

## HB18-1224 LICENSEE DISCIPLINE MEDIATION STATE AGENCY

## What is Mediation and the Current Law?

### mediation

*noun* me·di·a·tion \ ,mē-dē-'ā-shən \

#### Definitions:

“an attempt to effect a peaceful settlement between disputing parties”  
(Dictionary.com)

“the act or process of mediating; intervention between conflicting parties to promote reconciliation, settlement, or compromise” (Merriam-Webster)

*Synonyms:* conciliation, reconciliation, intervention, intercession, negotiation, arbitration


#### **§ 24-4-104. Licenses - issuance, suspension or revocation, renewal**

(3) (a) No revocation, suspension, annulment, limitation, or modification of a license by any agency shall be lawful unless, before institution of agency proceedings therefor, the agency has . . . afforded the licensee opportunity to submit written data, views, and arguments with respect to the facts or conduct and, except in cases of deliberate and willful violation or of substantial danger to public health and safety, given the licensee a reasonable opportunity to comply with all lawful requirements. . . .

Representative Willett

## Domestic Law

Representative Willett

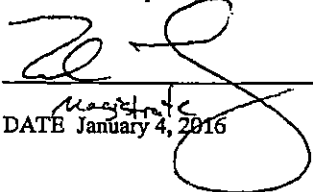
<b>DISTRICT COURT,</b> <b>125 North Spruce Street</b> <b>Grand Junction, Mesa County, Colorado</b>	DATE FILED: January 4, 2016 CASE NUMBER: 2014DR35
<b>In Re the Marriage of:</b>  Sharray Cohee, Petitioner,  <b>and</b>  Sean Cohee, Respondent.	<b>COURT USE ONLY</b>
	Case Number: 14dr35  Division: 7 Ctrm:
 <b>MEDIATION ORDER</b>	

Pursuant to the Dispute Resolution Act, 13-22-301, et seq., and to encourage compliance with 14-10-104.5, C.R.S., the parties shall schedule mediation or request relief from this mediation order. It is further ordered that the parties attend all scheduled mediation sessions and engage in good faith mediation until successfully concluded or until the mediator determines that further efforts at mediation would be futile. The parties are to agree upon a mediator, and if agreement cannot be made, both parties shall submit the name of a proposed mediator to the Court for the Court to make the final determination. The Parties must select a trained mediator using one of the following alternatives:

1. Contact the Office of Dispute Resolution (ODR) at [odrmediations@judicial.state.co.us](mailto:odrmediations@judicial.state.co.us) or if you do not have access to a computer, call 720-625-5940, toll free 800-888-0001 Ext. 55940 for a mediator referral. ODR contracts with local independent contract mediators. Information may be found on ODR's website at [www.coloradoODR.org](http://www.coloradoODR.org). For domestic relations cases, you may qualify for reduced fee mediation services. To qualify for reduced fee mediation services through ODR, please fill out Form JDF211 which may be found on ODR's website. The applicant must fill out the form completely. Incomplete forms are not processed. If you do not have computer access, this form can be obtained by calling 720-625-5940. Alternatively, if the Court allowed you to pursue your domestic relations case without having to pay a filing or response fee within the last 6 months, please take a copy of the court order waiving filing fees with you when you attend mediation with an ODR contract mediator: or
2. Contact a mediator from the list of mediators which can be found at [www.mesacourt.org](http://www.mesacourt.org). The list includes information regarding each mediator such as fee schedule, hours and experience. If you do not have access to a computer you may obtain a list at the Mesa County Justice Center, 125 N. Spruce St. or you may have a list mailed to you by contacting Amanda Bernal at 970-257-3680.
3. Contact a mediator of your choice to schedule an appointment.

Costs of mediation shall be divided equally between the parties unless agreed otherwise. A certificate indicating compliance with this order must be filed by the parties or their counsel not less than seven days before the hearing. If not done, sanctions can be imposed which can include the hearing date being vacated by the court, or the non-complying party could be prevented from presenting a case at the hearing.

A party may request in writing that the court exempt them from the mediation requirement based on a claim that he or she has been the victim of physical or psychological abuse or that there are compelling reasons to not require mediation.

  
 \_\_\_\_\_  
 Magistrate  
 DATE January 4, 2016



See: (i)

## C.R.C.P. 16.2

This document reflects changes received through January 19, 2018

**Colorado Court Rules > COLORADO RULES OF CIVIL PROCEDURE > CHAPTER 2 PLEADINGS AND MOTIONS > PLEADINGS AND MOTIONS**

### **Rule 16.2. Court Facilitated Management of Domestic Relations Cases and General Provisions Governing Duty of Disclosure and General Provisions Governing Duty of Disclosure.**

