

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 S. Tejon St. Colorado Springs, CO 80903 (719) 452-5358	<b>▲ COURT USE ONLY ▲</b>
IN RE:  ALL PRE-DECREE DOMESTIC CASES	Case Number: ALL DR CASES  Division: 9  Courtroom: S305
<b>DIVISION 9 CASE MANAGEMENT ORDER (PRE-DECREE)          EFFECTIVE DECEMBER 9, 2024</b>	

Final Orders are scheduled for 2 hours, with each side receiving equal time to present and defend their respective cases. A 15-minute Pretrial Conference will be scheduled approximately 3 to 4 weeks prior to Final Orders. To ensure parties are properly prepared and that the Court receives all the information necessary to make proper decisions, the following deadlines, orders, and procedures are established.

This Case Management Order supersedes any previous order of the Court, to the extent the previous order is inconsistent with this Order. These deadlines and procedures may be revised only by further order of the Court, upon good cause shown.

Parties and counsel must comply with all deadlines contained in Rule 16.2 of the Colorado Rules of Civil Procedure.

Good faith mediation shall be completed prior to the scheduled Pretrial Conference date **unless previously ordered otherwise**. Parties and/ or counsel shall include in a Trial Management Certificate what issues remain disputed.

**IF YOUR CASE INVOLVES CHILDREN: If your case proceeds to a contested hearing regarding allocating parental responsibility of your minor children, please note the additional expectations of parties and counsel as follows:**

- a. Counsel and parties shall conduct themselves in a manner during the hearing that does not increase the conflict between the parents. All parties and counsel should be mindful of the need for the parties to work together and co-parent with each other often long after involvement with attorneys and the Court.
- b. Be prepared to explain what parenting plan is in the best interest of your minor child/ren and why.

**Pretrial Conference:**

Attorneys and self-represented parties will appear in court on this date. (Parties who are represented by counsel may attend but are not required to.) 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. Failure to appear for the Pretrial Conference will result in the Final Orders Hearing being vacated.

All Pretrial Conferences will be held via WebEx *videoconferencing*. 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.**

Division 9’s WebEx information can be found at:

<https://www.coloradojudicial.gov/livestream-and-virtual-courtrooms?topic=27&wrapped=true>

**Access Code: 2598 971 2111**

### **Exchange of Trial Exhibits**

The parties shall both exchange and file to the Court all trial exhibits 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 Colorado Rules of Evidence and Civil Procedure apply in domestic relations proceedings.

### **Trial Management Certificate Rule 16.2 (h)**

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. **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 children are involved in the case, a Child Support Worksheet and a Parenting Plan Proposal. 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.**

### **Hearing**

**Hearings are held in person unless otherwise ordered. Specific requests for hearings by WebEx require a Motion.**

On this date, you will have the opportunity to present evidence and to advocate for your position on the issues that you want the Judge to decide. You must have all your evidence, witnesses, and exhibits prepared to present to the judge on this date. 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, but is preferred.**

### **No Written Discovery Motions:**

This Court will not accept any written motions concerning discovery disputes between the parties. **The Court expects the parties to engage in meaningful efforts to resolve any disputes concerning discovery on their own.** The Court expects you to speak with each other directly (either through lawyers, or by yourselves if you are unrepresented) to try to reach an agreement before you contact 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 days before the status conference, each party shall file a short statement (no more than 2 pages) describing the disputed issues and that party's position. You may attach relevant materials to your filing.

### **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 the Self-Help Center in Room S116 at the El Paso County Combined courts. General information is also available at the Colorado Legal Help Center website, [coloradolegalhelpcenter.us](http://coloradolegalhelpcenter.us). The Court and its staff cannot represent your legal interest, provide any legal advice, or answer any legal questions. It is essential that you take full responsibility to be prepared to present you and your child(ren)'s best interests at the hearing.

### **Duty to Confer on All Motions (also with Self-Represented Parties):**

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:**

- a. 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 opposing party or counsel and filing your motion without awaiting a reasonable time for a response to your email.
- 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.
- c. Leaving a phone message for opposing party or counsel and filing your motion when no call back is received.

**Motions for Virtual Appearance:**

Any party wishing to appear virtually, or to present the testimony of any witness virtually, must file a Motion for Absentee Testimony and Order for Absentee Testimony (Forms JDF 1309 and 1310), pursuant to C.R.C.P. 43(i) as soon as the need for absentee testimony becomes known. The motion must comply with the requirements of Rule 43 by setting forth (a) the reasons for allowing such testimony, (b) a detailed description of the proposed testimony, and (c) attaching copies of all documents which will be referred to in the testimony. *(If a witness will testify by an international phone call at the hearing, the party must provide a pre-paid calling card to make a call from the courtroom on the day of the hearing.)*

**Sanctions:**

If any party fails to comply with the rules and deadlines, the Court may impose a sanction/punishment against that party and/or his or her attorney. The sanction may include vacating the hearing, excluding any witness or exhibit that was not disclosed, payment of attorney fees and costs, dismissal of the case—requiring the parties to restart from the beginning and pay new filing/service fees, or other sanctions that the Court finds proper. (Rule 16.2 (j)).

**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, *ad hominem* comments, or general disrespect by any participant will not be tolerated.

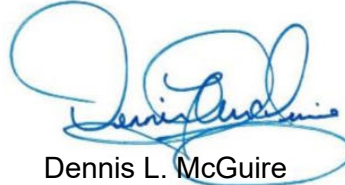
The Court may consider the conduct and demeanor of the parties and witnesses when evaluating credibility of a party or witness. Parties shall not argue with one another in open court. Attorneys shall not argue with each other or with the parties in open court. All hearings are recorded so counsel and 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 YOUR HEARING**

**DATE BEING VACATED IN ADDITION TO OTHER POSSIBLE SANCTIONS.**

SO ORDERED December 16, 2024.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "Dennis L. McGuire", with a large, stylized initial "D" and "M".

Dennis L. McGuire  
District Court Judge