

DISTRICT CIVIL CASES

Cases over \$15,000

Simplified Procedure ~ C.R.C.P.16.1 and C.R.C.P. 16

Provided for informational purposes only and does not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an Attorney.

We strongly recommend that you consult with an Attorney prior to filing a case with the District Civil Court.

Forms can be found at:

www.Courts.state.co.us

Self Help/Forms → All Court Forms and Instructions → Money Cases → Cases for more than \$15,000

You can find the flexible caption form to draft your Complaint here: www.Courts.state.co.us

Self Help/Forms → All Court Forms and Instructions → Miscellaneous Forms

Rules governing Civil Procedures: Colorado Rules of Civil Procedure (C.R.C.P.) 1 through 16.

These cases can become extremely complicated and if you are representing yourself, the Court will have the same expectations of you that they do for Attorneys.

Steps required to start a case



This document gives an overview of who you are suing, what Causes of Action you are bringing, and what relief you want the Court to give you (You can use the Flexible Caption form).

1

Case Caption (Boxes on the 1st Page)

Fill in the address of the Court. Fill in your name as the Plaintiff. The people you are suing are the Defendant(s). Enter your name and contact information as the person completing the form ("Attorney or party without Attorney" box).

Leave the Case number, Division, and Courtroom spaces empty. Those will be completed by the Clerk when you file. Title the document "Complaint and Information".

BODY OF THE FORM

Include the following sections in your Complaint and Information (Read Colorado Rules of Civil Procedure (C.R.C.P.) 8 for more information):

A. Jurisdiction: Jurisdiction is the legal authority to hear a case. Courts cannot just hear any case against anyone they want. You will have to show that they may hear your Causes of Action (subject matter jurisdiction), against the people you are suing (personal jurisdiction), and they are the right location to hear the case (venue).

B. Parties: List the names of the parties in the case, their address, and other contact information. Include information for yourself as well.

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C. Facts: List the facts of your case in numbered paragraphs. These should be brief, but provide enough information to show that you can establish your Causes of Action in the next section.

Example:

1. On June 5, 2016 the Plaintiff was driving south on Broadway at approximately 10 am.
2. The Defendant, driving west on Colfax, ran the red light and collided with the Plaintiff.
1. Emergency teams were sent to the accident and the Plaintiff was rushed to the hospital in an Ambulance.
4. The Plaintiff now suffers a lot of pain in the right leg when she walks and their quality of life is impaired as a result.

D. Causes of Action: These are the claims you are making against the Defendant(s). Examples of Causes of Actions include negligence, malpractice, breach of contract, and trespass.
For each Cause of Action that you are claiming:

I. Cause of Action: State the Cause of Action.

II. Against Whom: Identify to which Defendants this claim applies.

III. Factors/Elements: Each Cause of Action will have certain things that must be proven (elements), or certain things the Court must weigh (factors) before granting you relief. List out those elements or factors and briefly state how the facts you listed earlier establishes every element. You don't have to prove your case now; however the Court has to see that this cause of action could be established with the facts in your case, assuming that they are true.

E. Relief Requested: This is where you state what you want out of the case. Examples include damages (money) and declaratory relief (an official decision). Each Cause of Action comes with certain relief that is allowed.



This document lets the parties you are suing know that there is a law suit against them, the address of the Court, the case number, and by what date they have to respond (JDF 600)

2

Complete the case caption like you did for the Complaint and Information. Write in the Defendants name in the space provided. The Clerk will fill out the rest when you file the case.

You will need a separate Summons for each Defendant you are suing; they will each need to be served separately.

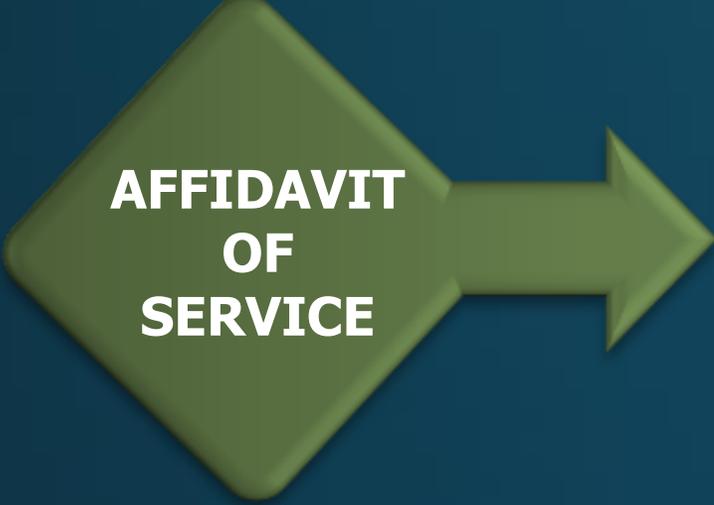


**CIVIL
COVER
SHEET**

You use this document to identify which rules of procedure you want and if you want a Jury, versus a Judge, to decide the disputed facts at a Trial (JDF601)

3

Check whether you want the case to follow C.R.C.P. 16 or 16.1 procedures. 16.1 procedures were designed for simpler cases so they could move through the Court system faster. These cases are under \$100,000 and are not Class actions, Domestic Relations, Juvenile, Mental health, Probate, Water law, Forcible entry and detainer, C.R.C.P. 106 and 120, or other similar expedited proceedings, unless otherwise stipulated by the parties.