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- (a) **Purpose and Scope.** Family members stand in a special relationship to one another and to the court system. It is the purpose of Rule 16.2 to provide a uniform procedure for resolution of all issues in domestic relations cases that reduces the negative impact of adversarial litigation wherever possible. To that end, this Rule contemplates management and facilitation of the case by the court, with the disclosure requirements, discovery and hearings tailored to the needs of the case. This Rule shall govern case management in all district court actions under Articles 10, 11 and 13 of Title 14 of the Colorado Revised Statutes, including post decree matters. The Child Support Enforcement Unit (CSEU) shall be exempted under this Rule unless the CSEU enters an appearance in an ongoing case. Upon the motion of any party or the court's own motion, the court may order that this Rule shall govern juvenile, paternity or probate cases involving allocation of parental responsibilities (decision-making and parenting time), child support and related matters. Any notice or service of process referenced in this Rule shall be governed by the Colorado Rules of Civil Procedure.
- (b) **Active Case Management.** The court shall provide active case management from filing to resolution or hearing on all pending issues. The parties, counsel and the court shall evaluate each case at all stages to determine the scheduling of that individual case, as well as the resources, disclosures/discovery, and experts necessary to prepare the case for resolution or hearing. The intent of this Rule is to provide the parties with a just, timely and cost effective process. The court shall consider the needs of each case and may modify its Standard Case Management Order accordingly. Each judicial district may adopt a Standard Case Management Order that is consistent with this Rule and takes into account the specific needs and resources of the judicial district.
- (c) **Scheduling and Case Management for New Filings.**
- (1) **Initial status conferences/Stipulated Case Management Plans.**
- (A) Petitioner shall be responsible for scheduling the initial status conference and shall provide notice of the conference to all parties. Each judicial district shall establish a procedure for setting the initial status conference. Scheduling of the initial status conference shall not be delayed in order to accomplish service.
- (B) All parties and counsel, if any, shall attend the initial status conference, except as provided in subsection (c)(1)(C) or (c)(1)(D). At that conference, the parties and counsel shall be prepared to discuss the issues requiring resolution and any special circumstances of the case. The court may permit the parties and/or counsel to attend the initial conference and any subsequent conferences by telephone.
- (C) If both parties are represented by counsel, counsel may submit a Stipulated Case Management Plan signed by counsel and the parties. Counsel shall also exchange Mandatory Disclosures and file a Certificate of Compliance. The filing of such a plan, the Mandatory Disclosures and Certificate of Compliance shall exempt the parties and counsel from attendance at the initial status

## C.R.C.P. 16.2

conference. The court shall retain discretion to require a status conference after review of the Stipulated Case Management Plan.

- (D) Parties who file an affidavit for entry of decree without appearance with all required documents before the initial status conference shall be excused from that conference.
- (E) The initial status conference shall take place, or the Stipulated Case Management Plan shall be filed with the court, as soon as practicable but no later than 42 days from the filing of the petition.
- (F) At the initial status conference, the court shall set the date for the next court appearance. The court may direct one of the parties to send written notice for the next court appearance or may dispense with written notice.

(2) Status conference procedures.

- (A) At each conference the parties shall be prepared to discuss what needs to be done and determine a timeline for completion. The parties shall confer in advance on any unresolved issues.
- (B) The conferences shall be informal.
- (C) Family Court Facilitators may conduct conferences. Family Court Facilitators shall not enter orders but may confirm the agreements of the parties in writing. Agreements which the parties wish to have entered as orders shall be submitted to the judge or magistrate for approval.
- (D) The judge or magistrate may enter interim orders at any status conference either upon the stipulation of the parties or to address emergency circumstances.
- (E) A record of any part of the proceedings set forth in this section shall be made if requested by a party or by order of the court.
- (F) The court shall either enter minute orders, direct counsel to prepare a written order, or place any agreements or orders on the record.

(3) Emergency matters/evidentiary hearings/temporary orders.

- (A) Emergency matters may be brought to the attention of the clerk or the Family Court Facilitator for presentation to the court. Issues related to children shall be given priority on the court's calendar.
- (B) At the request of either party or on its own motion, the court shall conduct an evidentiary hearing, subject to the Colorado Rules of Evidence, to resolve disputed questions of fact or law. The parties shall be given notice of any evidentiary hearing. Only a judge or magistrate may determine disputed questions of fact or law or enter orders.
- (C) Hearings on temporary orders shall be held as soon as possible. The parties shall certify on the record at the time of the temporary orders hearing that they have conferred and attempted in good faith to resolve temporary orders issues. If the parties do not comply with this requirement, the court may vacate the hearing unless an emergency exists that requires immediate court attention.

(4) Motions.

- (A) Motions related to the jurisdiction of the court, change of venue, service and consolidation, protection orders, contempt, motions to amend the petition or response, withdrawal or substitution of counsel, motions to seal the court file or limit access to the court file, motions in limine related to evidentiary hearings, motions for review of an order by a magistrate, and post decree motions may be filed with the court at any time.
- (B) All other motions shall only be filed and scheduled as determined at a status conference or in an emergency upon order of court.

- (d) **Scheduling and Case Management for post-decree/modification matters.** Within 49 days of the date a post decree motion or motion to modify is filed, the court shall review the matter and determine whether the case will be scheduled and resolved under the provisions of (c) or will be handled on the pleadings or otherwise.

