

# Motion to File Without an Attorney

## For Closely Held Companies Only

- 1. Purpose:** A company may proceed without an attorney at the agency level. However, companies are generally required to have an attorney to file in the Court of Appeals. This Motion asks the court to allow your company to proceed in the case without an attorney.
- 2. The Form:** Use [JDF 659 - General Motion Form](#).

### Case Caption (1<sup>st</sup> Page)

- Fill in the case or docket number used by the ICAO.
- Enter the parties' names. The Petitioner is the party who started the appeal in the Court of Appeals. The remaining parties are the Respondents.
- Enter your name and contact information in the "Filing Party Name" box.
- Enter your Court of Appeals Case Number.
- Title the document, "Motion to File Without an Attorney."

### Body of the Form

- What you want:** List the names of the people who can file on behalf of the company, even though they are not Colorado licensed attorneys.
- Explanation:** Let the Court know why the company can appear without an attorney, and why someone is authorized to do so. You must show:
  - Closely Held:** That the company has 3 or fewer owners.
  - Minimal Controversy:** That the amount at issue is not over \$15,000. (Exclusive of costs, interest, or statutory penalties.)
  - Authorized Person:** Evidence that parties listed are authorized to appear on behalf of the business.  
The following positions are presumed to have the authority to appear on behalf of the company:
    - An officer of a cooperative, corporation, or nonprofit corporation;

2. A general partner of a partnership or of a limited partnership;
3. A person in whom the management of a limited liability company is vested or reserved; and
4. A member of a limited partnership association.

If you hold one of these positions, be sure to attach evidence of that to this Motion.

### Certificate of Service

Certify the date that you sent the Motion and check how service was made (by mail or in-person). Enter the addresses you used. Sign this page.

**3. Attachments:** You must attach evidence that shows that you are in a position, within the business, that may represent the company in court.

**4. Filing:** File the Motion with the Court of Appeals by mail or in-person. The address for the Court of Appeals is:

Clerk of the Court of Appeals  
2 East 14<sup>th</sup> Avenue  
Denver, Colorado 80203

**5. Service:** You must send a copy of the Motion to each party's attorney or directly to the party if they do not have an attorney. You will send a copy to:

1. The Colorado Attorney General
2. The Industrial Claim Appeals Office
3. All other parties in the case.

**6. Sample Motion:** Please see the [Sample Motion - JDF 659S](#) for further help.

**7. Be Sure to Read:** Colorado Revised Statute (C.R.S.) §§ 13-1-127(2), (2.3), and (2.5). You may view these statutes online at:

<http://www.lexisnexis.com/hottopics/colorado/>