

DIVISION CVL OPERATIONS ORDER

All civil returns and pre-trials for County Court cases in the Fourth Judicial District are assigned to Division CVL. **All civil returns and pre-trials are NON-APPEARANCE.** “Non Appearance” means that the parties DO NOT appear in person in Court for the return. The Plaintiff must be available on the return time/date to accept phone calls to discuss settlement with the other party.

All Division CVL trials and hearings shall be virtual via WebEx unless a party requests an in-person proceeding. Requests for in-person proceedings should be made via the CVL Division e-mail at: D04_Courts_DivCVL@judicial.state.co.us.

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

1) Represented FEDs (evictions)

- a) **Returns are non-appearance.**
- b) All summonses for FED represented returns must list a date and time that is a Tuesday, Wednesday, or Thursday at 8:30 a.m. or 9:00 a.m. **There is a 100 per firm per day per time slot return limit.** The summons should include a statement that returns are “non appearance”. Insert the words “NON APPEARANCE” after the time and date on the Summons.
- c) **Plaintiffs are required to serve with the FED Summons and Complaint the separate advisement issued by the Court (attached) which is entitled “Advisement for Eviction Cases”.** Do not serve defendants this Operations Order as doing so causes confusion. The return of service for each case **MUST** indicate the Advisement for Eviction Cases was served, with enough copies served for each defendant and one for all other occupants if AOO are listed on the case caption.
- d) The return of service **MUST** evidence service of the summons, complaint, JDF forms 185SC, 186SC, blank copies of 205 and 206 and a blank Answer form.
- e) The Summons and Complaint must contain a telephone number with live people available to answer calls from defendants regarding Stipulations. It is acceptable if a defendant has to leave a message and await a return call so long as messages may be left via telephone and do not require the submission of a form via the internet (this is to accommodate litigants without internet access).
- f) Docket sheets must be filled out, scanned and returned to the Division Clerk at: D04_Courts_DivCVL@judicial.state.co.us.

2) Pro Se FEDs (non-represented evictions)

- a) **Please see 1(a), (c), (d) and (e) above.**
- b) All summonses for Pro Se FED returns must list a date and time that is a Tuesday or Thursday at 8:30 a.m. **There is a maximum of 20 pro se returns allowed per day per Pro Se plaintiff.**
- c) Pro Se plaintiffs may file court paperwork in-person in the Clerk’s office located in Room S101 of the courthouse or create an on-line e-filing account via this link: <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=efilenoaty>.

3) Pre-Trial Conferences

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

4) Money Returns

- a) **Returns are non-appearance.**

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

5) **Rule 365 and Replevin Matters**

A Rule 365 and Replevin Advisement is attached and a copy of the same must be served along with the summons for each defendant in those types of cases. Returns for these cases are non-appearance as described above and the summons must indicate non-appearance for the return time/date.

6) **Summonses**

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

7) **Trial Notices**

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

8) **Squatter Cases**

If you need to file a complaint for removal of unauthorized persons (a squatter case) pursuant to CRS 13-40.1-101 et. seq. at any time, please contact the Division CVL Clerk at D04_Courts_DivCVL@judicial.state.co.us for a summons return date and time.

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

So Ordered.

Magistrates Andrea Paprzycki and Gregory Duncan, Fourth Judicial District, January 3, 2024

This Operations Order describes the Court’s practices and policies as they relate to plaintiffs for civil cases and is not meant to be served to defendants.