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**(e) Disclosure.**

- (1) Parties to domestic relations cases owe each other and the court a duty of full and honest disclosure of all facts that materially affect their rights and interests and those of the children involved in the case. The court requires that, in the discharge of this duty, a party must affirmatively disclose all information that is material to the resolution of the case without awaiting inquiry from the other party. This disclosure shall be conducted in accord with the duty of candor owing among those whose domestic issues are to be resolved under this Rule 16.2.
- (2) A party shall, without a formal discovery request, provide the Mandatory Disclosures, as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.1, C.R.C.P., and shall provide a completed Sworn Financial Statement and (if applicable) Supporting Schedules as set forth in the form and content of Appendix to Chapters 1 to 17A, Form 35.2 and Form 35.3, C.R.C.P, to the other party within 42 days after service of a petition or a post decree motion involving financial issues. The parties shall exchange the required Mandatory Disclosures, the Sworn Financial Statement and (if applicable) Supporting Schedules by the time of the initial status conference to the extent reasonably possible.
- (3) A party shall, without a formal discovery request, also provide a list of expert and lay witnesses whom the party intends to call at a contested hearing or final orders. This disclosure shall include the address, phone number and a brief description of the testimony of each witness. This disclosure shall be made no later than 63 days (9 weeks) prior to the date of the contested hearing or final orders, unless the time for such disclosure is modified by the court.  
Unless otherwise stipulated or ordered by the court and subject to the provisions of subsection (g) of this Rule, the disclosure of expert testimony shall be governed by the provisions of C.R.C.P. 26(a)(2)(B). The time for the disclosure of expert or lay witnesses whom a party intends to call at a temporary orders hearing or other emergency hearing shall be determined by the court.
- (4) A party is under a continuing duty to supplement or amend any disclosure in a timely manner. This duty shall be governed by the provisions of C.R.C.P. 26(e).
- (5) If a party does not timely provide the Mandatory Disclosure, the court may impose sanctions pursuant to subsection (j) of this Rule.
- (6) The Sworn Financial Statement, Supporting Schedules (if applicable) and child support worksheets shall be filed with the court. Other mandatory disclosure documents shall not be filed with the court.
- (7) A Certificate of Compliance shall accompany the Mandatory Disclosures and shall be filed with the court. A party's signature on the Certificate constitutes certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the Mandatory Disclosure is complete and correct as of the time it is made, except as noted with particularity in the Certificate of Compliance.
- (8) Signing of all disclosures, discovery requests, responses and objections shall be governed by C.R.C.P. 26(g).
- (9) A Court Authorization For Financial Disclosure shall be issued at the initial status conference if requested, or may be executed by those parties who submit a Stipulated Case Management Plan pursuant to (c)(1)(C), identifying the persons authorized to receive such information.
- (10) As set forth in this section, it is the duty of parties to an action for decree of dissolution of marriage, legal separation, or invalidity of marriage, to provide full disclosure of all material assets and liabilities. If the disclosure contains misstatements or omissions, the court shall retain jurisdiction after the entry of a final decree or judgment for a period of 5 years to allocate material assets or liabilities, the omission or non-disclosure of which materially affects the division of assets and liabilities. The provisions of C.R.C.P. 60 shall not bar a motion by either party to allocate such assets or liabilities pursuant to this paragraph. This paragraph shall not limit other remedies that may be available to a party by law.

**(f) Discovery.** Discovery shall be subject to active case management by the court consistent with this Rule.

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- (1) Depositions of parties are permitted.
  - (2) Depositions of non-parties upon oral or written examination for the purpose of obtaining or authenticating documents not accessible to a party are permitted.
  - (3) After an initial status conference or as agreed to in a Stipulated Case Management Plan filed pursuant to (c)(1)(E), a party may serve on each adverse party any of the pattern interrogatories and requests for production of documents contained in the Appendix to Chapters 1 to 17A Form 35.4 and Form 35.5, C.R.C.P. A party may also serve on each adverse party 10 additional written interrogatories and 10 additional requests for production of documents, each of which shall consist of a single question or request.
  - (4) The parties shall not undertake additional formal discovery except as authorized by the court or as agreed in a Stipulated Case Management Plan filed pursuant to (c)(1)(C). The court shall grant all reasonable requests for additional discovery for good cause as defined in C.R.C.P. 26(b)(2)(F). Unless otherwise governed by the provisions of this Rule additional discovery shall be governed by C.R.C.P. Rules 26 through 37 and C.R.C.P. 121 section 1-12. Methods to discover additional matters shall be governed by C.R.C.P. 26(a)(5). Additional discovery for trial preparation relating to documents and tangible things shall be governed by C.R.C.P. 26(b)(3).
  - (5) All discovery shall be initiated so as to be completed not later than 28 days before hearing, except that the court shall extend the time upon good cause shown or to prevent manifest injustice.
  - (6) Claims of privilege or protection of trial preparation materials shall be governed by C.R.C.P. 26(b)(5).
  - (7) Protective orders sought by a party relating to discovery shall be governed by C.R.C.P. 26(c).
- (g) **Use of Experts.** If the matter before the court requires the use of an expert or more than one expert, the parties shall attempt to select one expert per issue. If they are unable to agree, the court shall act in accordance with CRE 706, or other applicable rule or statute.
- (1) Expert reports shall be filed with the court only if required by the applicable rule or statute.
  - (2) If the court appoints or the parties jointly select an expert, then the following shall apply:
    - (A) Compensation for any expert shall be governed by the provisions of CRE 706.
    - (B) The expert shall communicate with and submit a draft report to each party in a timely manner or within the period of time set by the court. The parties may confer with the expert to comment on and make objections to the draft report before a final report is submitted.
    - (C) The court shall receive the expert reports into evidence without further foundation, unless a party notes an objection in the Trial Management Certificate. However, this shall not preclude either side from calling an expert for cross-examination, and voir dire on qualifications. Unless otherwise ordered by the court, a reasonable witness fee associated with the expert's court appearance shall be tendered before the hearing by the party disputing the expert's findings.
  - (3) Nothing in this rule limits the right of a party to retain a qualified expert at that party's expense, subject to judicial allocation if appropriate. The expert shall consider the report and documents or information used by the court appointed or jointly selected expert and any other documents provided by a party, and may testify at a hearing. Any additional documents or information provided to the expert shall be provided to the court appointed or jointly selected expert by the time the expert's report is submitted.
  - (4) The parties have a duty to cooperate with and supply documents and other information requested by any expert. The parties also have a duty to supplement or correct information in the expert's report or summary.
  - (5) Unless otherwise ordered by the court, expert reports shall be provided to the parties 56 days (8 weeks) prior to hearing. Rebuttal reports shall be provided 21 days thereafter. If an initial report is served early, the rebuttal report shall not be required sooner than 35 days (5 weeks) before the hearing.

