

Rule Change #2000(11)

COLORADO RULES OF CIVIL PROCEDURE
CHAPTER 2. PLEADINGS AND MOTIONS

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

CHAPTER 25. COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE

Rule 310. Form of Summons, Pleadings and Other Documents

CHAPTER 26. COLORADO RULES OF PROCEDURE FOR SMALL CLAIMS COURT

Rule 506. General Rules of Pleading

CHAPTER 2. PLEADINGS AND MOTIONS

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

(a) **Caption; Names of Parties.** Every pleading, motion, E-filed document under C.R.C.P. 121 (1-26), or any other document filed with the court (hereinafter "document") in both civil and criminal cases shall contain a caption setting forth the name of the court, the title of the action, the filecase number, if known to the person signing it, ~~and a designation as in the name of the document in accordance with Rule 7(a), and the other applicable information in the format specified by paragraph (d) and the caption illustrated by paragraph (e) or (f) of this rule.~~ In the complaint initiating a lawsuit, the title of the action shall include the names of all the parties to the action. In all other documents, ~~but in other pleadings~~ it is sufficient to set forth ~~state~~ the name of the first-named party on each side of the lawsuit with an appropriate indication that there are also ~~of~~ other parties (such as "et al."). A party whose name is not known shall be designated by any name and the words "whose true name is unknown". In an action in rem, unknown parties shall be designated as "all unknown persons who claim any interest in the subject matter of this action".

(b) **Paragraphs; Separate Statements.** All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances. ~~and a~~ A paragraph may be referred to by its paragraph number in all succeeding documentspleadings. Each claim founded upon a separate transaction or occurrence, and each defense other than denials, shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

~~(c) Adoption Incorporation by Reference; Exhibits. A statements in a document pleading may be adopted incorporated by reference in a different part of the same document pleading or in another document pleading, or in any motion. An exhibit to a pleading document is a part thereof for all purposes.~~

~~(d) General Rule Regarding Paper Size, Format, and Spacing. All documents originated 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 Size and Quality: Where a document is filed on paper, it shall be on plain, white, 8½ by 11 inch paper (recycled paper preferred). Only documents which are clear and legible and are on permanent, plain 8 ½ by 11 inch paper shall be filed.~~

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

~~(I) Margins: All documents shall use margins of 1½ inches at the top of each page, and 1 inch at the left, right, and bottom of each page. Except for the caption, a left-justified margin shall be used for all material.~~

~~(II) Font: No less than twelve (12) point font shall be used for all documents.~~

~~(III) Case Caption Information: All documents shall contain the following information arranged in the following order, as illustrated by paragraph (e) or (f) of this rule. Individual boxes should separate this case caption information; however, vertical lines are not mandatory.~~

On the left side:

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.

Document title.

On the right side:

An area for "Court Use Only" that is at least 2½ inches in width and 1¾ inches in length (located opposite the court and party information).

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

~~All pleadings shall be typed, on the face side of the page only using margins of 1 ½ inches at the top, and 1 inch at the left, right and bottom. A left justified margin shall be used~~

~~for all typed material. Basic document information shall be arranged from top to bottom as follows:~~

~~Court name~~

~~Case number, division/court room~~

~~Document title~~

~~Case caption~~

~~The document title and case caption should be separated by solid or dashed lines. (See "Sample Pleading Format" and "Correct Designations for the Court Name", following part (3) of this rule.)~~

(3) Spacing: The following spacing guidelines should be followed. ~~These guidelines are for illustration purposes and are not inclusive.~~

(I) Single spacing shall be used for all:

~~Criminal Informations and Complaints~~

~~Pleading Forms (aAll case types)~~

~~Minute Orders/Court Orders~~

~~Probation reports~~

~~Affidavits~~

~~Interrogatories and Requests for Admissions~~

~~Motions~~

~~Notices~~

~~Complaints, Answers, Petitions~~

~~Affidavits~~

~~Complaints, Answers, and Petitions~~

~~Criminal Informations and Complaints~~

~~Interrogatories and Requests for Admissions~~

~~Motions~~

~~Notices~~

~~Pleading forms (all case types)~~

~~Probation reports~~

~~All other documents not listed in subsection (II) below~~

(II) Double spacing shall be used for all:

~~Briefs and Legal Memoranda~~

~~Depositions~~

~~Documents that are complex or technical in nature~~

~~Transcripts~~

~~Jury Instructions~~

~~Depositions~~

~~Petitions for Rehearing~~

~~Petitions for Writ of Certiorari~~

~~Petitions pursuant to C.A.R. Rule 21, ~~C.A.R.~~~~

~~Petitions for Rehearing~~

~~Transcripts~~

~~Documents and Pleadings that are complex or technical
in nature~~

~~Orders and Opinions of the Trial Court containing
findings of fact and conclusions of law~~

(4) Signature Block: All documents which require a signature shall be signed at the end of the document. The attorney or pro se party need not repeat his or her address, telephone number, fax number, or e-mail address at the end of the document.

