

**RULE CHANGE 2022(11)**  
**COLORADO RULES OF CIVIL PROCEDURE**  
**Rules 6, 23, 42.1, 55 and JDF 187**

## **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 nineteenth day of June, observed as Juneteenth 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 23. Class Actions**

**(a) - (e) [NO CHANGE]**

**(f) Appeals.** An appeal from a ~~an~~ written, signed, and dated order granting or denying class certification under this rule may be allowed pursuant to the procedures set forth in C.R.S. § 13-20-901 (2003).

**(g) [NO CHANGE]**

## **Rule 42.1. Consolidated Multidistrict Litigation**

**(a) – (c) [NO CHANGE]**

**(d) Order to Show Cause; Hearing; Response.** When the transfer of multidistrict litigation is being considered, an order shall be entered by the Panel directing the parties in each action to show cause why the action or actions should not be transferred. A hearing shall be set at the time the show cause order is entered. Any party may file a response to the show cause order and an accompanying brief within 14 days after the order is entered, unless otherwise provided in the order. Within 7 days of receipt of a party's response or brief, any party may file a reply brief limited to new matters.

(1) Except by permission of the Panel, briefs shall not exceed five (5) pages, exclusive of appendices. An original ~~and seven (7) copies~~ of each brief shall be filed with the Clerk of the Panel.

(2) Each side shall be allowed fifteen (15) minutes of oral argument at the hearing, unless extended by the Panel.

**(e) - (l) [NO CHANGE]**

## Rule 55. Default

**(a) Entry.** When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter his default.

**(b) Judgment.**

(1) A party entitled to a judgment by default shall apply to the court therefor; but no judgment by default shall be entered against an infant or incompetent person unless represented in the action by a general guardian, guardian ad litem, conservator, or such other representative who has appeared in the action. If the party against whom judgment by default is sought has appeared in the action, the party (or, if appearing by representative, the party's representative) shall be served with written notice of the application for judgment at least **7** days prior to the hearing on such application. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the court may conduct such hearings or order such references as it deems necessary and proper. However, before judgment is entered, the court shall be satisfied that the venue of the action is proper under Rule 98.

(2) In forcible entry and detainer cases, a court may enter default pursuant to subsection (1) above; however, the court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due as set forth by C.R.S. 13-40-111(1).

**(c) - (f) [NO CHANGE]**

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<u>District Court</u> <u>County, Colorado</u> <u>Court Address:</u>		<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<u>Plaintiff(s):</u>  <u>v.</u> <u>Defendant(s):</u>		
<u>Attorney or Party Without Attorney (Name and Address):</u>		
<u>Phone Number:</u> <u>E-mail:</u> <u>FAX Number:</u> <u>Atty. Reg. #:</u>	<u>Case Number:</u>  <u>Division</u> <u>Courtroom</u>	
<b><u>REQUEST FOR DOCUMENTS IN EVICTION CASES</u></b>		

I \_\_\_\_\_, am the ☐ Plaintiff ☐ Defendant in this case.

I ask that the court order the other party in this case to give me all documents that the party has that are relevant to this case including:  
 (Relevant documents may include: A lease, the rent ledger or payment history, the eviction notice, and any other documents that you believe are necessary to be presented at trial.)

Please send documents to me at the following location and manner: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 Printed name of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent      Signature of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

### **CERTIFICATE OF SERVICE**

I certify that on \_\_\_\_\_ (date) a true and accurate copy of this *REQUEST FOR DOCUMENTS IN EVICTION CASES* 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:

\_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_ Signature

**FOR COURT USE ONLY BELOW THIS LINE:**

### **ORDER**

The Court orders that the party who was asked to provide documents in the above Request for Documents in Eviction Case must provide all documents related to this case to the party that made the request before trial occurs.

Dated: \_\_\_\_\_

\_\_\_\_\_  
☐ Judge ☐ Magistrate

## **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 nineteenth day of June, observed as Juneteenth 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]

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**(g) [NO CHANGE]**



## **Rule 42.1. Consolidated Multidistrict Litigation**

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(2) In forcible entry and detainer cases, a court may enter default pursuant to subsection (1) above; however, the court shall not enter a default judgment for possession before the close of business on the date upon which an appearance is due as set forth by C.R.S. 13-40-111(1).

**(c) - (f) [NO CHANGE]**

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District Court _____ County, Colorado Court Address: _____		<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
Plaintiff(s): _____ v. Defendant(s): _____		
Attorney or Party Without Attorney (Name and Address): _____  Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____  Division _____ Courtroom _____
<b>REQUEST FOR DOCUMENTS IN EVICTION CASES</b>		

I, \_\_\_\_\_, am the ☐ Plaintiff ☐ Defendant in this case.

I ask that the court order the other party in this case to give me all documents that the party has that are relevant to this case including: \_\_\_\_\_.  
(Relevant documents may include: A lease, the rent ledger or payment history, the eviction notice, and any other documents that you believe are necessary to be presented at trial.)

Please send documents to me at the following location and manner: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Printed name of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

\_\_\_\_\_  
Signature of ☐ Plaintiff/Petitioner ☐ Defendant/Respondent

### CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_ (date) a true and accurate copy of this *REQUEST FOR DOCUMENTS IN EVICTION CASES* 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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

**FOR COURT USE ONLY BELOW THIS LINE:**

## ORDER

The Court orders that the party who was asked to provide documents in the above Request for Documents in Eviction Case must provide all documents related to this case to the party that made the request before trial occurs.

Dated: \_\_\_\_\_

\_\_\_\_\_  
☐ Judge ☐ Magistrate

**Amended and Adopted by the Court, En Banc, June 29, 2022. Effective immediately.**

**By the Court:**

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