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- (6) Unless otherwise ordered by the court, parental responsibility evaluations and special advocate reports shall be provided to the parties pursuant to the applicable statute.
- (7) The court shall not give presumptive weight to the report of a court appointed or jointly selected expert when such report is disputed by one or both parties.
- (8) A party may depose any person who has been identified as an expert whose opinions may be presented at trial. Such trial preparation relating to experts shall be governed by C.R.C.P. 26(b)(4).

**(h) Trial Management Certificates.**

- (1) If both parties are not represented by counsel, then each party shall file with the court a brief statement identifying the disputed issues and that party's witnesses and exhibits including updated Sworn Financial Statements and (if applicable) Supporting Schedules, together with copies thereof, mailed to the opposing party at least 7 days prior to the hearing date or at such other time as ordered by the court.
- (2) If at least one party is represented by counsel, the parties shall file a joint Trial Management Certificate 7 days prior to the hearing date or at such other time as ordered by the court. Petitioner's counsel (or respondent's counsel if petitioner is pro se) shall be responsible for scheduling meetings among counsel and parties and preparing and filing the Trial Management Certificate. The joint Trial Management Certificate shall set forth stipulations and undisputed facts, any requests for attorney fees, disputed issues and specific points of law, lists of lay witnesses and expert witnesses the parties intend to call at hearing, and a list of exhibits, including updated Sworn Financial Statement, Supporting Schedules (if applicable) and proposed child support work sheets. The parties shall exchange copies of exhibits at least 7 days prior to hearing.

**(i) Alternative Dispute Resolution.**

- (1) Nothing in this Rule shall preclude, upon request of both parties, a judge or magistrate from conducting the conferences as a form of alternative dispute resolution pursuant to section 13-22-301, C.R.S. (2002), provided that both parties consent in writing to this process. Consent may only be withdrawn jointly.
- (2) The provisions of this Rule shall not preclude the parties from jointly consenting to the use of dispute resolution services by third parties, or the court from referring the parties to mediation or other forms of alternative dispute resolution by third parties pursuant to sections 13-22-311 and 313, C.R.S. (2002).

- (j) **Sanctions.** If a party fails to comply with any of the provisions of this rule, the court may impose appropriate sanctions, which shall not prejudice the party who did comply. If a party attempts to call a witness or introduce an exhibit that the party has not disclosed under subsection (h) of this Rule, the court may exclude that witness or exhibit absent good cause for the omission.

**History**

**Source:** Entire rule adopted May 5, 1995, effective July 1, 1995, for all cases filed on or after that date; committee comment approved May 5, 1995, effective July 1, 1995; entire rule and committee comment repealed and replaced September 30, 2004, effective for Domestic Relations Cases as defined in 16.2(a) filed on or after January 1, 2005, and for post-decree motions filed on or after January 1, 2005; (e), (f), (h), and committee comment amended and adopted February 9, 2006, effective March 1, 2006; (c)(1)(E), (d), (e)(2), (e)(3), (f)(5), (g)(5), and (h) amended and adopted December 14, 2011, effective January 1, 2012, for all cases pending on or filed on or after January 1, 2012, pursuant to C.R.C.P. 1(b); (g)(5) amended and effective February 8, 2013.

Civil Law

Representative Willett

Montrose County District Court 1200 North Grand Avenue, Bin A Montrose, CO 81401 (970) 252-4330	DATE FILED: March 17, 2017 CASE NUMBER: 2016CV30130
Plaintiff(s): CAREY EILEEN FRY  V.  Defendant(s): CHARLES E. HARPER, MD, et al.	Case Number: 16CV30130  Div.: 5 Ctrm:
<b>Pre-Trial Order Including Mediation Requirements</b>	

The Court, upon review of this case, **FINDS** that the interests of a just, speedy, and economic resolution of the disputes herein would be served by referral of this action to mediation, or to some other form of alternative dispute resolution (ADR).