(e) Illustration of Preferred Caption Format:

<p>[Designation of Court from subsection (g) below]</p> <p>Court Address:</p> <hr/> <p>Plaintiff(s): [Substitute appropriate party designations & names]</p> <p>Defendant(s): [Substitute appropriate party designations & names]</p> <hr/> <p>Attorney or Party Without Attorney: Name: Address:</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg.#:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm.:</p>
NAME OF DOCUMENT	

(f) Illustration of Optional Case Caption:

[Court Designation from subsection (g) below]

Court Address:

Plaintiff(s):

[Substitute appropriate
party designations &

Defendant(s):

names]

▲ COURT USE ONLY ▲

Case Number:

Attorney or Party Without Attorney:

Name:

Div.: Ctrm:

Address:

Phone Number:

FAX Number:

E-mail:

Atty. Reg#:

NAME OF DOCUMENT

EXAMPLE OF PLEADING FORMAT

~~DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO~~
~~Case No. 87CV0000~~

~~MOTION TO DISMISS~~

~~JOHN and MARY HIDE; HIDES INC.; ROCKY MOUNTAIN ANIMAL CENTERS INC.~~
~~d/b/a/ DENVER DEER~~

~~Plaintiffs,~~

~~v.~~

~~STATE OF COLORADO, I.M. GOVERNOR, GOVERNOR; DEPARTMENT OF REVENUE,~~
~~I.M. DIRECTOR, EXECUTIVE DIRECTOR; COLORADO DEER LICENSING BOARD, AL~~
~~DOE, BETTY DOE, CHARLIE DOE, DAVE DOE, ELAINE DOE~~

~~Defendants~~

~~Defendants, by their attorney xxxxxxxxxxxx, attorney general for the~~
~~State of Colorado, respectfully move the court pursuant to C.R.C.P.~~
~~12(b) to enter an order dismissing the complaint because it fails to~~
~~state a claim upon which relief can be granted, and for failure to~~
~~join an indispensable party, and as grounds therefore state as~~
~~follows:~~

~~1. The complaint alleges that plaintiff filed a complaint with the~~
~~state agency charged with enforcing article 5 of title 12, C.R.S.,~~
~~concerning violations by Denver Deer, Inc. involving C.R.S. 12-6-~~
~~105(1)(d) and (1)(f), 12-6-118 and 12-6-120.~~

~~Plaintiffs' sole claim for relief is based on their contention that~~
~~they are entitled as a matter of right to an administrative~~
~~hearing on the issues raised by their complaint.~~

~~The executive director of the Colorado Department of Revenue (the~~
~~"executive director") is the only state officer charged with the~~
~~administration and enforcement of the licensing of deer hide~~
~~manufacturers, distributors, factory branches, distributor~~
~~branches, factory representatives, and distributor~~
~~representatives. None of the other defendants have any~~
~~responsibility for enforcing the provisions of Colorado law which~~
~~plaintiffs allege were violated by Denver Deer.~~

CORRECT DESIGNATIONS FOR THE COURT NAME

(g) Court Designation Examples:

APPELLATE

SUPREME COURT, STATE OF COLORADO
COURT OF APPEALS, STATE OF COLORADO

WATER

DISTRICT COURT, WATER DIVISION 3, COLORADO

DISTRICT

DISTRICT COURT, ADAMS COUNTY, COLORADO

COUNTY

COUNTY COURT, BACA COUNTY, COLORADO

CITY AND COUNTY OF DENVER

COUNTY COURT, CITY AND COUNTY OF DENVER, COLORADO
PROBATE COURT, CITY AND COUNTY OF DENVER, COLORADO
JUVENILE COURT, CITY AND COUNTY OF DENVER, COLORADO
~~SUPERIOR COURT, CITY AND COUNTY OF DENVER, COLORADO~~
DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO

(h) The form of case caption provided for in this rule replaces those forms of caption otherwise provided for in other Colorado rules of procedure, including but not limited to the Colorado Rules of County Court Procedure, the Colorado Rules of Procedure for Small Claims Courts, and the Colorado Appellate Rules. The form of case caption applies to criminal cases, as well as civil cases.

