

Rule Change #2000(19)

COLORADO RULES OF CIVIL PROCEDURE
APPENDIX TO CHAPTERS 1 TO 17A.

THE SUPREME COURT OF COLORADO HEREBY AMENDS AND ADOPTS CHANGES TO THE FORMS CONTAINED IN THE APPENDIX TO CHAPTERS 1 TO 17A, C.R.S. THE CHANGES ARE ATTACHED HERETO AND SUMMARIZED BELOW. THE SUPREME COURT OF COLORADO ALSO APPROVES C.R.C.P. FORM 15A ENTITLED "CERTIFICATION OF CONFERRING," AS NOTED BELOW.

Form 3. Complaint on a promissory note.

Delete "June 1, 1939" and "June 1, 1940" and insert "(date)"

Form 5. Complaint for goods sold and delivered.

Delete "June 1, 1939, and December 1, 1939" and insert "(date) and (date)"

Form 6. Complaint for money lent.

Delete "June 1, 1939" and insert "(date)"

Form 7. Complaint for money paid by mistake.

Delete "June 1, 1939" and insert "(date)"

Form 8. Complaint for money had and received.

Delete "June 1, 1939" and insert "(date)"

Form 9. Complaint for negligence.

Delete "June 1, 1939" and insert "(date)"

Form 10. Complaint for negligence where plaintiff is unable to determine definitely whether the person responsible is C.D. or E.F. or whether both are responsible and where his evidence may justify a finding of wilfulness or of recklessness or of negligence.

Delete "June 1, 1939" and insert "(date)"

Form 11. Complaint for conversion.

Delete "December 1, 1939" and insert "(date)"

Form 12. Complaint for specific performance of contract to convey land.

Delete "December 1, 1939" and insert "(date)"

Form 14. Complaint for interpleader and declaratory relief.

Delete "June 1, 1938," "June 1, 1939," "June 1, 1938," "June 1, 1938," and "September 1, 1938" and insert "(date)"

Form 15. Motion to dismiss, presenting defenses of failure to state a claim, and of lack of service of process.

Delete line after "Please take notice that on" and delete references to "A.D."

Insert Form 15A.

Insert the following:

**Form 15A.
Certification of Conferring.
[as required by C.R.C.P. 121 § 1-15 ¶ 8]**

* C.R.C.P. 121 § 1-15 ¶ 8 Certification: Plaintiff's counsel has conferred in good faith with Defendant's counsel about this Motion. Defendant's counsel [opposes][does not oppose] the relief requested in this Motion.

Form 20. Motion for production of documents, etc., under Rule 34.

Delete reference to this form.

Form 21.

Insert the following:

Form 21. Requests for Admission under Rule 36. [Moved - See Form 21B]

Form 21A.

Make the following changes:

Form 21A.

Motion for production of documents, etc., under Rule 34.

Plaintiff A.B. requests pursuant to C.R.C.P. 34 that defendant C.D. moves the court for an order requiring defendant C.D.

1. ~~To p~~produce and ~~to~~permit plaintiff to inspect and to copy each of the following document:

(Here list the documents individually or by category and describe each of them.)

(Here state the time, place, and manner of making the inspection and performance of any related acts.)

2. ~~To p~~produce and permit plaintiff to inspect and to copy, test, or sample~~photograph~~ each of the following objects:

(Here list the objects either individually or by category and describe each of them.)

(Here state the time, place, and manner of making the inspection and performance of any related acts.)

3. ~~To p~~Permit plaintiff to enter (here describe property to be entered) and to inspect and to photograph, test or sample (here describe the portion of the real property and the objects to be inspected ~~and photographed.~~)

Defendant C.D. has the possession, custody, or control of each of the foregoing documents and objects and of the above-mentioned real estate. Each of them constitutes or contains evidence relevant and material to a matter involved in this action, as is more fully shown in Exhibit A hereto attached.

Signed: _____
Attorney for Plaintiff

Address: _____

~~Notice of Motion~~
~~(Contents the same as in Form 15)~~
~~Exhibit A~~

~~State of Colorado.~~

~~City and County of Denver.~~

~~B., being first duly sworn says:~~

~~1. (Here set forth all that plaintiff knows which shows that defendant has the papers or objects in his possession or control.)~~

~~2. (Here set forth all that plaintiff knows which shows that each of the above-mentioned items is relevant to some issue in the action.)~~

~~(Jurat)~~

Signed: _____
_____ A.B.

~~Adopted by the Court September 12, 1994, effective January 1, 1995.~~

Form 21B. Request for admission under Rule 36.

Make the following changes:

Plaintiff A.B. requests pursuant to C.R.C.P. 36 that defendant C.D. admit: defendant C.D. within _____ days after service of this request to make the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial.

Form 25. Request for production of documents, etc. under Rule 34.

Delete form and insert the following:

Moved to become Form 21A.

Amended and Adopted by the Court, En Banc, July 10, 2000, effective immediately.

BY THE COURT:

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