

Weld Combined Courts 915 10 th Street P.O. Box 2038 Greeley, CO 80632 (970) 475-2400	
Plaintiff: and Defendant: and all occupants	▲ COURT USE ONLY ▲ <hr/> Case Number: Division C
CASE MANAGEMENT ORDER FOR EVICTION SUMMONS RETURNS AND ORDER REGARDING PROCEDURES FOR AUDIO VISUAL HEARINGS CONDUCTED IN DIVISION C (version 6.1 8-9-21)	

In an attempt to protect everyone from the further spread of COVID-19, and by authority of 19th Judicial District Administrative Order (AO) 21-04, any party or counsel may appear for the summons return in the virtual courtroom or in person as they chose.¹ This document will provide information regarding FED summons return hearings, access to the Court via WebEx, and the Court’s expectations during these hearings.

The Plaintiff shall fill in the caption and date and time and file and serve a copy of this Order with the summons, complaint and other supporting documents.

The summons return hearing is on at the hour of . The magistrate / judge will be in Division C. You may appear in person in Division C **or** you may appear in the virtual courtroom. To appear in the virtual courtroom, use the following instructions.

- Click on the QR code below with your phone’s or device’s camera, or
- Enter this address into your browser: <https://judicial.webex.com/meet/randall.lococo>, or
- From the WebEx App, click “Join A Meeting”, the meeting room number is 929 996 606, or
- Connect by phone / audio only (or in addition to video) by calling 720-650-7664 and enter the code 929 996 606 followed by # (and then # again as you do not have an attendee ID).



¹ Section 13-40-111 requires an “appearance” (except in limited circumstances). The AO encourages appearances in the virtual courtroom. Colorado appellate courts have approved of the use of virtual court appearance in certain circumstances. See, *People v. Hernandez*, 2021 CO 45, --- P.3d --- (Colo. 2021) (criminal pre-trial hearing); and *Interest of R.J.B.*, 2021 COA 4, 482 P.3d 519 (Colo. App. 2021) (dependency / civil case affecting parents’ fundamental rights via WebEx is not unfair).

Summons Return Procedures

Wait for the Court to call the case. Plaintiff's counsel is expected to have some settlement authority. **The parties are strongly encouraged to contact each other before the summons return and attempt resolution on their own.** Any stipulation for an agreed move out date should also indicate whether a judgment of possession should enter now or be contingent (delayed) until the move out date. Any agreement for payments should indicate if a money judgment should enter now or be contingent (delayed) until failure/default on the payments. Any request for possession should be accompanied by a statement of whether the parties agree to keep the case suppressed pursuant to §13-40-110.5(3).

If the Defendant wishes to answer or contest the Plaintiff's claims, the matter may be set for trial. Unless otherwise ordered by the Court, an answer must be filed by 12:00 noon on the day of the summons return. Any answer must be accompanied by the proper filing fee or fee waiver. If a trial is set, a separate trial scheduling order will issue and the parties must provide an e-mail address. Parties should be prepared to go to trial for possession within the statutory time period unless a delay is deemed appropriate by the Court. Pre-trial disclosures and exchanges will be required and any trial exhibits must be filed or uploaded prior to trial. Attorneys shall file any pleading via CCE. Any pro-se party may file pleadings at the Clerk's window or by mailing it to P.O. Box 2038, Greeley CO 80632 (and received by or before any deadline).

Any person or counsel appearing "in person" at the courthouse should be prepared to wear a mask in accordance with Administrative Order 21-07 (or any modification or extension of that order, or any other Chief Justice Order, state-wide public health order, or local public health order).

State and Local Assistance / Department of Local Affairs

All parties are notified that state and local assistance regarding evictions may be available. You may inquire at the Court Information Center. A Department of Local Affairs (DOLA) Frequently Asked Questions is available at: https://drive.google.com/file/d/1e_wzHePhG-1aONBlvEzMnJFovC4YfsJi/view Also, the non-exhaustive list of the following agencies / websites may have helpful information:

- Weld County https://www.weldgov.com/departments/human_services/emergency_rental_and_utility_assistance_e_r_a
- Colorado Department of Local Affairs <https://cdola.colorado.gov/rental-mortgage-assistance>
- Neighbor to Neighbor www.n2n.org/rent-assistance
- Volunteers of America www.voacolorado.org/gethelp-northernco (for veterans)
- Catholic charities 970-616-8615
- Colorado Legal Services <http://applyonlinecls.org>
- United Way of Weld County <https://unitedway-weld.org> or <https://211colorado.org>

Governor's Executive Orders

Effective 7/30/21 Executive Order D2021-124 is in effect and amends D2021-122. Executive Orders are available at <https://www.colorado.gov/governor/executive-orders> . To the extent that the Governor issues, extends, amends or implements Executive Orders that affect eviction cases, the Court reserves the authority to discuss and require compliance with any Governor's Executive Order. If any Governor's Executive Order requires providing notice, documents or advisements, evidence of compliance must be contained in the court file.