(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 pre-printed or computer-generated, shall employ a form of caption similar to that contained in this rule and may be double-sided, contain check-off boxes for the court designation, have at least a 9-point font, and 1 inch left margin, ½ inch right and bottom margins, and ¾ inch top margin.

Comment

This amendment introduces a new form of case caption to all documents that are filed in Colorado courts, including both criminal and civil cases. The purpose of the new caption is to provide a uniform and consistent format that enables practitioners, clerks, administrators, and judges to locate identifying information more efficiently. The new caption will be optional for all documents filed with Colorado courts on and after July 1, 2000, and will become mandatory on January 1, 2001. Judges are encouraged in their orders to employ a caption similar to that utilized by the parties in the case, adjusted as they deem appropriate.

The preferred case caption format is found in paragraph (e). Because some parties may have difficulty formatting their documents to include vertical lines and boxes, an alternate case caption format is found in paragraph (f). However, the box format is the preferred and recommended format.

The boxes may be vertically elongated to accommodate additional party and attorney information if necessary. The "court use" and "case number" boxes, however, shall always be located in the upper, right-side of the caption.

Forms approved by the State Court Administrator's Office (designated "JDF" or "SCAO"), forms set forth in the Colorado Court Rules, volume 12, C.R.S. (including those 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 as approved by the Colorado Supreme Court. This includes pre-printed and computer-generated forms. JDF and SCAO forms and a flexible form of caption which allows the entry of additional party and attorney information are available and can be downloaded from the Colorado courts web page at <http://www.courts.state.co.us/scao/Forms.htm>.

CHAPTER 25. COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE

C.R.C.P. 310. Form of Summons, Pleadings and Other Documents

- (a) Caption; Names of Parties.** The complaint and answer shall be in the form ~~shown appearing in~~, Appendix to Chapter 25, C.R.C.P. with a caption that conforms with C.R.C.P. 10. The complaint in an action brought pursuant to section 13-40-110, C.R.S., shall also include a demand for possession setting forth all jurisdictional prerequisites necessary for the entry of judgment for possession. The complaint in an action brought pursuant to section 13-6-104(5) or (6), C.R.S., shall also be verified and include a demand for injunctive relief. The

complaint in an action brought pursuant to section 13-6-105(1)(f), C.R.S., shall also be verified and include a demand for injunctive relief, and a copy of the covenant shall be attached as an exhibit. Affidavits, written orders and all other ~~papers~~documents authorized to be filed shall contain the form of caption as specified in C.R.C.P. 10~~same caption as appears in the form of the complaints~~. In all cases the file~~case~~ or docket number shall appear on the document if known.

(b) [***NO CHANGE]

(c) **Form of Summons.** The summons shall be in the form and content prescribed by the Appendix to Chapter 25, Forms 1, 1A (for actions pursuant to section 13-40-110, C.R.S.) or 1B (for actions brought pursuant to section 13-6-105(1)(f), C.R.S.) with a caption that conforms with C.R.C.P. 10~~-. The summons shall contain the name, address, telephone number, and registration number of the plaintiff's attorney, if any, and if not, the full name, address and daytime telephone number of the plaintiff.~~

**CHAPTER 26. COLORADO RULES OF PROCEDURE FOR SMALL CLAIMS COURT
C.R.C.P. 506. General Rules of Pleading**

(a) **Claims for Relief and Responses.** Except as provided in subsection (b), claims and responses, with or without a counterclaim, in the small claims court shall be filed in the manner and form prescribed by Form JDF-250 appended to these rules with a caption that conforms with C.R.C.P. 10, and shall be signed by the party under penalty of perjury. Claims and responses, with or without a counterclaim, for an action to enforce restrictive covenants on residential property shall be filed pursuant to Form JDF-257 and shall be signed by the party under penalty of perjury.

(b) [***NO CHANGE]

Amended and Adopted by the Court, En Banc, June 1, 2000, effective July 1, 2000. Use of the new caption and format is not mandatory until January 1, 2001, but is encouraged for immediate use.

BY THE COURT:

Gregory J. Hobbs, Jr.
Justice, Colorado Supreme Court