

Small Claims Court, Larimer County, Colorado
201 LaPorte Ave., Ste. 100
Fort Collins, CO 80521

SMALL CLAIMS CASE PROCEDURE ORDER

READ THESE RULES CAREFULLY AS THE COURT WILL ENFORCE THEM!

1. **Location.** Small claims court cases are heard in Division 1C, located in the Larimer County Justice Center, 201 Laporte Ave, Fort Collins, CO. The courtroom used by Division 1C varies. A sign will be posted on the first floor of the Justice Center identifying which courtroom Division 1C will be using for that day's proceedings.
2. **Rules of Procedure.** The small claims court rules of procedure will be applied in this case. Rules of Civil Procedure (C.R.C.P.), Rules 501 through 521. Those rules include provisions for who can sign pleadings and appear in small claims court for each party. Please refer to the chart at the end of this Order for more information on that topic.
3. **Witnesses.** Generally, any person can appear as a witness for a party in a case. Parties may obtain subpoenas from the Court to compel the appearance of witnesses. Some witnesses, such as law enforcement officers, should be served with a subpoena to assure their appearance for trial. The parties are responsible for the service of any subpoenas and a return of service for each subpoena must be filed with the Court. All subpoenas should be served as soon as possible, and no later than 48 hours before trial. Service of a subpoena on a witness must be accompanied by the proper witness and mileage fees. Unless a witness has been subpoenaed, the witness's failure to appear at the trial will not be grounds for continuance of the trial.
4. **Exhibits.** You should bring all exhibits with you to the trial. All parties will be required to exchange exhibits. Unless offered in rebuttal to another party's evidence, exhibits not exchanged before trial will not be admitted into evidence. Parties must therefore bring a copy of their exhibits to give to the opposing party. The Court is required to keep all exhibits for at least 21 days following the trial. Therefore, any pictures, recordings, text messages, etc., must be printed out or supplied electronically, such as on a flash drive, in a form the Court can retain. The parties are responsible for providing any equipment that may be necessary to view any exhibit.
5. **Filing Documents.** Anytime documents are filed with the Court, including letters, motions, or other requests, copies must be provided to all other parties listed in the case, along with a certificate of mailing or a certificate of service describing the method and date that such copies were provided to the other parties. Unless otherwise permitted by the Rules of Civil Procedure, the Court will not rule on any request until the Court is provided with documentation that a copy of the request has been provided to all other parties in the case and the other parties have had an opportunity to respond to the request. There can be no *ex parte* communications with the Magistrate.

6. **Return of Service.** After the Notice, Claim, and Summons to Appear for Trial is served on the defendant(s), file the Return of Service with the Court. The Return of Service needs to be filed with the Court prior to the trial date.

7. **Continuances.** All parties should prepare to proceed to trial at their first appearance. Continuances are granted only by the Court and only on written motion, unless the request is made orally in Court. There must be a good reason for the continuance. Even though a motion for continuance has been filed, you must appear at the time specified unless you have been informed that the Court has granted the requested continuance.

8. **Failure to Appear.** If a party fails to appear by the time set out in the Notice, Claim and Summons to Appear for Trial, the Court may find the non-appearing party in default pursuant to C.R.C.P. Rule 515.

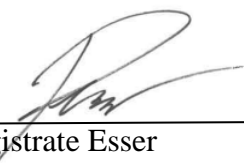
9. The Plaintiff shall serve a copy of this Order to each Defendant along with the Notice, Claim and Summons to Appear for Trial. A separate Notice, Claim and Summons to Appear for Trial must be served on each Defendant, even if Defendants are married or living together. Each Defendant must sign any response filed to a Plaintiff's complaint and each must appear for trial by an authorized person (see chart below).

10. Any additional questions please refer to www.courts.state.co.us or call 970-494-3500.

IF THE TRIAL DATE IS NOT NEEDED FOR ANY REASON, WHETHER DUE TO DISMISSAL OR SETTLEMENT, THE PARTIES SHALL IMMEDIATELY NOTIFY THE DIVISION CLERK.

WHO CAN SIGN PLEADINGS AND APPEAR IN SMALL CLAIMS COURT FOR THE PARTIES:

Party (Plaintiff/Defendant)	Who can sign a Court Document and Appear in Small Claims Court
Individual, business owner and/or sole proprietor	The named individual, his/her <u>court-appointed</u> personal representative, conservator or guardian. Spouses cannot represent each other!
Partnership/LP/LLP	Active partner or authorized full-time employee of the partnership
Corporation (LLC/Inc.)	Full-time officer or full-time employee
Union	Authorized active union member or full-time employee of the union.
Association	Active member or full-time employee of the association
Other	Active member or full-time employee


Magistrate Esser