The CDC Order – temporary halt on evictions & assistance options

After the prior “CDC Order” expired, a new “CDC Order” was issued on 8/3/21.² The current CDC Order, and declaration forms, may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/covid-eviction-declaration.html> . As of 8/3/21 Weld County is experiencing substantial or high rates of SARS-CoV-2 as defined by the CDC. The Court reserves the authority to continuously evaluate whether Weld County is experiencing these rates. The CDC Order orders a temporary halt on evictions against covered persons and involving claims of non-payment of rent on residential property. **To invoke the CDC Order a covered tenant/lessee/resident must provide an executed copy of a declaration form (or similar declaration under penalty of perjury) to their landlord or person who has the right to evict them.** A declaration form is available on the CDC Website, at the Clerk of Court's office, or at the Court Information Center. There are Federal criminal law sanctions for violating the CDC Order. The CDC Order does not relieve a tenant/lessee/resident from the obligation to pay rent, to make a housing payment, or to comply with any other obligation under a tenancy, lease or contract. Covered persons are still required to pay rent and follow all other terms of the lease and the rules. Persons may still be evicted for reasons other than not paying rent or making a housing payment. The CDC Order is effective until 10/3/21 unless revised, extended, modified or rescinded. To the extent there are future developments regarding the CDC Order (e.g. a court strikes down or finds the CDC Order illegal or unconstitutional, the CDC extends or amends the CDC Order, the CDC issues a new or different order affecting evictions, or if Congress acts affecting or limiting evictions) the Court reserves the authority to discuss and require compliance with any order or legislative act.

The CARES Act

Portions of the CARES Act are still in full force and effect; specifically, 15 U.S.C.A. § 9058(c)(1). Plaintiffs are required to affirmatively state in writing whether the property is subject to the provisions and restrictions of The Coronavirus Aid, Relief, and Economic Security Act (the CARES Act). Failure or inability to state whether the property is subject to The Act will result in the Court delaying any request for immediate possession.

² The Centers for Disease Control And Prevention Department Of Health And Human Services Order Under Section 361 Of The Public Health Service Act (42 U.S.C. 264) and 42 CFR 70.2 Temporary Halt In Residential Evictions In Communities of Substantial or High Levels of Community Transmission of COVID-19 To Prevent The Further Spread of COVID-19. *86 Fed. Reg. 43244 (Aug. 3, 2021)*. (The CDC Order).

WebEx Conference Ground Rules

WebEx hearings are court proceedings and all participants shall follow ordinary standards of decorum. Participants should ensure they are appropriately dressed, that their surroundings are quiet and well lit, that their electronic devices are functioning correctly, that they have an adequate internet connection, and that distractions in home environments are minimized. Attorneys shall forward the virtual courtroom information to clients and any witnesses. Unrepresented parties shall forward the virtual courtroom information to any witnesses. The Court may also forward information to any member of the public upon request. Any subpoenas served shall have a copy of this Order attached. Call or join at the scheduled time. Do not interrupt any ongoing proceedings (just like an in-person courtroom). The Court often has more-than one case on the docket at the same time (you may be on the line with other people not associated with your case). Wait to be acknowledged by the Court. The Court is located in the Mountain Time Zone and you are responsible to call/join at the correct time. Speak clearly into a microphone or phone. If on video, face the camera when speaking. Only one person may speak at a time. Microphones / phones should be muted unless you are speaking. Background noise (side conversations, paper shuffling, typing) must be kept to a minimum. If an interpreter is involved, pause periodically to allow interpretation and allow the interpreter to render the interpretation before speaking again. Make and keep a good record. The hearing is open to the public and the public may attend via WebEx. In certain cases, the Court reserves the authority to “close” the courtroom including removing participants from the conference and/or employ a “lock meeting” option for any particular hearing. Anyone who is participating via video may be placed into a “lobby” or “breakout room” temporarily excluding them from the hearing. Parties **may not** utilize the chat function to accomplish any communication. Audio and/or video recording of any portion of the hearing by any means is **strictly prohibited**. Violation of these prohibitions will result in the imposition of sanctions which may include contempt of court. The Court keeps the official record and recording of all proceedings.

Conclusion

These procedures may be supplemented, amended or terminated at any time in light of any changes to Chief Justice orders, Chief Judge orders, Federal agency orders, other government recommendations or orders, or future developments in the COVID-19 situation. Any questions or concerns may be directed to the Judicial Assistant at danna.york@judicial.state.co.us . Thank you in advance for your cooperation.

DONE BY THE COURT:

/s/ Randall C. Lococo
Magistrate