

COLORADO RULES OF CIVIL PROCEDURE

Rules 4, 12, and 16.5

Rule 4. Process

(a) To What Applicable. This Rule applies to all process except as otherwise provided by these rules.

(b) Issuance of Summons by Attorney or Clerk. The summons may be signed and issued by the clerk, under the seal of the court, or it may be signed and issued by the attorney for the plaintiff. Separate additional or amended summons may issue against any defendant at any time. All other process shall be issued by the clerk, except as otherwise provided in these rules.

(c) Contents of Summons.

(1) The summons shall contain the name of the court, the county in which the action is brought, the names or designation of the parties, shall be directed to the defendant, shall state the time within which the defendant is required to appear and defend against the claims of the complaint, and shall notify the defendant that in case of the defendant's failure to do so, judgment by default may be rendered against the defendant. If the summons is served by publication, the summons shall briefly state the sum of money or other relief demanded. The summons shall contain the name, address, and registration number of the plaintiff's attorney, if any, and if none, the address of the plaintiff. Except in case of service by publication under Rule 4(g) or when otherwise ordered by the court, the complaint shall be served with the summons. In any case, where by special order personal service of summons is allowed without the complaint, a copy of the order shall be served with the summons.

(2) In forcible entry and detainer cases, the summons shall also contain all language and information required by statute, and in addition to the complaint, be accompanied by a blank copy of an answer form, Form JDF 186 Information for Eviction Cases, Form JDF 185 Request for Documents in Eviction Cases, blank copies of Forms JDF 205 and 206 (fee waiver forms), and Form JDF 209 Notice of Fee Waiver.

(d) – (m) [NO CHANGE]

COMMENT [NO CHANGE]

Rule 12. Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on Pleadings

(a) When Presented.

(1) A defendant shall file his answer or other response within 21 days after the service of the summons and complaint, except as otherwise provided by rule or statute. The filing of a motion permitted under this Rule alters these periods of time, as follows:

(A) if the court denies the motion or postpones its disposition until the trial on the merits, the responsive pleadings shall be filed within 14 days after notice of the court's action;

(B) if the court grants a motion for a more definite statement, or for a statement in separate counts or defenses, the responsive pleadings shall be filed within 14 days after the service of the more definite statement or amended pleading.

(2)– (6) [NO CHANGE]

(b) – (h) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 16.5. Pretrial Procedure – Forcible Entry and Detainer Proceedings for Possession – Requests for Documents and Conference

(a) Purpose and Scope. This Rule applies to Forcible Entry and Detainer proceedings for possession, unless otherwise provided by statute, by agreement of the parties, or by order of the court.

(b) Requests for Documents.

(1) Either party may request all documents in the other party's possession relevant to the current action. To make this request, a party must complete, file, and send Form JDF 187 (Request for Documents in Eviction Cases) to the opposing party.

(2) Any party failing to comply with a court order requiring such party to provide documents relevant to the current action shall be subject to imposition of appropriate sanctions.

(c) Trial Scheduling and Pretrial Conferences. Except as provided by statute, if the defendant files an answer, the court shall schedule a possession trial no sooner than seven days, but not more than ten days, after the answer is filed, unless (1) the defendant requests a waiver of this requirement in the defendant's answer or after filing the answer, or (2) the court sets the trial date beyond ten days if either party demonstrates good cause for an extension or if the court otherwise finds justification for the extension. Prior to such trial, the court may in its discretion, and upon reasonable notice, order a pretrial conference. Conferences by telephone or videoconference are encouraged. Following a pretrial conference, the court may issue an order which may include limitations on the issues to be raised and the witnesses and exhibits to be allowed at trial, entry of judgment, or dismissal, if appropriate. Failure to appear at a pretrial conference may result in appropriate sanctions, including an award of attorney fees and expenses incurred by the appearing party. The court may encourage the parties to engage in mediation.

(d) Pretrial Discovery. Any party may request that discovery be permitted to assist in the preparation for trial. The request may be made only during the pretrial conference. The discovery may include depositions, requests for admissions, interrogatories, physical or mental examinations, or requests for production or inspection of documents. If the court enters a discovery order, it shall set forth the extent and terms of the discovery as well as the time for compliance. If the court fails to specify any term, then the provisions of C.R.C.P. 30, 32, 33, 34, 35, and 36 shall supply the missing term.

(e) Resolution of Disputes. All issues regarding discovery shall be resolved on or before the day of trial and shall not cause any undue delay in the proceedings. No party shall be entitled to seek protective orders following the conference. Unless otherwise ordered by the court, a dispute over compliance with the discovery order shall be resolved at the time of trial, and the court may impose appropriate sanctions, including attorney fees and costs, against the non-complying party.

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(1) The summons shall contain the name of the court, the county in which the action is brought, the names or designation of the parties, shall be directed to the defendant, shall state the time within which the defendant is required to appear and defend against the claims of the complaint, and shall notify the defendant that in case of the defendant's failure to do so, judgment by default may be rendered against the defendant. If the summons is served by publication, the summons shall briefly state the sum of money or other relief demanded. The summons shall contain the name, address, and registration number of the plaintiff's attorney, if any, and if none, the address of the plaintiff. Except in case of service by publication under Rule 4(g) or when otherwise ordered by the court, the complaint shall be served with the summons. In any case, where by special order personal service of summons is allowed without the complaint, a copy of the order shall be served with the summons.

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