AFFIDAVIT OF SERVICE

This serves as your proof to the Court that you properly notified the other party about the action against them.

Service is the process of informing the other parties that there is a case against them. To start the case, you must serve each Defendant formally. The easiest way to do this is by going through the Sherriff's office in the county where the Defendant lives, hiring a private process server, or having someone over the age of 18, who knows about the rules of service and is not an interested person in the case provide service (C.R.C.P.) 5 for more information on service.

Complete the case caption of this form and provide that to the person who will be performing service. They will fill out the rest of the form and sign in front of a Notary. You will be responsible for filing the completed Affidavit in your Court case. A 3rd party **must** serve the Defendants, **you cannot**. The case may not move forward until each Defendant is served properly.

4



There is a fee of \$224 to file your case with the Court.

This cost does not include the cost to have the Defendant served; the Court does not provide this service.

5

COMMON TERMS AND DEADLINES

Case at Issue: A case shall be deemed “at issue” when all Parties have been served and all pleadings permitted by C.R.C.P. 7 have been filed or defaults or dismissal have been entered against all non-appearing parties, or at such other time as the Court may direct.

Cause of Action: The reason you are suing and what you are suing for, claims you are making against the Defendant.

Responsible Attorney: If either Party obtains Counsel they will be considered the Responsible Attorney for the purpose of these proceedings and the Civil Management Order/Delay Reduction Order you will receive from the Court.

Service of Process: Affidavit of service on all Defendants shall be filed within 63 days after the date of filing the Complaint.

Default Judgment: Application for Default Judgment shall be filed within 35 days after default has occurred. See C.R.C.P 55 and C.R.C.P. 121, 1-14 for more information.

Meet and Confer. Per C.R.C.P 16(3)(f) You must meet and confer with the other Party no later than 14 days after the case is at issue, lead counsel for each party and any party who is not represented by counsel shall confer with each other in person, by telephone, or video conference about:

- (A) the nature and basis of the claims and defenses;
- (B) the matters to be disclosed pursuant to C.R.C.P.26(a)(1)
- (C) the Proposed Case Management Order;
- (D) mutually agreeable dates for the case management conference; and
- (E) based thereon shall obtain from the Court a date for the case management conference.

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COMMON TERMS AND DEADLINES

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Alternative Dispute Resolution:

All cases set for Trial are required to attend mediation pursuant to C.R.S 13-22-311 and 13-22-313.

Trial setting for cases falling under 16.1: Plaintiff or Responsible Attorney shall set the case for Trial pursuant to C.R.C.P. 121; 1-6 no later than 42 days after the case is at issue, unless otherwise Ordered by the Court. Trial Management Order is due 7 days prior to the Trial.

Trial setting for cases falling under 16: Plaintiff or Responsible Attorney shall file Notice to set the Case Management Conference no later than **7 days** after the case is at issue and should occur no later than 49 days after the case is at issue.

Proposed Case management Order (JDF 622) is due no later than 7 days prior to the Conference. The proposed Order shall state the date of and identify the attendees at any meet and confer conferences. Case management Conference shall be held no later than 49 days after the case is at issue.

There are 3 phases for a case:

PHASE 1: PLEADINGS



1

This phase is where you will start the case, let the Court know who you are suing, identify your Causes of action; let the people who you are suing know about the lawsuit, and how to respond. This phase lasts about three months.

PHASE 2: DISCOVERY



2

This is the fact gathering stage. You will be exchanging relevant documents with the Defendants. Both parties will ask and answer questions on paper (interrogatories) and in person (deposition). You may also be asking questions of potential witnesses or experts. This phase may last 4 to 18 months, depending on the complexity of your case.

PHASE 3: JUDGMENT



3

This is where the Judge will apply the facts to the law in Order to decide the case. Many times there is a dispute between the parties as to what the facts are. You will present your interpretation of the facts, and challenge the other parties' interpretation of the facts at a Trial. The Judge or Jury will then resolve the disputes in fact.

Sometimes the key facts in the case are not in dispute. Then, a Judge may take those undisputed facts and enter Judgement without a Trial. This process is called Summary Judgment (C.R.C.P. 56)

District Court Process Flowchart



