

COMBINED COURTS, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties, State of Colorado.	
ADMINISTRATIVE ORDER NO. 2020-G	▲ COURT USE ONLY ▲
13TH JUDICIAL DISTRICT COMBINED COURT COVID-19 RESPONSE REGARDING FORCIBLE ENTRY AND DETAINER (FED) ACTIONS ORDER MAY 29, 2020	

NUMEROUS COURT PROCESSES HAVE BEEN POSTPONED IN LIGHT OF COVID-19 AND BOTH EXECUTIVE BRANCH AND CHIEF JUSTICE ORDERS IMPLEMENTING HEALTH-RELATED RESTRICTIONS ON CASE PROCESSING. ONE OF THESE RESTRICTIONS INVOLVES FED ACTIONS.

ORDER 2020-51 WAS ISSUED BY THE EXECUTIVE BRANCH IN MARCH, 2020. IT RESTRICTED FILINGS RELATED TO FED ACTIONS IN THE STATE OF COLORADO. THAT ORDER WILL EXPIRE, MAY 31, 2020, AND IT NOT EXPECTED TO BE RENEWED.

THUS, IF ORDER 2020-51 EXPIRES, LITIGANTS WILL BE PERMITTED TO FILE FED ACTIONS IN COLORADO COURTS, BEGINNING JUNE 1, 2020.

NEVERTHELESS, THE CARES ACT, P.L. 116-136, ALSO ENACTED RESTRICTIONS ON FED FILINGS FOR CERTAIN HOUSING OWNED BY CERTAIN GOVERNMENTAL ENTITIES, AND/OR BENEFITTED BY U.S. GOVERNMENT LOANS, GRANTS, AND/OR LOAN GUARANTEES. THE CARES ACT RESTRICTED THE INITIATION OF FED ACTIONS FOR A PERIOD OF 120 DAYS AFTER ITS ENACTMENT, MARCH 27, 2020.

I VIEW THE CARES ACT RESTRICTION AS AFFECTING SUBJECT-MATTER JURISDICTION. TYPICALLY, IT IS INCUMBENT UPON A PARTY ASSERTING A CLAIM TO ESTABLISH SUBJECT-MATTER JURISDICTION WHERE IT IS NOT OTHERWISE GRANTED BY OPERATION OF LAW. THEREFORE,

1. IN THE THIRTEENTH JUDICIAL DISTRICT, FED CASE FILINGS MAY BE ACCEPTED AND SCHEDULED FOR HEARING ACCORDING TO NORMAL PROCEDURES SET FORTH BY STATUTE AND RULES OF CIVIL PROCEDURE, BEGINNING JUNE 1, 2020.
2. NEVERTHELESS, THE CLERKS OF COURT SHALL ***NOT*** ISSUE SUMMONSES FOR FED CASES UNLESS THE PARTY INITIATING THE CASE FIRST COMPLETES AND FILES AN ASSERTION TO THE EFFECT THAT NEITHER THE CARES ACT, NOR ANY OTHER GOVERNMENTAL ORDER WOULD PROHIBIT THAT PARTY FROM PROCEEDING WITH AN FED ACTION AS TO THE PARTICULAR PROPERTY OR TENANT(S) ALLEGED TO OCCUPY THE SAME.
3. SUCH AN ASSERTION MAY BE CONTAINED IN THE INITIATING PARTY'S COMPLAINT, COUNTERCLAIM, OR CROSS-CLAIM, OR MAY BE FILED SEPARATELY IN A FORM SUBSTANTIALLY CONFORMING WITH THE FORM ATTACHED HERETO. IT MAY BE SIGNED BY COUNSEL, CONSISTENT WITH RULE 11, C.R.C.P.
4. THIS ORDER IS EFFECTIVE IMMEDIATELY, AND REMAINS IN EFFECT SO LONG AS SECTION 4024 OF PUBLIC LAW 116-136 REMAINS IN EFFECT, AS AMENDED, OR SO LONG AS OTHER ORDERS ISSUED BY THE EXECUTIVE BRANCH OR THE CHIEF JUSTICE OF THE STATE OF COLORADO RESTRICT THE NORMAL OR TIMELY PROCESSING OF FED ACTIONS, WHICHEVER IS LATER.

BY THE COURT:



MSB

CHIEF JUDGE
THIRTEENTH JUDICIAL DISTRICT

ATTACHMENT TO PLEADING IN FORCIBLE ENTRY AND DETAINER
COUNTY/DISTRICT COURT

_____ COUNTY, COLORADO

CASE NO. _____ DIVISION _____

I _____ (LANDLORD OR AGENT) DO HEREBY CERTIFY
UNDER OATH, AFFIRMATION AND/OR PENALTY OF PERJURY IN THE THIRD DEGREE
THE FOLLOWING:

I AM **NOT** CURRENTLY PROHIBITED FROM FILING OR PURSUING AN FED ACTION
AGAINST PARTIES IN POSSESSION OF THE REAL ESTATE IN THIS CASE BECAUSE OF:

- 1) ANY PROVISION OF SECTION 4024 OF PUBLIC LAW 116-136, AS AMENDED,
(POPULARLY KNOWN AS THE CARES ACT); OR
- 2) ANY PROVISION OF ANY ORDER ISSUED BY THE GOVERNOR OR THE DIRECTOR
OF THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; OR
- 3) ANY ORDER ISSUED BY THE CHIEF JUSTICE OF THE STATE OF COLORADO.

SIGNED: _____
TITLE DATE