This case is at issue and subject to   X   CRCP 16        CRCP 16.1

**THEREFORE**, pursuant to §13-22-311, C.R.S., THE COURT ORDERS:

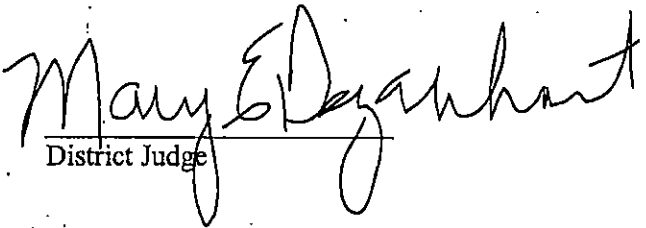


1. **THAT, EXCEPT AS PROVIDED IN** Paragraph 2 below, all claims in this action are referred to mediation as follows:
  - a. The parties or their attorney(s) are ordered to set up an ADR session in sufficient time so that it will be completed by DECEMBER 29, 2017 and Plaintiff's attorney shall facilitate this process.
  - b. The ADR may be set up with any private mediator agreed to by the parties. The 7<sup>th</sup> Judicial District maintains a list of mediators who have expressed an interest in mediating. The list is available in all Clerks' Offices at the Courts in the various counties of the Seventh Judicial District or on the Court's web page at [www.7thjudicialdistrictco.org](http://www.7thjudicialdistrictco.org) under "mediation". In the alternative, ADR may be set up with the State Judicial Department's Office of Dispute Resolution (ODR) by calling 720.625.5940 or using the on-line request at [odrmediations@judicial.state.co.us](mailto:odrmediations@judicial.state.co.us). Attorneys with "(ODR)" following their names on the 7<sup>th</sup> Judicial District mediator list belong to this group. A fee (based upon an hourly rate) is charged for mediation services, and the expense of the mediation service shall be divided equally between the parties unless they agree otherwise. The ODR website also has additional information regarding reduction of fees.

- c. All parties are ordered to cooperate in arranging for and participating in the ADR. At each session, each party shall be present in person or shall have a representative (other than his/her attorney) present with full settlement authority.
  - d. A party has a right, **within 14 days** after the date of this Order, to file a motion objecting to mediation or other forms of ADR, and said motion must demonstrate compelling reasons why mediation or ADR should not be ordered.
  - e. Interpretive services are available for court-ordered ADR. If you need an interpreter for ADR, please contact Anne Hepp, Court Interpreter, at 970 252-4320 prior to scheduling the ADR to arrange for a qualified and approved interpreter to assist at ADR; she will assist in scheduling the ADR at a time and location available for the interpreter.
2. Compliance with Paragraph 1 of this Order is excused if, within the compliance deadline Paragraph 1(a), the parties;
    - a. Settle all claims, and file appropriate settlement papers;
    - b. Enter into a written agreement, approved by the Court, to resolve all disputes in this case by arbitration or some other form of ADR.
  3. This Order is not intended to diminish or otherwise affect the rights and obligations of the parties under any other statutes or rules, including but not limited to, those relating to discovery and other pretrial procedures.
  4. Within **35 days** after the completion of the ADR, the parties or their attorney(s) are ordered to complete, file with the Court and serve upon all other parties, a Certificate of Compliance, stating whether ADR has been completed successfully or not.
  5. All parties are ordered to appear and participate in good faith in ADR. **The failure to appear for ADR may result in sanctions being imposed by the Court. Sanctions may include being held in Contempt of Court, the payment of costs and attorney fees of the other party, and/or judgment being entered against the non-complying party.**
  6. This Order is not subject to modification, nor may the parties be excused from compliance, except by further Order of the court and for good cause shown. A motion for modification of the Order must be filed as soon as the grounds become apparent, and in no event shall such a motion be filed at least 35 days prior to the compliance deadline stated in Paragraph 1(a) above.
  7. If any party enters an appearance in this action after the date of this Order, plaintiff or plaintiff's attorney shall send a copy of this Order to such party within 7 days after their entry of appearance.
  8. **The Court will set a trial date in accordance with the terms of the approved Case Management Order.**

9. COUNSEL ARE REMINDED OF THEIR OBLIGATION UNDER RULE 2.1 OF THE COLORADO RULES OF PROFESSIONAL CONDUCT TO ADVISE THEIR CLIENTS OF ALTERNATIVE FORMS OF DISPUTE RESOLUTION WHICH MIGHT REASONABLY BE PURSUED TO ATTEMPT TO RESOLVE THE CLIENT'S LEGAL DISPUTE OR TO REACH THE LEGAL OBJECTIVE SOUGHT.

Dated this 17<sup>th</sup> day of March, 2017.

  
District Judge

Revised 10-15

DISTRICT COURT, WELD COUNTY, COLORADO 901 9 <sup>th</sup> Avenue, Greeley, CO 80631 (970) 475-2400		DATE FILED: November 28, 2017 CASE NUMBER: 2017CV30765
<i>Plaintiff(s):</i> NANCY HUNT, et al  v.  <i>Defendant(s):</i> JOHN CORNELIUS, et al		▲ COURT USE ONLY ▲  Case No.: 17CV30765 Division 5
<b>Pre-Trial Order (Jury Trial)</b> (Revised 12/8/15)		

**1. Trial Date**

A jury trial is set for August 20, 2018 at 8:30 a.m. for five days. A pre-trial conference is set for July 31 2018 at 1:00 p.m.

**2. ADR Requirement**

The parties are required to engage in alternate dispute resolution, as provided in their ADR plan. In any event, the parties must submit an ADR certificate of completion by no later than the pretrial readiness conference. Failure to comply with the ADR requirement will result, at a minimum, in a continuance of the trial setting until after the parties have come into compliance; but the Court will also consider sanctioning any party or lawyer who has willfully failed to comply or cooperate with the ADR process.

**3. Summary Judgment**

Motions for summary judgment must be filed not later than 91 days (13 weeks) before trial. The late filing of motions for summary judgment, or the repeated granting of extensions of time to file, does not permit me sufficient time to rule in advance of trial.

