

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Colorado Springs, CO 80903 (719) 452-5444	▲ COURT USE ONLY ▲ <hr/>
IN RE THE MATTER OF: Petitioner: and Co-Petitioner/Respondent:	Case Number: Division: 2 Courtroom: W350
DIVISION 2 CASE MANAGEMENT ORDER (POST- DECREE MATTERS)	

To ensure parties are properly prepared for hearing and that the Court receives all information necessary to make proper decisions, the Court ORDERS the following:

Please Ensure Compliance with the Duty to Confer on All Motions (including Self-Represented Parties) & failure to provide a statement of conferral that complies with this Order, will result in the Motion being dismissed:

As of January 1, 2018, C.R.C.P. 121 §1-15(8) requires that all motions *shall*, at the beginning, contain a certification that the movant in good faith has conferred with opposing counsel and any self-represented parties about the motion. If the relief sought by the motion has been agreed to by the parties or will not be opposed, the Court shall be so advised in the motion. If no conferral has occurred, the reason why, including all efforts to confer, shall be stated.

Expectations to Confer in Good Faith:

Parties/ counsel shall have an actual conversation about disputed issues in a good faith attempt to resolve disputes before filing a motion with the Court, unless this just isn't possible. If not possible, provide details of your efforts to confer in your Rule 121 certification.

GOOD FAITH CONFERRAL IS *NOT* (not an exhaustive list, just some examples):

- a. Emailing or leaving a phone message for opposing party or counsel and filing your motion without awaiting a reasonable time for a response to your email. Generally, less than 24 hours is not a reasonable time.
- b. Sending opposing party or counsel a copy of your motion indicating you will file said motion by a specific deadline if no response is received.

PROCESS FOR RESOLVING THE MOTION:

1. Mediation:

Within 21 days from the date of this Order, the party who filed the Motion shall schedule mediation by calling the Office of Dispute Resolution (ODR) at (719) 452-5005 or 04JDMediation@judicial.state.co.us. Mediation request forms can be found at: [Mediation - El Paso & Teller Counties | Colorado Judicial Branch](#). Alternatively, mediation can be scheduled with a private mediator. Both parties are to cooperate with the scheduling of, payment of and attendance at mediation. Any stipulated agreements reached in mediation are to be filed with the Court with a proposed order adopting the agreements.

2. Notice to Set:

No later than 28 days from the date of this Order, the party who filed the Motion shall set the matter for a pretrial conference and hearing by filing a Notice to Set (JDF1123), which shall inform the Court of the mediation date. The Notice to Set form can be found on the Court's website (coloradojudicial.gov). The form shall be filled out to include a date 2 weeks out from the date of mailing/filing. Division 2 holds settings on Thursdays at 8:15 a.m via e-mail.

Division 2 staff is available at D04_Courts_Div2@judicial.state.co.us. If you have any questions, you can leave a message for Division 2 staff at (719) 452-5235. Please leave only one voice mail and staff will return your call as soon as possible. **Settings will not be held unless parties have scheduled mediation.**

3. Expert Witnesses: This pertains to any expert including a CFI, PRE or CLR. If a party would like an expert to be appointed to a case, a Motion **must be filed within 30 days of the Court issuing this Case Management Order**. Failure to request an expert within this timeframe will result in the request being denied as a failure to comply with this Order. Please do not file a motion requesting an expert witness after you have set your matter for a hearing.

4. Response and Reply:

If any party opposes the request in the Motion, then a written Response must be filed with the Court 21 days from the date the Motion was filed, or as otherwise ordered, whichever is later. The party who filed the Motion may file a Reply within 7 days after the Response is filed. If no written Response is filed, the Court may assume that there is no objection to the Motion and may rule accordingly.

5. Review by the Court in 35 Days:

The Court will review this matter in 35 days to determine whether the parties have complied with this Order. **If Mediation has not been scheduled, and/or a notice to set, including the information that is required above, has not been filed, the pending Motion may be deemed abandoned and may be dismissed.** Please note that when the Court reviews the Motion, along with any Response and/or Reply that has been filed, it may elect to rule on the Motion without a hearing, if it determines that such a ruling would be appropriate.

