Colo. R. Civ. P. 16.1, and those portions of Colo. R. Civ. P. 16 made applicable by Colo. R. Civ. P. 16.1, govern this case except as modified herein. The Court expects full compliance with its “At Issue” Order and any other orders subsequently entered in this case. Failure to fully and timely comply with such orders, or to adequately explain said failure in writing by the date required for compliance, may result in the issuance of a show cause order without further notice. The order will require the personal appearances of attorneys of record and pro se parties at the show cause hearing.

1. AT ISSUE DATE

Once all parties have been served and either have appeared or defaulted, the Court will declare this case to be at issue pursuant to Colo. R. Civ. P.16(b)(1) and 16.1(f).

1. MANDATORY CONFERENCE

Counsel and any parties who are pro se shall confer as required by Colo. R. Civ. P. 16(b)(3). If that conference has not already occurred it shall be completed no later than 14 days from the date of the “At Issue” Order.

1. TRIAL SETTING

This Court does not set cases for trial within 42 days after the case is at issue. Colo. R. Civ. P. 16.1(g) permits the Court to “otherwise order” as to trial setting procedures. The reason this judicial district does not set trials this early in the case is to ultimately allow better access to the courts for those cases likely to require a trial and to most efficiently utilize limited judicial resources. Accordingly, do not notice the case in for trial setting within 42 days from the at issue date. Absent extraordinary circumstances, the Court will set the case for trial only after completion of non-expert discovery and alternative dispute resolution (“ADR”). In your certificate of compliance or stipulated modified case management order, indicate as realistically and accurately as possible when the parties believe the case should be tried. Additionally, provide the plan for mediation/ADR and a proposed deadline for mediation/ADR.

1. CERTIFICATE OF COMPLIANCE

The certificate of compliance required by Colo. R. Civ. P. 16.1(h) shall be timely filed within 49 days of the at issue date declared above. The certificate shall state compliance with all requirements of Colo. R. Civ. P. 16.1(f). Compliance with Colo. R. Civ. P. 16.1(g) is obviously not possible based on the provisions of paragraph 3 above. The Court expects the certificate to be complete and accurate setting forth **specific calendar date deadlines** so that the Court can determine the status of the case. This includes 16.1 (k)(2) and (3) deadlines.

1. CASE MANAGEMENT CONFERENCE

The Court is very willing to conduct a case management conference as contemplated by Colo. R. Civ. P. 16.1(j) either by personal appearance or by telephone. Initial Case Management Conferences will generally be set for a Tuesday or Thursday at 9:00 a.m. The parties are directed to contact the Court’s Division Clerk, Jessica Wichman, at (970) 494-3610 if they wish to set a case management conference. If counsel and/or parties anticipate that the case management conference will require more than 15 minutes, please inform the clerk so that it may be set appropriately.

Further, please include information regarding any parties in interest who have limited English proficiency so that advanced arrangements for interpretation can be made for court proceedings. Please include the party’s primary spoken language, including the origin of the language (i.e., region of the world) in order to better identify the dialect of language.

1. DISCOVERY

The Court permits limited discovery under Colo. R. Civ. P. 16.1(k), to the extent allowed by Colo. R. Civ. P. 26(b)(1). Because discovery is limited, it is particularly important that parties honor the requirements and spirit of full disclosure.

**The Court does not accept written disputed discovery motions.**

If a dispute about written discovery (requests for production, interrogatories, etc.) is not resolved, the moving party must complete the written discovery dispute chart in the form attached hereto as Appendix A, with the most persuasive authority included. The moving party must send the chart, the disputed discovery requests, the disputed responses to opposing counsel, and the parties’ conferral correspondence or emails to the Court’s Clerk at Jessica.Wichman@judicial.state.co.us. The parties are further directed to contact the Court’s Clerk at the number above if they wish to set a hearing on the dispute.

The Court expects counsel to confer in a meaningful way in writing, and by telephone or in person to try to resolve any discovery dispute.  An exchange of emails is not sufficient.  If counsel cannot resolve the dispute, the Court will address all discovery disputes with an **in-person** discovery hearing.  The parties are directed to contact the Court’s Clerk at the number above if they wish to set a discovery hearing.

With respect to written discovery, the Court frowns on “boilerplate” objections that fail to provide clear and precise explanations of the legal and factual justifications for the objections as well as a specific description of any information which may be available but is not being provided because of the objection. If a responding party claims to not understand a discovery request or the meaning of any term in a request, then that party shall within 14 days seek clarification of the meaning from counsel who served the discovery. Failure to do so results in waiver of any objection based on the purported lack of understanding. Any response which does not provide the information or requested material but promises to do so in the future will be treated the same as no response unless the responding party provides a specific reason for not producing the information and a specific date when it will produce it.

Parties shall resolve disputes regarding subpoenas in the same manner as set forth above for written discovery.

With respect to depositions, the Court will not intervene in an ongoing deposition via telephone to resolve disputes; rather, counsel shall resolve such disputes in the same manner described above for discovery disputes. Counsel are expected to adhere strictly to Colo. R. Civ. P. 30(d)(1) and (3) and shall refrain from “speaking objections,” excessive objections designed to disrupt the flow of questioning, advising a witness to answer “if you know” or “if you remember” or “not to speculate,” asking for clarification of a question, or conferring with a witness while questions are pending or documents are being reviewed unless authorized under Colo. R. Civ. P. 30(d).

 At any time during the pendency of the case, any party may request additional case management conferences including brief telephonic conferences if needed.

**Appendix A**

**Sample Written Discovery Dispute Chart[[1]](#footnote-1)**

**Submitted by (Plaintiff/Defendant)**

**Case No: 00-cv-00001**

|  |  |  |
| --- | --- | --- |
| No./Type of Discovery Request | Disputed Response(s) or Objection(s) | Problem With Response |
| Plaintiff’s Rog No. 2 | 1. Overbroad and burdensome; [*Leidholt v. District Court*, 619 P.2d 768 (Colo. 1980)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1980148053&pubNum=0000661&originatingDoc=I36b4e4bbc4cf11dab68c8a944ecb97eb&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search))  | Information sought is limited in scope. [*Val Vu, Inc. v. Lacey*, 31 Colo. App. 55, 497 P.2d 723 (1972)](https://1.next.westlaw.com/Link/Document/FullText?findType=Y&serNum=1972124335&pubNum=0000661&originatingDoc=I36b4e4bbc4cf11dab68c8a944ecb97eb&refType=RP&originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)) |
| Plaintiff’s RFP No. 8 | 1. Attorney-client privilege; *National Farmers Union Property and Cas. Co. v. District Court For City and County of Denver*, 1986, 718 P.2d 1044 2. Not relevant; *Martinelli v. District Court In and For City and County of Denver*, 1980, 612 P.2d 1083; 3. Vague and ambiguous | Reasonably calculated to lead to discovery of admissible evidence. *Silva v. Basin Western, Inc.*, 2002, 47 P.3d 1184 Information sought is reasonably defined and scope is limited. *Curtis, Inc. v. District Court In and For City and County of Denver*, 1974, 526 P.2d 1335 |

1. Acceptable abbreviations include “Rog” for Interrogatory, “RFP” for Request for Production; “RFA” for Request for Admission; “SDT” for Subpoena Duces Tecum. [↑](#footnote-ref-1)