

**RULE CHANGE 2019(01)**  
**COLORADO RULES OF CIVIL PROCEDURE**

## Rule 6. Time

(a) [NO CHANGE]

**(b) Enlargement.** When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under [Rule 60\(b\) and may extend the time for taking any action under Rules 59 only as allowed by that rule](#) ~~and 60(b), except to the extent and under the conditions therein stated.~~

(c) – (e) [NO CHANGE]

## COMMENTS

[2012](#)

[\[1\]](#) After the particular effective date, time computation in most situations is intended to incorporate the Rule of Seven. Under the Rule of Seven, a day is a day, and because calendars are divided into 7-day week intervals, groupings of days are in 7-day or multiples of 7-day intervals. Groupings of less than 7 days have been left as they were because such small numbers do not interfere with the underlying concept. Details of the Rule of Seven reform are set forth in an article by Richard P. Holme, 41 Colo. Lawyer, Vol. 1, P 33 (January 2012).

[\[2\]](#) Time computation is sometimes “forward,” meaning starting the count at a particular stated event [such as date of filing] and counting forward to the deadline date. Counting “backward” means counting backward from the event to reach the deadline date [such as a stated number of days being allowed before the commencement of trial]. In determining the effective date of the Rule of Seven time computation/time interval amendments having a statutory basis, said amendments take effect on July 1, 2012 and regardless of whether time intervals are counted forward or backward, both the time computation start date and deadline date must be after June 30, 2012. Further, the time computation/time interval amendments do not apply to modify the settings of any dates or time intervals set by an order of a court entered before July 1, 2012.

## Rule 57. Declaratory judgments

(a) – (i) [NO CHANGE]

(j) **Parties; Notice to State or Municipality~~Municipal Ordinances~~**. When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves a challenge to -the validity of a municipal ordinance or franchise, the party challenging the ordinance or franchise shall serve the municipality with a copy of the relevant motion or pleading and such municipality shall be made a party, and is entitled to be heard.~~;~~ If a party files a motion or other pleading asserting that a state and if the statute, ordinance, or franchise is ~~alleged to be~~ unconstitutional, that party shall serve the state attorney general ~~the attorney general of the state shall also be served~~ with a copy of the ~~proceeding~~motion or pleading, and the state and is entitled to be heard. Notice to the state or municipality required by this subsection (j) shall be made pursuant to Rule 5(b) within 21 days of the date when the motion or pleading challenging validity or constitutionality was filed.

(k) – (m) [NO CHANGE]

## **Rule 59. Motions for Post-Trial Relief**

**(a) Post-Trial Motions.** Within 14 days of entry of judgment as provided in C.R.C.P. 58 or such greater time as the court may allow [pursuant to a request for an extension of time made within that 14-day period](#), a party may move for post-trial relief including:

- (1) A new trial of all or part of the issues;
- (2) Judgment notwithstanding the verdict;
- (3) Amendment of findings; or
- (4) Amendment of judgment.

Motions for post-trial relief may be combined or asserted in the alternative. The motion shall state the ground asserted and the relief sought.

**(b) – (k)** [NO CHANGE]

District Court _____ County, Colorado Court Address: _____  Plaintiff(s): _____ v. _____ Defendant(s): _____		<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
Case Number: _____  Division _____ Courtroom _____		
<b>NOTICE TO ELECT EXCLUSION FROM C.R.C.P. 16.1 SIMPLIFIED PROCEDURE</b>		

Simplified Procedure under C.R.C.P. 16.1 is intended to be a less expensive and faster method of handling civil cases and applies where amount sought against each party is \$100,000.00 or less, see C.R.C.P. 16.1(c). The Rule requires early and full disclosure of the information that each party has about the dispute and addresses what evidence will be introduced at trial.

**The party and attorney, if applicable, signing this Notice hereby elect to exclude this case from the Simplified Procedure under C.R.C.P. 16.1. This election is being filed with the Court no later than the time provided by C.R.C.P. 16.1(d).**

**IT IS UNDERSTOOD THAT ONCE THIS NOTICE OF EXCLUSION IS FILED WITH THE COURT, THE PROCEDURES OF C.R.C.P. 16, CASE MANAGEMENT AND TRIAL MANAGEMENT WILL APPLY TO THIS CASE.**

- ☐ By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.
- ☐ By checking this box, I am acknowledging that I have made a change to the original content of this form.

This Notice must be signed by the party and, if represented, by the attorney.

Date: \_\_\_\_\_  
 \_\_\_\_\_ Signature of Party

Date: \_\_\_\_\_  
 \_\_\_\_\_ Signature of Attorney for Party

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of this document was served on the other party by

☐ Hand Delivery, ☐ E-filed, ☐ Faxed to this number \_\_\_\_\_, or

☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 Signature of Party or Attorney for Party

## Rule 6. Time

(a) [NO CHANGE]

**(b) Enlargement.** When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may, at any time in its discretion (1) with or without motion or notice, order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rule 60(b) and may extend the time for taking any action under Rule 59 only as allowed by that rule.

(c) – (e) [NO CHANGE]

## COMMENTS

2012

[1] After the particular effective date, time computation in most situations is intended to incorporate the Rule of Seven. Under the Rule of Seven, a day is a day, and because calendars are divided into 7-day week intervals, groupings of days are in 7-day or multiples of 7-day intervals. Groupings of less than 7 days have been left as they were because such small numbers do not interfere with the underlying concept. Details of the Rule of Seven reform are set forth in an article by Richard P. Holme, 41 Colo. Lawyer, Vol. 1, P 33 (January 2012).

[2] Time computation is sometimes “forward,” meaning starting the count at a particular stated event [such as date of filing] and counting forward to the deadline date. Counting “backward” means counting backward from the event to reach the deadline date [such as a stated number of days being allowed before the commencement of trial]. In determining the effective date of the Rule of Seven time computation/time interval amendments having a statutory basis, said amendments take effect on July 1, 2012 and regardless of whether time intervals are counted forward or backward, both the time computation start date and deadline date must be after June 30, 2012. Further, the time computation/time interval amendments do not apply to modify the settings of any dates or time intervals set by an order of a court entered before July 1, 2012.

## **Rule 57. Declaratory Judgments**

(a) – (i) [NO CHANGE]

**(j) Parties; Notice to State or Municipality.** When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves a challenge to the validity of a municipal ordinance or franchise, the party challenging the ordinance or franchise shall serve the municipality with a copy of the relevant motion or pleading and such municipality shall be made a party, and is entitled to be heard. If a party files a motion or other pleading asserting that a state statute, ordinance, or franchise is unconstitutional, that party shall serve the state attorney general with a copy of the motion or pleading, and the state is entitled to be heard. Notice to the state or municipality required by this subsection (j) shall be made pursuant to Rule 5(b) within 21 days of the date when the motion or pleading challenging validity or constitutionality was filed.

(k) – (m) [NO CHANGE]

### **Rule 59. Motions for Post-Trial Relief**

**(a) Post-Trial Motions.** Within 14 days of entry of judgment as provided in C.R.C.P. 58 or such greater time as the court may allow pursuant to a request for an extension of time made within that 14-day period, a party may move for post-trial relief including:

- (1) A new trial of all or part of the issues;
- (2) Judgment notwithstanding the verdict;
- (3) Amendment of findings; or
- (4) Amendment of judgment.

Motions for post-trial relief may be combined or asserted in the alternative. The motion shall state the ground asserted and the relief sought.

**(b) – (k)** [NO CHANGE]



Amended and Adopted by the Court, En Banc, January 10, 2019, effective immediately.

By the Court:

Richard L. Gabriel  
Justice, Colorado Supreme Court