6. Sworn Financial Statements / Mandatory Disclosures / Witness Lists:

Pursuant to C.R.C.P. 16.2(e), *if the Motion includes a request to modify child support or maintenance* the parties shall exchange mandatory disclosures and file updated Sworn Financial Statements (JDF 1111) no later than 42 days after service of the Motion. Lists of your expected witnesses shall be exchanged at the same time, if they have not previously been exchanged pursuant to Rule 16.2.

7. Pretrial Conference:

There will be multiple cases set at the same time. There will be a group review of the process and procedures and then cases will be called individually. Attorney cases will have priority. If there are attorneys on both sides of the matter and those attorneys have appeared before this Court (Judge Cano) for a PTC, and there are no outstanding issues, the attorneys may file a Stipulation to waive that appearance acknowledging that they are aware of the process and procedures, agree to adhere to them and there are no outstanding issues. It must be filed seven (7) days before the PTC and signed by both attorneys.

The judge will discuss the procedures and issues in preparation for your Hearing. You should be prepared to discuss with the judge your settlement efforts, as well as any issues concerning discovery, disclosures, documents, financial information, witnesses, or exhibits, and any other issues related to your Hearing. If there are two attorneys or an LLP involved in your case, any discovery issues should be discussed via telephone *prior to* the conference so all parties are on notice and prepared to discuss the same. Failure to appear for the Pretrial Conference will result in the Final Orders Hearing being vacated.

All Pretrial Conferences will be held via WebEx *video conferencing*. (Parties who are represented by counsel may attend but are not required to.) This is done with the intention of making the most efficient use of the time of the parties and counsel and to provide access to the Court for parties who have difficulty attending in person. Any party or counsel is welcome to attend in person if that is preferable. **Do not attempt to attend any hearing by telephone, or by simply “calling in” to Webex.** You must appear via video.

Webex Information: Webex Info: Meeting Number (Access Code) | 2597 133 1348

<https://judicial.webex.com/meet/d04-cspg-div2>

Join by phone
+1-415-655-0001 US Toll
+1-720-650-7664 United States Toll
(Denver) Access code: 2597 133 1348

8. Exchange of Trial Exhibits

If there are attorneys on both sides of the matter, **10 days** prior to trial, the parties shall exchange a preliminary list of exhibits along with a preliminary draft of the Trial Management Certificate.

All final exhibits shall be exchanged and filed with the Court no later than **7 days** before the hearing date. The failure to do so may result in any late-disclosed exhibits being excluded from evidence at the Hearing. The only exception is that parties may update their parenting plan, child support and maintenance worksheets no later than **3 days** prior to the hearing if changes are needed after receiving the other party's exhibits. No later than **3 days** prior to the trial, parties and attorneys shall meet and confer on all exhibits and be prepared to provide stipulations to any exhibits at the beginning of the hearing (preferred form is a written stipulation).

Parties are encouraged to sign up for e-filing for non-attorneys to file documents with the Court and have instant, digital access to the court file if you have not done so already, here is the link to do so: <https://www.coloradojudicial.gov/e-filing-non-attorneys>

9. Trial Management Certificate:

Trial Management Certificates ("TMC") shall be filed with the Court no less than 7 days before the hearing date. If at least one party is represented by counsel, counsel shall file a Joint TMC by this date, including the positions of both parties. Petitioner shall send the JTMC to Co-Petitioner/Respondent 14 days prior to the hearing date.

If neither party is represented by counsel, each party shall separately file a Pro Se Pre-Trial Statement (Form JDF 1129). These filings shall set out the disputed issues, that party's witnesses and exhibits, updated Sworn Financial Statements, any agreements that the parties have made and, if parenting time is at issue, a Parenting Plan Proposal, and if child support is at issue, a child support worksheet. This statement and all attachments must also be sent to the other side by this date. Any witnesses or exhibits not disclosed in the TMC or Pro Se Pre-Trial Statement will not be allowed at the hearing.

The Joint TMC is limited to fifteen (15) pages exclusive of the Header, Signature lines, and Certificate of Service, with each party receiving equal space. The TMC shall be formatted consistent with C.R.C.P. 10(d)(2). TMCs that fail to comply with this Order will be rejected. If there are Stipulations to facts, division of specific property, allocation of parental responsibilities, support, or exhibits, attach that separately to the JTMC outlining those agreements and it will not count against the 15 pages.

