

RULE CHANGE 2017(11)
UNIFORM LOCAL RULES FOR ALL STATE WATER COURT DIVISIONS

Rule 11. Pre-Trial Procedure, Case Management, Disclosure, and Simplification of Issues

The provisions of C.R.C.P. 16 and 26 through 37 shall apply except that they shall be modified as follows:

(a) [NO CHANGE]

(b) (1) – (4) [NO CHANGE]

(5) (A) [NO CHANGE]

(B) The time periods for disclosure of expert testimony pursuant to C.R.C.P. 26(a)(2) shall be as follows:

(I) The applicant's expert disclosure shall be made at least ~~245~~280 days (~~40~~35 weeks) before trial;

(II) The applicant's supplemental expert disclosure, if any, shall be made after the first meeting of the experts held pursuant to subsection (b)(5)(D)(I) of this Rule, and served at least ~~217~~182 days (~~31~~26 weeks) before trial;

(III) An opposer's expert disclosure shall be made at least ~~161~~126 days (~~23~~18 weeks) before trial;

(IV) If the evidence is intended to contradict or rebut evidence on the same subject matter identified by another party under subsection (b)(5)(B)(III) of this Rule, such expert disclosure shall be made no later than ~~119~~94 days (~~17~~13 weeks) before trial.

(C) – (F) [NO CHANGE]

(6) Settlement Discussions.

(A) No later than 35 days after the case is at issue, the parties shall explore possibilities of a prompt settlement or resolution of the case.

(B) No later than ~~63~~84 days (~~9~~12 weeks) before trial the parties shall jointly file a statement setting forth the specific disputed issues that will be the subject of expert testimony at trial.

(7) – (8) [NO CHANGE]

(9) Pretrial Motions. Unless otherwise ordered by the court, the time for filing pretrial motions shall be no later than 35 days before the trial date, except that motions pursuant to C.R.C.P. 56 shall be filed at least ~~91~~84 days (~~13~~12 weeks) before the trial date.

(10) [NO CHANGE]

(c) [NO CHANGE]

Form 1

District Court, Water Division No. _____, Colorado	▲ COURT USE ONLY
Court Address:	
Concerning the Application for Water Rights of: Applicant:	
In the _____ River or its Tributaries	Case Number:
In _____ County	Division: Courtroom:

SAMPLE MODIFIED CASE MANAGEMENT ORDER

Counsel for Applicant(s) and Opposer(s) _____ have agreed to the contents of the following proposed Case Management Order for the above referenced application for water rights, except as specifically noted below. [Add if a case management conference is to be requested.] Matters upon which all counsel have not agreed are designated as “Disputed” in this proposed Case Management Order.

I. [NO CHANGE]

II. DISCLOSURE

A. [NO CHANGE]

B. [NO CHANGE]

1. [NO CHANGE]

2. [NO CHANGE]

3. If the evidence is intended to contradict or rebut evidence on the same subject matter identified by another party, such disclosures shall be made no later than ~~9~~119 days before trial.

C. [NO CHANGE]

III. – VIII. [NO CHANGE]

DATED: _____

[Signature of lead counsel for Applicant(s)]
ATTORNEYS FOR APPLICANT

[Signatures for Opposers As Appropriate] ATTORNEYS FOR
THE OPPOSER

THE CASE MANAGEMENT ORDER SET FORTH ABOVE IS APPROVED BY THE COURT
AND SHALL GOVERN THE FUTURE CONDUCT OF THIS CASE.

BY THE COURT:

District Judge
Water Division No. _____

Rule 11. Pre-Trial Procedure, Case Management, Disclosure, and Simplification of Issues

The provisions of C.R.C.P. 16 and 26 through 37 shall apply except that they shall be modified as follows:

(a) [NO CHANGE]

(b) (1) – (4) [NO CHANGE]

(5) (A) [NO CHANGE]

(B) The time periods for disclosure of expert testimony pursuant to C.R.C.P. 26(a)(2) shall be as follows:

(I) The applicant's expert disclosure shall be made at least 280 days (40 weeks) before trial;

(II) The applicant's supplemental expert disclosure, if any, shall be made after the first meeting of the experts held pursuant to subsection (b)(5)(D)(I) of this Rule, and served at least 217 days (31 weeks) before trial;

(III) An opposer's expert disclosure shall be made at least 161 days (23 weeks) before trial;

(IV) If the evidence is intended to contradict or rebut evidence on the same subject matter identified by another party under subsection (b)(5)(B)(III) of this Rule, such expert disclosure shall be made no later than 119 days (17 weeks) before trial.

(C) – (F) [NO CHANGE]

(6) Settlement Discussions.

(A) No later than 35 days after the case is at issue, the parties shall explore possibilities of a prompt settlement or resolution of the case.

(B) No later than 84 days (12 weeks) before trial the parties shall jointly file a statement setting forth the specific disputed issues that will be the subject of expert testimony at trial.

(7) – (8) [NO CHANGE]

(9) Pretrial Motions. Unless otherwise ordered by the court, the time for filing pretrial motions shall be no later than 35 days before the trial date, except that motions pursuant to C.R.C.P. 56 shall be filed at least 91 days (13 weeks) before the trial date.

(10) [NO CHANGE]

(c) [NO CHANGE]

Form 1

District Court, Water Division No. _____, Colorado	
Court Address:	
Concerning the Application for Water Rights of: Applicant:	▲ COURT USE ONLY
In the _____ River or its Tributaries	Case Number:
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Counsel for Applicant(s) and Opposer(s) _____ have agreed to the contents of the following proposed Case Management Order for the above referenced application for water rights, except as specifically noted below. [Add if a case management conference is to be requested.] Matters upon which all counsel have not agreed are designated as “Disputed” in this proposed Case Management Order.

I. [NO CHANGE]

II. DISCLOSURE

A. [NO CHANGE]

B. [NO CHANGE]

1. [NO CHANGE]

2. [NO CHANGE]

3. If the evidence is intended to contradict or rebut evidence on the same subject matter identified by another party, such disclosures shall be made no later than 119 days before trial.

C. [NO CHANGE]

III. – VIII. [NO CHANGE]

DATED: _____

[Signature of lead counsel for Applicant(s)]

ATTORNEYS FOR APPLICANT

[Signatures for Opposers As Appropriate] ATTORNEYS FOR THE

OPPOSER

THE CASE MANAGEMENT ORDER SET FORTH ABOVE IS APPROVED BY THE COURT
AND SHALL GOVERN THE FUTURE CONDUCT OF THIS CASE.

BY THE COURT:

District Judge
Water Division No. _____

Amended and Adopted by the Court, En Banc, November 16, 2017, effective for cases filed or re-referred on or after January 1, 2018.

By the Court:

Monica M. Márquez
Justice, Colorado Supreme Court