

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. In light of the COVID- 19 pandemic and the limitations on contact between people, there are some temporary changes in the small claims court procedures, including changes in the procedures set out in the Notice, Claim and Summons to Appear for Trial. The parties shall carefully review and follow the procedures set out in this Order. To the extent there is any inconsistency between the procedures set out in the Notice, Claim and Summons to Appear for Trial and this Small Claims Procedures Order, the terms of this Order shall apply. Those procedures set out in the Notice, Claim and Summons to Appear for Trial that are not inconsistent with the procedures set out in this Order shall remain in full force and effect.

2. **The Trial Date set out in the Notice, Claim and Summons to Appear for Trial will be an initial appearance only. It will not be the trial date.** At this initial appearance, parties are required to call in to the Division S Webex phone number, 1-720-650-7664. Enter the Access Code, which is 925828945 #, and then press # again (no participant code is required). The party will then be connected to a speaker phone in the courtroom. At this initial appearance, the Court will provide instruction as to how the cases will proceed and will schedule a trial date and time.

3. If a party calls in late and the Court proceedings have already started, that party should not interrupt any ongoing proceedings and should wait to be acknowledged by the Court. The Court will be aware of any parties that join the conference call. It is important that only one person speak at a time and that parties wait their turns to be called upon to speak. It is recommended that any party who is waiting on their case to be called put their phone on a “mute’ setting. Background noises can be disturbing and can interfere with making an accurate record of the proceedings.

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

5. If the Defendant(s) wish to defend against the Plaintiff’s claim or present a counterclaim, the Defendant(s) must file a written response or written counterclaim with the Court and pay a nonrefundable filing fee on or before this initial appearance date and time.

6. **Location.** If you do not have access to a phone to call in, you may come to the Justice Center, provided that a face mask is worn and social distancing of at least 6 feet is observed. Small claims court cases are heard in Division S, located in the Larimer County Justice Center, 201 Laporte Ave, Fort Collins, CO. The courtroom used by Division S varies. A sign will be posted

on the first floor of the Justice Center identifying which courtroom Division S will be using for that day's proceedings. Each party shall call in, or shall be physically present in the courtroom, no later than 5 minutes before the scheduled appearance time

7. **Rules of Procedure.** The small claims court rules of procedure will be applied in this case. The small claims court rules can be found in the Colorado 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. NOTE: **Spouses are not permitted to represent each other.**

8. **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 absolutely 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. **Do not subpoena any witnesses for the initial appearance, as this is not the trial date.**

9. **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.

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

11. **Continuances.** 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.

12. 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 or counterclaim filed to a Plaintiff's complaint and each Plaintiff and Defendant must appear for trial by an authorized person (see chart below).

13. Any additional questions please refer to [www.courts.state.co.us](http://www.courts.state.co.us) or call 970-494-3500.

IF THE APPEARANCE DATE OR 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:**

- An attorney can represent a Defendant only if that attorney files a Notice of Representation with the Court and provides a copy of that Notice to the Plaintiff not less than seven days before the first scheduled trial date. If a Defendant elects to have attorney representation, then the Plaintiff may also have attorney representation.

<b>Party (Plaintiff/Defendant)</b>	<b>Who can sign a Court Document and Appear in Small Claims Court</b>
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