Failure to comply with this deadline may therefore result in a delayed ruling, or no ruling, before trial. Generally, I will not consider a motion to continue the trial based on the lack of a ruling on summary judgment motion filed after the deadline. If an expedited ruling is desired, the moving party must specifically request an expedited schedule in the original motion

DISTRICT COURT, MESA COUNTY, COLORADO		
Court Address:	125 N Spruce Street Grand Junction, CO 81501	DATE FILED: May 23, 2017 4:03 PM CASE NUMBER: 2017CV30057
Division Phone:	(970) 257-3630	
Plaintiff: <b>Susan Sederstrom</b>		<b>▲ COURT USE ONLY ▲</b>
v.		Case Number: 2017CV30057
Defendant: <b>Red Bud, LLC dba Village Fair Shopping Center; M&amp;T, Inc., dba the UPS Store, and Professional Stucco, LLC</b>		Division: 9 Courtroom: Timbreza
<b>Amended Pre-Trial Order with Pre-Trial Order</b>		

THE COURT adopts this pre-trial order as part of the Court's obligation to provide active case management of this case. C.R.C.P. 1(a); C.R.C.P. 16(a); see also, *DCP Midstream, LP v. Anadarko Petroleum Corp.*, 303 P.3d 1187, 1194 (Colo. 2013).

**1. Procedure for Resolving Discovery Disputes:** The Court's procedure for discovery motions pursuant to C.R.C.P. 16(b)(14) is as follows: If after conferral or a reasonable effort to confer pursuant to C.R.C.P. 121 § 1-12(5), a discovery dispute arises requiring the Court's attention, a motion shall be filed with the Court briefly explaining the discovery dispute, your position and a citation of legal authority that supports your position not to exceed 3 pages (excluding the caption, signature block and certificate of service). A response by the opposing party briefly explaining the discovery dispute, your position and a citation of legal authority that supports your position shall be filed no later than 3 days after the filing of the motion, which shall not exceed 3 pages (excluding the caption, signature block and certificate of services). No later than the day the response is due, the Parties shall contact the Division Clerk (970) 257-3630 and obtain a hearing on the motion. The hearing shall be 30 minutes and shall occur as promptly as possible so the dispute can be resolved without delay at the hearing or taken under advisement with a prompt ruling to follow. Unless otherwise ordered by the Court, only counsel need to be present for the hearing and it may take place by phone.

If the dispute involves written discovery, the written discovery and written response or objection should be incorporated into the motion as required by C.R.C.P. 121 § 1-12(2). If a dispute occurs during a deposition, please call the Division Clerk and advise the Clerk about the nature of the dispute. The Court will address the dispute if available.

**2. Alternative Dispute Resolution:** Pursuant to § 13-22-313(1), C.R.S. and based on the court's determination that alternative dispute resolution may assist in resolving this dispute more efficiently and at less expense to the Parties, the Parties and their counsel participate in good faith in alternative dispute resolution, to be completed no later than 60 days prior to trial.

C.R.C.P. 16

See: (b)(7)

This document reflects changes received through January 19, 2018

*Colorado Court Rules > COLORADO RULES OF CIVIL PROCEDURE > CHAPTER 2 PLEADINGS AND MOTIONS > PLEADINGS AND MOTIONS*

**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, 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) **Case Management Order.** Not later than 42 days after the case is at issue and at least 7 days before the case management conference, the parties shall file, in editable format, a proposed Case Management Order consisting of the matters set forth in subsections (1)-(17) of this section and take the necessary actions to comply with those subsections. This proposed order, when approved by the court, shall constitute the Case Management Order and shall control the course of the action from the time the case is at issue until otherwise required pursuant to section (f) of this Rule or unless modified upon a showing of good cause. Use of the "Proposed Case Management Order" in the form and content of Appendix to Chapters 1 to 17A, form (JDF 622), shall comply with this section.
- (1) **At Issue Date.** A case shall be deemed at issue when all parties have been served and all pleadings permitted by C.R.C.P. 7 have been filed or defaults or dismissals have been entered against all non-appearing parties, or at such other time as the court may direct. The proposed order shall state the at issue date.
- (2) **Responsible Attorney.** The responsible attorney shall mean plaintiff's counsel, if the plaintiff is represented by counsel, or if not, the defense counsel who first enters an appearance in the case. The responsible attorney shall schedule conferences among the parties, and prepare and submit the Proposed Case Management Order and Trial Management Order. The proposed order shall identify the responsible attorney and provide that attorney's contact information.

- (3) **Meet and Confer.** No later than 14 days after the case is at issue, lead counsel for each party and any party who is not represented by counsel shall confer with each other in person, by telephone, or video conference about:
- (A) the nature and basis of the claims and defenses;
  - (B) the matters to be disclosed pursuant to C.R.C.P. 26(a)(1);
  - (C) the Proposed Case Management Order;
  - (D) mutually agreeable dates for the case management conference; and
  - (E) based thereon shall obtain from the court a date for the case management conference.

The proposed order shall state the date of and identify the attendees at any meet and confer conferences.

