



EL PASO COUNTY COMBINED COURT, FOURTH JUDICIAL DISTRICT, STATE OF COLORADO

CHIEF JUDGE ORDER 2021-19

RE: RULE 69 PROCEEDINGS

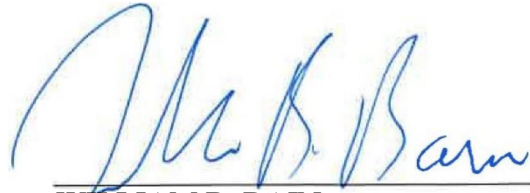
Any creditor wishing to set a formal creditor's examination pursuant to Rule 69(e) shall call the clerk for the Division to which the case is assigned to schedule an examination. A formal examination shall not be scheduled until the creditor first schedules, and has served the debtor with a subpoena for, a deposition pursuant to Rule 69(i). The creditor is authorized to convert the formal Rule 69(i) deposition into an informal deposition after a subpoena has been served on the debtor and the debtor appears for his or her deposition.

If the debtor fails to appear for his or her deposition after being served with a subpoena, the creditor may request a warrant. It is the creditor's responsibility to supply the clerk of the court with the information necessary to issue a warrant. Typically, a warrant cannot issue unless the clerk is supplied with the debtor's full name, gender and date of birth. Other information which may be necessary in the individual case is race, hair color, eye color, weight, height and address. Other information which may be helpful is a driver's license number or social security number. Creditors are reminded that the more identifying information they provide to the clerk, the more successful service of the warrant is likely to be. No warrant will issue until the creditor has established, by filing of the return of service, that service of the subpoena was obtained upon the debtor. Once a warrant has been issued, the return on the warrant will be scheduled in the division to which the case is assigned based on the normal policies for scheduling first appearances in that division.

Any motions to address a debtor's failure to answer interrogatories or questions at a deposition or otherwise comply with discovery obligations shall be filed with the Division to which the case is assigned.

This Order rescinds Chief Judge Order 2018-05.

DONE AND SIGNED ON THIS 4th DAY OF NOVEMBER, 2021

A handwritten signature in blue ink, appearing to read "W. B. Bain", is written over a horizontal line.

WILLIAM B. BAIN
Chief Judge
Fourth Judicial District