

RULE CHANGE 2021(01)
COLORADO RULES OF CIVIL PROCEDURE

Rules 6, 16, 16.1, 26, and 121 § 1-8 and § 1-9

Rule 6. Time

(a)(1) [NO CHANGE]

(2) As used in this Rule, “Legal holiday” includes the first day of January, observed as New Year’s Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day; the last Monday in May, observed as Memorial Day; the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the ~~second~~first Monday in October, observed as ~~Columbus~~Frances Cabrini Day; the 11th day of November, observed as Veteran’s Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day except Saturday or Sunday when the court is closed.

(b) – (e) [NO CHANGE]

Comments [NO CHANGE]

Rule 16. Case Management and Trial Management

(a) – (b)(17) [NO CHANGE]

(18) Notices of Related Cases. The proposed order shall state whether any notices of related cases, pursuant to Rule 121, Section 1-9, have been filed.

(198) Entry of Case Management Order. The proposed order shall be signed by lead counsel for each party and by each party who is not represented by counsel. After the court's review and revision of any provision in the proposed order, it shall be entered as an order of the court and served on all parties.

(c) – end [NO CHANGE]

Rule 16. Case Management and Trial Management

(a) Purpose and Scope. The purpose of this Rule 16 is to establish a uniform, court-supervised procedure involving case management which encourages professionalism and cooperation among counsel and parties to facilitate disclosure, discovery, pretrial and trial procedures. This Rule shall govern case management in all district court civil cases except as provided herein. This Rule shall not apply to domestic relations, juvenile, mental health, probate, ~~water-law,~~ [water court proceedings subject to sections 37-92-302 to 37-92-305, C.R.S.](#), forcible entry and detainer, C.R.C.P. 106 and 120, and other similar expedited proceedings, unless otherwise ordered by the court or stipulated by the parties. This Rule 16 also shall not apply to civil actions that are governed by Simplified Procedure under C.R.C.P. 16.1, except as specifically provided in Rule 16.1. The disclosures and information required to be included in both the Case Management and Trial Management Orders interrelate to discovery authorized by these rules. The right of discovery shall not constitute grounds for failing to timely disclose information required by this Rule, nor shall this Rule constitute a ground for failing to timely disclose any information sought pursuant to discovery.

(b) – end [NO CHANGE]

Rule 16.1. Simplified Procedure for Civil Actions

(a) [NO CHANGE]

(b) **Actions Subject to Simplified Procedure.** Simplified Procedure applies to all civil actions other than:

(1) civil actions that are class actions, domestic relations, juvenile, mental health, probate, ~~water law~~ water court proceedings subject to sections 37-92-302 to 37-92-305, C.R.S., forcible entry and detainer, C.R.C.P. 106 and 120, or other similar expedited proceedings, unless otherwise stipulated by the parties; or

(2) [NO CHANGE]

(c) **Civil Cover Sheet.** Each pleading containing an initial claim for relief in a civil action, other than class actions, domestic relations, juvenile, mental health, probate, ~~water law~~ water court proceedings subject to sections 37-92-302 to 37-92-305, C.R.S., forcible entry and detainer, C.R.C.P. 106 and 120 shall be accompanied at the time of filing by a completed Civil Cover Sheet in the form and content of Appendix to Chapters 1 to 17A, Form 1.2 (JDF 601). Failure to file the Civil Cover Sheet shall not be considered a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

(d) – end [NO CHANGE]

Rule 26. General Provisions Governing Discovery; Duty of Disclosure

(a) Required Disclosures. Unless otherwise ordered by the court or stipulated by the parties, provisions of this Rule shall not apply to domestic relations, juvenile, mental health, probate, ~~water law~~ water court proceedings subject to sections 37-92-302 to 37-92-305, C.R.S., forcible entry and detainer, C.R.C.P. 120, or other expedited proceedings.

(a)(1) – end [NO CHANGE]

Rule 121. Local Rules—Statewide Practice Standards

(a) – (c) [NO CHANGE]

Section 1 – 1 to 1 – 7 [NO CHANGE]

Section 1 – 8 CONSOLIDATION

A party seeking consolidation shall file a motion to consolidate in each case sought to be consolidated. The motion shall be determined by the court in the case first filed in accordance with Practice Standard § 1-15. If consolidation is ordered, all subsequent filings shall be in the case first filed and all previous filings related to the consolidated cases placed together under that case number, unless otherwise ordered by the court. Consolidation of matters pending in other districts shall be determined in accordance with C.R.C.P. 42.1.

Section 1 – 9. ~~MULTI-DISTRICT LITIGATION~~ RELATED CASES

~~Consolidation of matters pending in other districts shall be determined in accordance with C.R.C.P. 42.1.~~

1. A party to a civil case shall file a notice identifying all related cases of which the party has actual knowledge.
2. Related cases are civil, criminal, or other proceedings that: a) involve one or more of the same parties and common questions of fact; and b) are pending in any state or federal court or were terminated within the previous 12 months.
3. A party shall file the required notice at the time of its first pleading under Rule 7(a) or its first motion under Rule 12(b).
4. A party shall promptly file a supplemental notice of any change in the information required under this rule.

COMMITTEE COMMENT

The purpose of this Practice Standard is to afford notice of related state or federal cases that are pending or were recently terminated. Any actions to be taken following such notice are left to the parties and the court.

Section 1 – 10 to 1 – 26 [NO CHANGE]

Rule 6. Time

(a)(1) [NO CHANGE]

(2) As used in this Rule, “Legal holiday” includes the first day of January, observed as New Year's Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day; the last Monday in May, observed as Memorial Day; the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the first Monday in October, observed as Frances Cabrini Day; the 11th day of November, observed as Veteran's Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day except Saturday or Sunday when the court is closed.

(b) – (e) [NO CHANGE]

COMMENTS [NO CHANGE]

Rule 16. Case Management and Trial Management

(a) – (b)(17) [NO CHANGE]

(18) Notices of Related Cases. The proposed order shall state whether any notices of related cases, pursuant to Rule 121, Section 1-9, have been filed.

(19) Entry of Case Management Order. The proposed order shall be signed by lead counsel for each party and by each party who is not represented by counsel. After the court's review and revision of any provision in the proposed order, it shall be entered as an order of the court and served on all parties.

(c) – end [NO CHANGE]

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(b) – end [NO CHANGE]

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(2) [NO CHANGE]

(c) Civil Cover Sheet. Each pleading containing an initial claim for relief in a civil action, other than class actions, domestic relations, juvenile, mental health, probate, water court proceedings subject to sections 37-92-302 to 37-92-305, C.R.S., forcible entry and detainer, C.R.C.P. 106 and 120 shall be accompanied at the time of filing by a completed Civil Cover Sheet in the form and content of Appendix to Chapters 1 to 17A, Form 1.2 (JDF 601). Failure to file the Civil Cover Sheet shall not be considered a jurisdictional defect in the pleading but may result in a clerk's show cause order requiring its filing.

(d) – end [NO CHANGE]

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(a)(1) – end [NO CHANGE]

Rule 121. Local Rules—Statewide Practice Standards

(a) – (c) [NO CHANGE]

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COMMITTEE COMMENT

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Section 1 – 10 to 1 – 26 [NO CHANGE]

Amended and Adopted by the Court, En Banc, January 7, 2021, effective April 1, 2021.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**