

RULE CHANGE 2013(12)

COLORADO RULES OF CIVIL PROCEDURE

Rule 4. Process

Rule 15. Amended and Supplemental Pleadings

Rule 4. Process

(a) through (k) [NO CHANGE]

(l) No Colorado Rule.

(m) TIME LIMIT FOR SERVICE. IF A DEFENDANT IS NOT SERVED WITHIN 63 DAYS (NINE WEEKS) AFTER THE COMPLAINT IS FILED, THE COURT--ON MOTION OR ON ITS OWN AFTER NOTICE TO THE PLAINTIFF--SHALL DISMISS THE ACTION WITHOUT PREJUDICE AGAINST THAT DEFENDANT OR ORDER THAT SERVICE BE MADE WITHIN A SPECIFIED TIME. BUT IF THE PLAINTIFF SHOWS GOOD CAUSE FOR THE FAILURE, THE COURT SHALL EXTEND THE TIME FOR SERVICE FOR AN APPROPRIATE PERIOD. THIS SUBDIVISION (m) DOES NOT APPLY TO SERVICE IN A FOREIGN COUNTRY UNDER RULE 4(d).

Rule 15. Amended and Supplemental Pleadings

(a) and (b) [NO CHANGE]

(c) **Relation Back of Amendments.** Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by ~~law for commencing the action against him~~ RULE 4(m) FOR SERVING THE SUMMONS AND COMPLAINT, the party to be brought in by amendment: (1) Has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the identity of the proper party, the action would have been brought against him.

(d) [NO CHANGE]

Amended and Adopted by the Court, En Banc, September 5, 2013, effective immediately.

By the Court:

**Nancy E. Rice
Justice, Colorado Supreme Court**