10. Hearing:

Unless otherwise specifically ordered by the Court, Hearings are scheduled for two (2) hours and 20 minutes with each side receiving equal time to present and defend their respective cases. This includes you or your client testifying, presenting any other witnesses for your case, questioning witnesses for the other side, rebuttal witnesses/exhibits and objections. You will have the opportunity to present evidence and to advocate for your position on the issues you want the judge to decide. You must have all your evidence, witnesses, and exhibits prepared to present to the judge. You should be prepared to explain

to the judge specifically what you are asking for and to present evidence (testimony and/or exhibits) that support your position.

You are responsible for bringing **four** sets of your exhibits, in hard copy, to court (1 for you, 1 for the other party, 1 for the witness, and 1 for the Judge). Petitioner is to label each exhibit with numbers, Respondent with letters. In addition, each page of each exhibit must be numbered. **If all exhibits have been electronically filed, a Judge's copy is not required.** Please label your exhibits when electronically filing them, for example, "Exhibit A – Petitioner's Sworn Financial Statement".

Please be advised that the hearing will not proceed on the scheduled date and time if mediation has not been completed or previously waived by the Court.

GENERAL ORDERS & PROCEDURES

1. Motions for Virtual Appearance:

All hearings are held in person unless otherwise ordered by the Court. Any party wishing to appear virtually, or to present the testimony of any witness virtually, must file a motion for absentee testimony (Form JDF 1309) pursuant to C.R.C.P. 43(i) as soon as the need for absentee testimony becomes known. The motion must comply with Rule 43.

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<https://judicial.webex.com/meet/d04-cspg-div2>

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+1-415-655-0001 US Toll
+1-720-650-7664 United States Toll
(Denver) Access code: 2597 133 1348

2. Discovery Disputes:

This Court will not accept written motions concerning discovery disputes between the parties. **The Court expects the parties to engage in meaningful efforts to resolve discovery disputes on their own or through counsel before contacting the Court.** If you are truly unable to reach an agreement, you may contact the Court clerk to set a forthwith status conference to resolve the issue. No later than three business days before the status conference, the party requesting the conference shall file a short statement describing the disputed issues and your position. The other party shall file a short response no later than two business days before the conference. You may attach relevant materials to your filing.

3. Self-represented Parties:

If you have elected to represent yourself in this proceeding, you must keep in mind that you will be held to the same rigorous standards as an attorney. Assistance can be obtained from the Family Court Facilitators by calling 719-452-5104, or by going to Room S116 of the El Paso County Combined Courts. General information is also available at the Colorado Legal Help Center website, at www.coloradolegalhelpcenter.us. There are also private attorneys, LLPs and unbundled legal services offered by many in the 4th Judicial District boundaries. The Court and its staff cannot represent your legal interests, provide legal advice, or answer any legal questions. It is essential that you take full responsibility to be prepared to present your interests and your children's interests at your hearing.

4. Rules of Evidence and Procedure:

The Colorado Rules of Evidence apply at all hearings in which evidence is considered. (C.R.E. 1101). The Colorado Rules of Civil Procedure also apply, except as specified in the family court statute. (C.R.S. 14-10-105).

5. Civility and Respect:

The Court recognizes how difficult these proceedings can be, especially when cases proceed to contested hearings regarding issues very personal to the parties. However, the Parties are to behave with civility and treat the Court, the participants, and each other with respect at all times during the proceedings. Rudeness, side comments, or general disrespect by any participant will not be tolerated.

The Court may consider the conduct and demeanor of the parties and witnesses when evaluating credibility of a party or witness. Parties shall not argue with one another in open court. Attorneys shall not argue with each other or with the parties in open court. All hearings are recorded so counsel and parties must be careful to take turns speaking such that a good record of the proceedings may be maintained.

**FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE COURT
IMPOSING SANCTIONS, INCLUDING DISMISSAL OF THE MOTION.**

SO ORDERED: JUN 5, 2026.

BY THE COURT:



Amy P. Cullen Cano
District Court Judge