113, **amend** (4)(a); and **add** (4)(c) as follows:

13-40-113. Answer of defendant - additional and amended pleadings. (4) After an answer is provided to the court pursuant to this section:

(a) The court shall set a date for trial no sooner than seven, but not more than ten, days after the answer is filed, unless the defendant requests a waiver of this requirement in the defendant's answer or after filing an answer; except that a court may extend beyond ten days if either party demonstrates good cause for an

extension, ~~or~~ if the court otherwise finds justification for the extension, OR IF A PARTY PARTICIPATING REMOTELY PURSUANT TO SECTION 13-40-113.5 WAS DISCONNECTED AND UNABLE TO REESTABLISH CONNECTION. The requirement set forth in this subsection (4)(a) does not apply to a forcible entry and detainer petition that alleges a substantial violation, as defined in section 13-40-107.5 (3), or terminates a tenancy pursuant to section 38-12-203 (1)(f).

(c) THE COURT SHALL PROVIDE ANY PARTY WHO OPTED TO PARTICIPATE REMOTELY WITH NECESSARY INFORMATION TO FACILITATE SUCH PARTICIPATION. THE INFORMATION MUST INCLUDE A PHONE NUMBER AND E-MAIL ADDRESS FOR THE COURT AND INSTRUCTIONS ON WHAT TO DO IN THE EVENT REMOTE PARTICIPATION IS DISRUPTED.

SECTION 6. Appropriation. (1) For the 2023-24 state fiscal year, \$418,118 is appropriated to the judicial department. This appropriation consists of \$59,318 from the general fund and \$358,800 from the judicial department information technology cash fund created in section 13-32-114 (1), C.R.S. To implement this act, the department may use this appropriation as follows:

(a) \$45,978 from the general fund for trial court programs, which amount is based on an assumption that the department will require an additional 0.8 FTE;

(b) \$13,340 from the general fund for capital outlay; and

(c) \$358,800 from the judicial department information technology cash fund for information technology infrastructure.

SECTION 7. Act subject to petition - effective date. This act takes effect January 1, 2024; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 7, 2023

From: jones,jerry
Sent: Thursday, January 18, 2024 1:01 PM
To: michaels,kathryn
Subject: FW: Rules 121, 56, 16

From: Bradley A. Levin <brad@lsw-legal.com>
Sent: Tuesday, January 16, 2024 11:58 AM
To: jones, jerry <jerry.jones@judicial.state.co.us>
Subject: [External] FW: Rules 121, 56, 16

EXTERNAL EMAIL: This email originated from outside of the Judicial Department. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Judge Jones,

Attached is the email regarding three matters for the Civil Rules Committee's consideration that I would like to be included on the agenda for the upcoming meeting.

Brad

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****Please note our new address****

From: Bradley A. Levin <brad@lsw-legal.com>
Sent: Friday, June 23, 2023 12:56 PM
To: jerry.jones@judicial.state.co.us
Subject: Rules 121, 56, 16

Judge Jones,

I would like to bring three distinct matters to the Civil Rules Committee for its consideration.

C.R.C.P. 121 § 1-14(1)(a).

This rule provides that, in order to obtain a default judgment, the movant must provide the court with “[t]he original summons showing valid service on the particular defendant in accordance with Rule 4, C.R.C.P.” The summons, however, does not reflect service of process on a party. I would recommend that the phrase “and return of service” be inserted following the word “summons.”

C.R.C.P. 56

There is a conflict between the Colorado and federal rules regarding whether documents presented to support or oppose a motion for summary judgment must be attached to an affidavit (or, now, a declaration would suffice). Colorado’s rule indicates that, other than pleadings, depositions, and discovery responses, affidavits are required to establish the presence or absence of material facts. Thus, in *McDaniels v. Laub*, 186 P.3d 86, 87 (Colo. App. 2008), the Colorado Court of Appeals held that unsworn expert witness reports are not admissible to support or oppose a summary judgment motion. The federal rule, as amended in 2010, does not have a like requirement. Rather, F.R.C.P. 56(c)(1)(A) states that “[a] party asserting that a fact cannot be or is generally disputed must support the assertion by . . . citing to particular parts of materials in the record . . .” which, the Advisory Committee Notes reflect, may be included in an appendix, but are not required to be supported by an affidavit or a declaration. The federal rule does preserve the right of a party to object that the cited material cannot be presented in a form that would be admissible in evidence. F.R.C.P. 56(c)(2). I believe that the federal rule is the better one: unless there is an argument as to the authenticity of a document such as an expert report, requiring the party to attach the document to an affidavit or declaration seems entirely unnecessary.

C.R.C.P. 16(f)(3)(VI)(D)

Another attorney has brought to my attention that, under this rule respecting Deposition and Other Preserved Testimony, the designation schedule, which requires the filing of preserved testimony at least three days before the trial date, often results in the submittal of the designations on the Friday before a Monday trial. As a consequence, the court is either left to rule on the designations over the weekend before trial, or during the trial itself. Either way, this makes the editing of deposition videos difficult. The attorney has proposed that the Committee consider modifying the schedule so that designations must be filed further in advance of the trial.

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