- (4) **Description of the Case.** The proposed order shall provide a brief description of the case and identification of the issues to be tried. The description of the case and identification of the issues to be tried shall consist of not more than one page, double-spaced, per side.
- (5) **Pending Motions.** The proposed order shall list all pending motions that have been filed and are unresolved. The court may decide any unresolved motion at the case management conference.
- (6) **Evaluation of Proportionality Factors.** The proposed order shall provide a brief assessment of each party's position on the application of any factors to be considered in determining proportionality, including those factors identified in C.R.C.P. 26(b)(1).
- 7 (7) **Initial Exploration of Prompt Settlement and Prospects for Settlement.** The proposed order shall confirm that the possibility of settlement was discussed, describe the prospects for settlement and list proposed dates for any agreed upon or court-ordered mediation or other alternative dispute resolution.
- (8) **Proposed Deadlines for Amendments.** The proposed order shall provide proposed deadlines for amending or supplementing pleadings and for joinder of additional parties, which unless otherwise provided by law, shall be not later than 105 days (15 weeks) after the case is at issue, and shall provide a deadline for identification of non-parties at fault, if any, pursuant to C.R.S. §13-21-111.5.
- (9) **Disclosures.** The proposed order shall state the dates when disclosures under C.R.C.P. 26(a)(1) were made and exchanged and describe any objections to the adequacy of the initial disclosures.
- (10) **Computation and Discovery Relating to Damages.** If any party asserts an inability to disclose fully the information on damages required by C.R.C.P. 26(a)(1)(C), the proposed order shall include a brief statement of the reasons for that party's inability as well as the expected timing of full disclosure and completion of discovery on damages.
- (11) **Discovery Limits and Schedule.** Unless otherwise ordered by the court, discovery shall be limited to that allowed by C.R.C.P. 26(b)(2). Discovery may commence as provided in C.R.C.P. 26(d) upon service of the Case Management Order. The deadline for completion of all discovery, including discovery responses, shall be not later than 49 days before the trial date. The proposed order shall state any modifications to the amounts of discovery permitted

C.R.S. 13-22-313

Current through all Laws passed and signed in the First Regular and First Extraordinary Sessions of the 71st General Assembly (2017)

*Colorado Revised Statutes > TITLE 13. COURTS AND COURT PROCEDURE > CONTRACTS AND AGREEMENTS > ARTICLE 22. AGE OF COMPETENCE - ARBITRATION - MEDIATION > PART 3. DISPUTE RESOLUTION ACT*

**13-22-313. Judicial referral to ancillary forms of alternative dispute resolution**

- (1) Any court of record, in its discretion, may refer a case to any ancillary form of alternative dispute resolution; except that the court shall not refer the case to any ancillary form of alternative dispute resolution where one of the parties claims that it has been the victim of physical or psychological abuse by the other party and states that it is thereby unwilling to enter into ancillary forms of alternative dispute resolution. In addition, the court may exempt from referral any case in which a party files with the court, within five days of a referral order, a motion objecting to ancillary forms of alternative dispute resolution and demonstrating compelling reasons why ancillary forms of alternative dispute resolution should not be ordered. Compelling reasons may include, but are not limited to, that the costs of ancillary forms of alternative dispute resolution would be higher than the requested relief and previous attempts to resolve the issues were not successful. Such forms of alternative dispute resolution may include, but are not limited to: arbitration, early neutral evaluation, med-arb, mini-trial, multi-door courthouse concepts, settlement conference, special master, summary jury trial, or any other form of alternative dispute resolution which the court deems to be an effective method for resolving the dispute in question. Parties and counsel are encouraged to seek the most appropriate forum for the resolution of their dispute. Judges may provide guidance or suggest an appropriate forum. However, nothing in this section shall impinge upon the right of parties to have their dispute tried in a court of law, including trial by jury.
- (2) Ancillary programs may be established, made available, and promoted in any judicial district or combination of districts as designated by the chief judge of the affected district. Rules and regulations for ancillary forms of alternative dispute resolution shall be promulgated by the director of the office of dispute resolution.
- (3) All rules, regulations, and procedures established pursuant to this section shall be subject to the approval of the chief justice.
- (4) Nothing in this section shall preclude any court from making a referral to mediation services provided for in this article.
- (5) All referrals under this section shall be made subject to the availability of alternative dispute resolution programs. Parties referred to ancillary forms of alternative dispute resolution may select services offered by the office of dispute resolution or by other individuals or organizations.
- (6) This section shall not apply in any civil action where injunctive or similar equitable relief is the only remedy sought.

## History

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### Source:

L. 92: Entire section added, p. 300, § 5, effective June 2,

### Annotations

## Notes

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Cross references: For the legislative declaration contained in the 1992 act enacting this section, see section 1 of chapter 66, Session Laws of Colorado 1992.

## Case Notes

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### ANNOTATION

This section and § 14-10-128.1 are in conflict and cannot be harmonized with respect to the standards for the appointment of a parenting coordinator if abuse by one parent is alleged by the other. Although this section bars the court from referring a case to any ancillary form of alternative dispute resolution if one of the parties claims abuse by the other party, under § 14-10-128.1, a mere claim of abuse by one parent is insufficient to bar the appointment of a parenting coordinator. Even documented evidence of domestic violence does not automatically bar such an appointment. Rather, the court is required only to consider the effect of the evidence on the parties' ability to engage in parenting coordination. *In re Rozzi*, 190 P.3d 815 (Colo. App. 2008).

