

District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	DATE FILED: September 11, 2020 10:51 AM CASE NUMBER: 2020CV30363
Plaintiff(s): STUWARD CROSS AND KATRINA RICHMAN, v. Defendant(s): THE CITY OF FORT COLLINS, State of Colorado .	
INITIAL CASE PROCEDURES ORDER, RULE 16 C.R.C.P.	

Read this order carefully. The procedure followed in this Court may differ somewhat from that in other courts and varies from some of the presumptive deadlines set forth in Colorado Rule of Civil Procedure 16 (“C.R.C.P. 16”). The Court expects full compliance with this order.

The Court Orders that discovery may commence immediately.

I. At Issue Date

The file indicates that all parties have been served and either have appeared or defaulted. The Court declares this case to be at issue pursuant to Rule 16(b)(1) as of September 10, 2020.

Consistent with Rule 16(b)(3), the parties shall:

- meet and confer within 14 days from the at issue date; and
- the responsible attorney will file a notice to set an initial case management conference to occur not later than 49 days from the date that the case was declared to be at issue. Setting information for Courtroom 5A is outlined below.

II. Initial Case Management Conference

CMC: The Court will hold a WebEx case management conference consistent with the procedures outlined in Rule 16(d) within 49 days from the date that the case was deemed to be at issue. Setting procedures are in paragraph IV.

CMO: At least 7 days before that initial case management conference, or at least 14 days before that initial case management conference if counsel seek to appear by phone, and pursuant to Rule

16(b), the parties are directed to file, in editable format, a proposed case management order that substantially complies with JDF 622 and with each of the requirements of this Order.

Conditional option to waive CMC: If counsel/pro se parties have provided a proposed case management order that meets **all** of the Court’s requirements **and** there are otherwise no disagreements between the parties, the Court will consider dispensing with the initial case management conference. To do so, each counsel must include a certification in capital letters at the top of the proposed case management order indicating that the proposed order complies with the Court’s requirements as set out in this order and that they request to waive the initial case management conference. The Court will determine whether to allow the request prior to the scheduled case management conference.

In addition to the information contained in the form proposed case management order (JDF 622), counsel must include:

Specific calendar dates for each deadline. Because the practice in Larimer County District Court is not to set trial in most civil cases until after mediation/ADR, putting in references to “X-number of days before trial” is not helpful. You must include specific calendar dates for any deadline.

A proposed deadline for a status conference to occur not later than 30 weeks after the case is at issue. The responsible attorney will file a notice to set such status conference at least 14 days before the 30 week deadline. The parties may request to waive the 30 week status conference if there are no disputes and the parties are operating under the Court’s CMO deadlines. Unless otherwise ordered by the Court, the 30 week status conference will be by WebEx;

A specific plan and calendar date deadline for mediation/ADR, and a deadline for a status report after mediation/ADR. The Court strongly encourages the parties to participate in mediation or another form of alternative dispute resolution and will generally not set trial until this has been completed; and

Please include information regarding any parties with limited English language proficiency, including the party’s primary spoken language, and the origin of the language (*i.e.*, region of the world) in order to better identify its dialect so that advanced arrangements can be made for interpretation.

Any requests for amendments to the proposed case management order and deadlines within the order shall be made consistent with the procedures outlined in Rule 16(e).

III. Discovery Motions

No written discovery motions will be accepted. If there is a discovery dispute, counsel must confer in a meaningful way by telephone or in person to try to resolve it. An exchange of emails is not sufficient.

If counsel cannot resolve the dispute, the Court will address all discovery disputes with a WebEx discovery hearing instead of by written motion and responses. Each party shall submit a one- to two-page summary of the discovery dispute at least 3 days before the Case Management Conference. The parties are directed to contact the Court's Judicial Assistant, Donna MacLeod, at donna.macleod@judicial.state.co.us or 970-494-3800 if they wish to set a discovery hearing.

With respect to written discovery, the Court frowns on "boilerplate" objections that fail to provide clear and precise explanations of the legal and factual justifications for the objections as well as a specific description of any information which may be available but is not being provided because of the objection. If a responding party claims not to understand a discovery request or the meaning of any term in a request, that party shall, within 14 days, seek clarification of the meaning from counsel who served the discovery. Failure to do so results in waiver of any objection based on the purported lack of understanding. Any response which does not provide the information or requested material but promises to do so in the future will be treated the same as no response unless the responding party provides a specific reason for not producing the information and a specific date when it will produce it.

With respect to depositions, the Court will not intervene in an ongoing deposition via telephone to resolve disputes; rather, counsel shall place their dispute on the record for later review. Counsel are expected to adhere strictly to C.R.C.P. 30(d)(1) and (3) and shall refrain from "speaking objections," excessive objections designed to disrupt the flow of questioning, advising a witness to answer "if you know" or "if you remember" or "not to speculate," ask for clarification of a question, or confer with a witness while questions are pending or documents are being reviewed unless authorized under C.R.C.P. 30(d).

IV. Case Management Conferences and Setting Information

The Court will set additional, periodic WebEx case management conferences and status conferences as appropriate to each individual case. At any time, the Court may order or upon request of counsel will conduct additional case management conferences as needed by WebEx.

Settings are held on Mondays or Wednesdays at 1:15 p.m. **A notice to set must be filed with the Court at least 14 days prior to the setting.** All parties are to participate in the setting. For trial settings, counsel must participate in the setting. For all other settings, counsel or an assistant with

setting authority are to be available. Parties that do not participate in the setting are advised that the matter will be set in their absence.

Settings are held through WebEx. The phone number for the Court and counsel/pro se parties to access the conference on the day of the setting is (415)-655-0001 or 720-650-7664 and the access code is 929 583 996. If more than one setting is noticed on the same day, parties shall wait on the line until their case number is called. The parties are directed to contact the Court's Judicial Assistant, Donna MacLeod, donna.macleod@judicial.state.co.us or 970-494-3800 if they have any questions.

Courtroom 5A can be accessed as follows:

WebEx conference line: 1-415-655-0001 or 1-720-650-7664

Access Code: 929 583 996 # and then # again

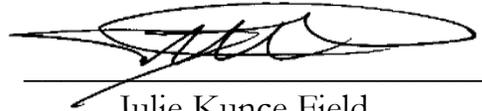
<https://judicial.webex.com/meet/julie.field>

Access Code: 929 583 996

SO ORDERED: September 11, 2020.



BY THE COURT:



Julie Kunce Field
District Court Judge