

RULE CHANGE 2024(09)
COLORADO RULES OF CIVIL PROCEDURE Chapter 25
Colorado Rules of County Court Civil Procedure

Rules: 312, 312.5, and 316.5

Rule 312. Defenses and Objections in Non-Forcible Entry and Detainer Cases –When and How Presented–By Pleading or Motion–Motion for Judgment on Pleadings

(a) Responsive Pleadings; When Presented. The defendant shall file an answer including any counterclaim or cross-claim on or before the appearance date as fixed in the summons. Except as otherwise provided in this Rule and Rule 312.5, the appearance date shall not be more than 63 days from the date of the issuance of the summons and the summons must have been served at least 14 days before the appearance date. When circumstances require that the plaintiff proceed under Rule 304(e), the above limitation shall not apply and the appearance date shall not be less than 14 days after the completion of service by publication or mail.

(b) Motions. Except as otherwise provided in Rule 312.5, mMotions raising defenses made by the defendant on or before the appearance date shall be ruled upon before an answer is required to be filed. If the court rules upon such motions on the appearance date, the defendant may be required to file the answer immediately. The answer shall otherwise be filed within 14 days of the order. The court may permit the plaintiff to amend the complaint or supply additional facts and may permit additional time within which the answer shall be filed.

(c) – (d) [NO CHANGE]

Rule 312.5. Defenses, ~~and Objections,~~ and Responses in Forcible Entry and Detainer Cases—When and How. ~~Defenses and Objections in Forcible Entry and Detainer Cases—by Pleading or Motion.~~

(a) – (d) [NO CHANGE]

(e) Tender of Full Payment. A landlord who provides a tenant with proper notice of nonpayment shall accept payment of the tenant’s full payment of all amounts due according to the notice, as well as any rent that remains due under the rental agreement, at any time until a judge issues a judgment for possession pursuant to C.R.S. § 13-40-115(1) or (2). A tenant may pay this amount to either the landlord or to the court. Once a court has confirmation that the full amount has been timely paid, the court shall (1) vacate any judgments that have been issued; and (2) dismiss the action with prejudice.

Rule 316.5. Pretrial Procedure—Forcible Entry and Detainer Cases—Requests for Documents and Conference.

(a) Requests for Documents.

(1) Either party may request all documents in the other party's possession relevant to the current action. To make this request, a party must complete, file, and send Form JDF 185 SC (Request for Documents in Eviction Cases) to the opposing party.

(2) Any party failing to comply with a court order requiring such party to provide ~~documentation~~ documents relevant to the current action shall be subject to imposition of appropriate sanctions.

(b) Trial Scheduling and Pretrial Conferences. Except as provided by statute, if the defendant files an answer, the court shall schedule a trial no sooner than seven days, but not more than ten days, after the answer is filed, unless (1) the defendant requests a waiver of this requirement in the defendant's answer or after filing the answer, (2) the court sets the trial date beyond ten days if either party demonstrates good cause for an extension or if the court otherwise finds justification for the extension. Prior to trial, the court may in its discretion, and upon reasonable notice, order a pretrial conference. Conferences by telephone or videoconference are encouraged. Following a pretrial conference, the court may issue an order which may include limitations on the issues to be raised and the witnesses and exhibits to be allowed at trial, entry of judgment, or dismissal, if appropriate. Failure to appear at a pretrial conference may result in appropriate sanctions, including an award of attorney's fees and expenses incurred by the appearing party. The courts may encourage the parties to engage in mediation.

(c) Pretrial Discovery. Any party may request that discovery be permitted to assist in the preparation for trial. The request ~~shall~~ may be made only during the pretrial conference. The discovery may include depositions, requests for admissions, interrogatories, requests for physical or mental examinations, or requests for production or inspection. If the court enters a discovery order, it shall set forth the extent and terms of the discovery as well as the time for compliance. If the court fails to specify any term, then the provisions of C.R.C.P. 30, 32, 33, 34, 35, and 36 shall ~~be followed as to~~ supply the missing term.

(d) Resolution of Disputes. All issues regarding discovery shall be resolved on or before the day of trial and shall not cause any undue delay in the proceedings. No party shall be entitled to seek protective orders following the conference. Unless otherwise ordered by the court, a dispute over compliance with the discovery order shall be resolved at the time of trial, and the court may impose appropriate sanctions, including attorney's fees and costs, against the non-complying party.

(e) Juror Notebooks. If a jury is empaneled, ~~t~~The court may order the use of juror notebooks. If notebooks are to be used, counsel for each party shall confer about items to be included in juror notebooks and at the pretrial conference or other date set by the court make a joint submission to the court of items to be included in the juror notebook.

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Amended and Adopted by the Court, En Banc, May 2, 2024, effective immediately.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**