### COLORADO REVISED STATUTES

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End of Document

D.O.R.A. Programs

Representative Willett

## Number to know

Percentage of cases settled annually over the last five years by Expedited Settlement process: 91%

(Underlying numbers: 5-Year Totals: Received 5,541; Completed 5,237; Settled 4,755 (Settle rate 91%))

ESP (year by year, for background):

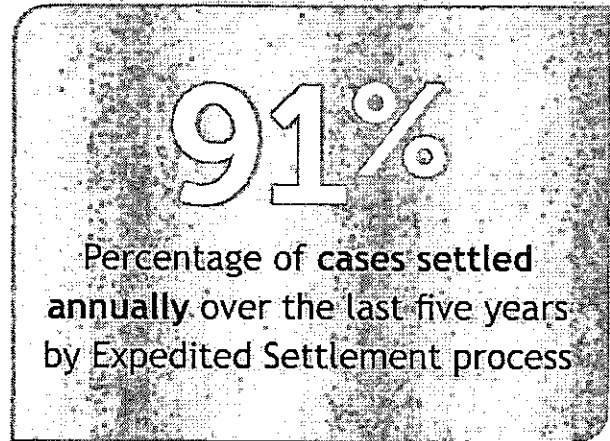
FY 12-13: Received 915; Completed 904; Settled 819 (Settle rate 91%)

FY 13-14: Received 932; Completed 863; Settled 800 (Settle rate 93%)

FY 14-15: Received 1,017; Completed 1,000; Settled 907 (Settle rate 91%)

FY 15-16: Received 1,233; Completed 1,080; Settled 969 (Settle rate 90%)

FY 16-17: Received 1,444; Completed 1,390; Settled 1,260 (Settle rate 91%)

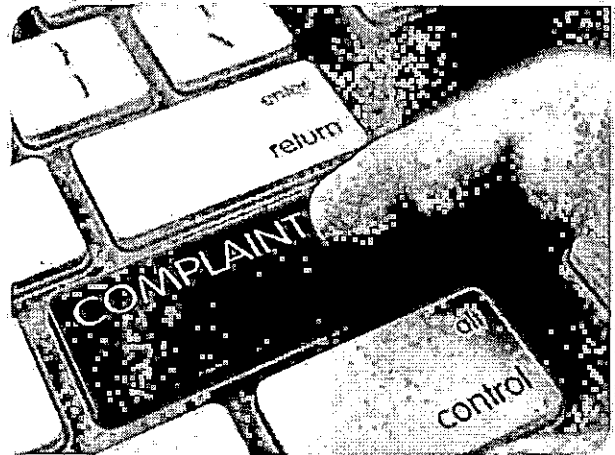


## ENFORCEMENT

■ **Complaints Received and Handled:**  
FY 13-14 4,277; FY14-15 4,899, FY 15-16, 5,602,  
FY 16-17 6,785

■ **Complaints Investigated:**  
FY 13-14, Received-772, Investigated 533;  
FY 14-15 Received-733, Investigated 837.  
FY 15-16: Received 848, Investigated 708,  
FY 16-17 Received-807 Investigated-908

■ **Expedited Settlement:**  
FY 13-14, Received-932, Settled 863;  
FY 14-15 Received-1,017, Settled 1,000.  
FY 15-16: Received 1,233, Settled 1,080  
FY 16-17 Received 1,444; Completed 1,390;  
Settled 1,260

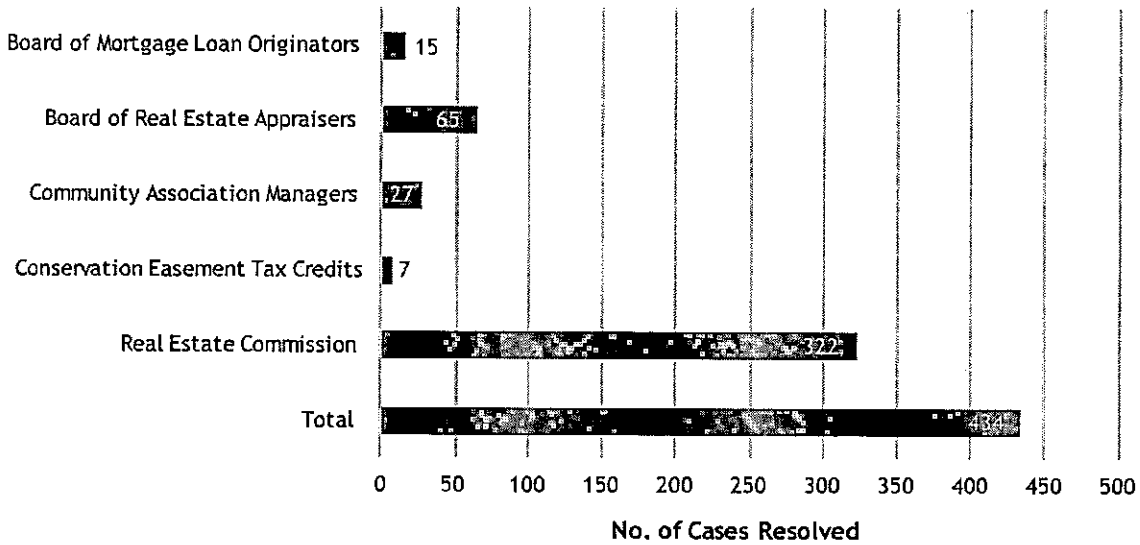


# Summary of Enforcement Actions

The Division's Expedited Settlement Program ("ESP") resolved 434 cases (92%). Of those cases, 385 (88.7%) were resolved in 60 days or less. Through this program, the Division saved \$390,600 in legal

services by preempting litigation. Currently, 36 are pending resolution in the Colorado Attorney General's Office ("AGO").

## SUMMARY OF CASES RESOLVED BY ESP



## SUMMARY OF CASES REFERRED TO AGO

