

Corrective Order To Rule Change 2007 (09)

CHAPTER 1

**SCOPE OF RULES
ONE FORM OF ACTION
COMMENCEMENT OF ACTION,
SERVICE OF PROCESS,
PLEADINGS,
MOTIONS AND ORDERS**

Rule 6. Time

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, ~~by the local rules of any court, by order of court, or by any applicable statute,~~ the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. The term "calendar days" shall mean consecutive days including holidays, Saturdays or Sundays. Unless otherwise specifically ordered, when the period of time prescribed or allowed is less than eleven days and not specified as "calendar days", intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this Rule, "Legal holiday" includes the first day of January, observed as New Year's Day; the third Monday in January, observed as Martin Luther King Day; the third Monday in February, observed as Washington-Lincoln Day; the last Monday in May, observed as Memorial Day; the fourth day of July, observed as Independence Day; the first Monday in September, observed as Labor Day; the second Monday in October, observed as Columbus Day; the 11th day of November, observed as Veteran's Day; the fourth Thursday in November, observed as Thanksgiving Day; the twenty-fifth day of December, observed as Christmas Day, and any other day except Saturday or Sunday when the court is closed.

(b) through (d) [NO CHANGE]

(e) **Additional Time After Service Under C.R.C.P.**

5(b)(2)(B), (C), or (D). Unless otherwise specifically ordered, whenever a party must or may act within a prescribed period after service is made under C.R.C.P. 5(b)(2)(B), (C), or (D), three calendar days shall be added after the prescribed period would expire under the rule that defines the length of the prescribed period.

COMMITTEE COMMENT to Rule 6(e) .

The three extra days for service under rule 5(b)(2)(B), (C), and (D) are calendar days and do not exclude weekends and holidays. Of course, if the newly-calculated date, after adding the three additional days under Rule 6(e) following service other than personal service, ends on a weekend or holiday, the deadline will be extended to the next business day.

CHAPTER 2

PLEADINGS AND MOTIONS

Rule 16. Case Management and Trial Management

(a) through (b) (8) [NO CHANGE].

(9) Pre Trial Motions. No later than 35 days before the trial date, pretrial motions shall be filed, except for motions pursuant to C.R.C.P. 56, which must be filed no later than 85 days before the trial.

(c) **Modified Case Management Order.** Any of the provisions of section (b) of this Rule may be modified by the entry of a Modified Case Management Order pursuant to this section and section (d) of this Rule. -If a trial is set to commence less than 180 days after the at-issue date as defined in C.R.C.P. 16(b)(1), and if a timely request for a modified case management order is made by any party, the case management order shall be modified to allow the parties an appropriate amount of time to meet case management deadlines, including discovery, expert disclosures, and the filing of summary judgment motions. The amounts of time allowed shall be within the discretion of the court on a case-by-case basis.

(d) through (g) [NO CHANGE].

CHAPTER 17

**COURT PROCEEDINGS:
SALES UNDER POWERS**

Rule 120. Orders Authorizing Sales Under Powers

(a) through (b) [NO CHANGE]

(c) **Response; Contents; Filing and Service.** Any

interested person who disputes, on grounds within the scope of the hearing provided for in section (d), the moving party's entitlement to an order authorizing sale may file and serve a response to the motion, verified by the oath of such person, setting forth the facts upon which he relies and attaching copies of all documents which support his position. The response shall be filed and served not less than five days prior to the date set for the hearing, said interval including intermediate Saturdays, Sundays, and legal holidays, C.R.C.P. 6(a) notwithstanding, unless the last day of the period so computed is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next succeeding day which is not a Saturday, Sunday or a legal holiday. Service of such response upon the moving party shall be made in accordance with C.R.C.P. 5(b). C.R.C.P. 6(e) shall not apply to computation of time periods under this section (c).

(d) Hearing; Scope of Issues; Order; Effect. At the time and place set for the hearing or to which the hearing may have been continued, the court shall examine the motion and the responses, if any. The scope of inquiry at such hearing shall not extend beyond the existence of a default or other circumstances authorizing, under the terms of the instrument described in the motion, exercise of a power of sale contained therein, and such other issues required by the Service Member Civil Relief Act (SCRA), 50 U.S.C. § 520, as amended. The court shall determine whether there is a reasonable probability that such default or other circumstance has occurred, and whether an order authorizing sale is otherwise proper under said Service Member Civil Relief Act, and shall summarily grant or deny the motion in accordance with such determination. Neither the granting nor the denial of a motion under this Rule shall constitute an appealable order or judgment. The granting of any such motion shall be without prejudice to the right of any person aggrieved to seek injunctive or other relief in any court of competent jurisdiction, and the denial of any such motion shall be without prejudice to any right or remedy of the moving party. The court shall not require the appointment of an attorney to represent any interested person as a condition of granting such motion, unless it appears from the motion or other papers filed with the court that there is a reasonable probability that the interested person is in the military service.

(e) — through **(h)** [NO CHANGE]

PRACTICE STANDARDS AND LOCAL COURT RULES

Rule 121. Local Rules – Statewide Practice Standards

Section 1-15

DETERMINATION OF MOTIONS

1. **Briefs; When Required; Time for Serving and Filing--Length.** Except motions during trial or where the court deems an oral motion to be appropriate, any motions involving a contested issue of law shall be supported by a recitation of legal authority incorporated into the motion except for a motion pursuant to C.R.C.P. 56. Except for electronic filings made pursuant to Section 1-26 of this Rule, the original and one copy of all motions and briefs shall be filed with the court, ~~a copy shall be supplied to the courtroom clerk (to be brought to the attention of the court)~~ and a copy shall be served as required by law on all other parties. The responding party shall have 15 days or such lesser or greater time as the court may allow in which to file and supply the courtroom clerk with a responsive brief. The moving party shall have 7 calendar days or such greater or lesser time as the court may allow to file and supply the courtroom clerk with a reply brief. Motions or briefs in excess of 10 pages in length, exclusive of tables and appendices, are discouraged.

2. through 9.8 ~~[NO CHANGE]~~

**COLORADO RULES OF PROCEDURE REGARDING ATTORNEY DISCIPLINE AND
DISABILITY PROCEEDINGS, COLORADO ATTORNEYS' FUND FOR CLIENT
PROTECTION, AND MANDATORY CONTINUING LEGAL EDUCATION AND
JUDICIAL EDUCATION**

Rule 251.8. Immediate Suspension

(a) [NO CHANGE]

(b) **Petition for Immediate Suspension.**

(1) [NO CHANGE]

(2) The Presiding Disciplinary Judge, or the Supreme Court, by any justice thereof, may order the issuance of an order to show cause directing the attorney to show cause why the attorney should not be immediately suspended, which order shall be returnable within ten calendar days. After the issuance of an order to show cause, and after the period for response has passed without a response having been filed, or after

consideration of any response and reply, the Presiding Disciplinary Judge shall prepare a report setting forth findings of fact and recommendation and file the report with the Supreme Court. After receipt of the report the Supreme Court may enter an order immediately suspending the attorney from the practice of law, or dissolve the order to show cause.

(3) through (54) [NO CHANGE]

Corrective order is adopted by the Court November 5, 2007, effective immediately.

BY THE COURT:

**Nancy E. Rice
Justice, Colorado Supreme Court**