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| <p>COLORADO COURT OF APPEALS Court Address: 2 East 14th Avenue Denver, CO 80203</p> <p>Nature of proceeding: District Court Appeal</p> <hr/> <p>Appeal From: Larimer County District Court Judge Susan Blanco Case No: 2016CV30362</p> | <p style="text-align: center;">▲ COURT USE ONLY ▲</p> |
| <p>Petitioner – Appellant: THE CITY OF LOVELAND</p> <p>v.</p> <p>Respondent - Appellee: LOVELAND EISENHOWER INVESTMENTS, LLC, a Colorado limited liability company</p> | |
| <p><i>Attorneys for Petitioner – Appellant City of Loveland:</i> Josh A. Marks, Atty. Reg. # 16953 Mary Sue Greenleaf, Atty. Reg. # 47749 BERG HILL GREENLEAF RUSCITTI LLP 1712 Pearl Street Boulder, CO 80302 Tel: (303) 402-1600 Fax: (303) 402-1601 jam@bhgrlaw.com; msg@bhgrlaw.com;</p> | <p>Case Number: 2018CA122</p> <p>Div.: Ctrm.:</p> |
| <p style="text-align: center;">APPELLANT CITY OF LOVELAND’S RESPONSE TO JANUARY 25, 2018 ORDER TO SHOW CAUSE</p> | |

Petitioner-Appellant, the City of Loveland (“City”), through undersigned counsel, respectfully submits this Response to the Court’s January 25, 2018 Order to Show Cause. In support thereof, the City states as follows:

FACTUAL BACKGROUND

1. On December 20, 2017, the Larimer County District Court issued an Order denying Respondent-Appellee Loveland Eisenhower Investment, LLC’s (“LEI”) and the City’s motions for summary judgment (the “Order”).

2. Pursuant to C.A.R. 4.2, the parties’ deadline to file a stipulation regarding or a motion seeking certification of the Order for interlocutory appeal within 14 days, or no later than January 3, 2018.

3. The City timely submitted its Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2 (the “Motion”) via the Integrated Colorado Courts E-Filing System (“ICCES”) at 7:30 P.M. on January 3, 2017. *See Exhibit A; see also* Affidavit of Mary Sue Greenleaf ¶¶ 4–5, attached as Exhibit B.

4. At 8:47 A.M. on January 4, 2018, counsel for the City received a courtesy notice that the court clerk had rejected the filing because the proposed order submitted with the Motion was not filed in an editable format. *See Exhibit C; see also* Greenleaf Aff. at ¶ 6.

5. Counsel then resubmitted the Motion and accompanying proposed order in an editable format to the Court at 9:40 A.M. on January 4, 2018. *See Exhibit D; see also Greenleaf Aff. at ¶ 7.*

6. The court clerk accepted that filing on January 4, 2018. *See Exhibit E; see also Greenleaf Aff. at ¶ 8.*

7. The Larimer County District Court then granted the Motion on January 5, 2018 and the Petition for Interlocutory Review was subsequently filed with this Court on January 19, 2018, pursuant to C.A.R. 4.2.

RESPONSE ARGUMENT

The Motion was timely e-filed in the trial court on January 3, 2018, within fourteen days of the Larimer County District Court's Order sought to be appealed.

Under Colo. R. Civ. P. 121 § 1-26(5), an e-filing is considered filed on the date transmitted to the E-System Provider. Specifically, this rule provides:

5. E-Filing – Date and Time of Filing: Documents filed in cases on the E-System may be filed under C.R.C.P. 5 through an E-Filing. A document transmitted to the E-System Provider by 11:59 p.m. Colorado time shall be deemed to have been filed with the clerk of the court on that date.

Colo. R. Civ. P. 121 § 1-26(5). Colorado Supreme Court Chief Justice Directive 11-01 (2014) provides that a filing may be rejected by the court clerk for specifically enumerated reasons, which expressly include that the “proposed order

or related documents not in editable format.” See CJD 11-01 § XI, Attachment A, attached as Exhibit F. Importantly, however, a rejection of a filing by the court clerk does not alter the date it is deemed to have been filed under Colo. R. Civ. P. 121 § 1-26(5). See, e.g., *Maslak v. Town of Vail*, 345 P.3d 972, 977 – 78 (Colo. App. 2015).

For example, in *Maslak v. Town of Vail*, a division of this Court held that a Colo. R. Civ. P. 106(a)(4) complaint was timely filed in the trial court on the date it was submitted to the E-System Provider, despite the fact that the filing was rejected by the court clerk. *Id.* The Court explained that “the Clerk’s rejection of the Rule 106(a)(4) complaint does not, and cannot, alter the fact that the complaint had been ‘filed’ in the district court on the date that it was transmitted to the E-System Provider.” *Id.* at 977. (citing Colo. R. Civ. P. 121 § 1-26(5)). The Court further noted that the clerk’s rejection pursuant to the Chief Justice Directive 11-01 § XI rejection list could not deprive the court of jurisdiction “because the rejection list is administrative and is not a jurisdictional rule,” and further because allowing district court clerk’s this discretion would effectively “render[] the filing rules set forth in Rules 121 §§ 1-26(4) – (5) meaningless.” *Id.* at 978.

Similarly here, the City timely submitted its Motion to the Larimer County District Court within fourteen days following the issuance of the Court’s Order.

See Ex. A. Because the Order was issued on December 20, 2017, the deadline by which to submit the Motion seeking certification of that Order for interlocutory appeal was January 3, 2018, as noted in this Court’s Order to Show Cause. *See* C.A.R. 4.2. Accordingly, the City submitted its Motion to ICCES, the Colorado E-System Provider, at 7:30 P.M. on January 3, 2017, along with a proposed order. *See id.*; *see also* Greenleaf Aff. at ¶¶ 4–5. The clerk rejected the filing pursuant to CJD 11-01 § XI because the “proposed order [was not] in editable format.” *See* Ex. C; Ex. F; *see also* Greenleaf Aff. at ¶ 6. Counsel promptly resubmitted the filing with an editable version of the proposed order on the morning of January 4, 2018 and that filing was then accepted by the trial court. *See* Ex. D; Ex. E; *see also* Greenleaf Aff. at ¶ 7–8.

Because the Motion was timely submitted to ICCES on January 3, 2018 by 11:59 P.M., it is “deemed to have been filed with the clerk of the court on that date.” *See* Ex. A; *see also* Colo. R. Civ. P. 121 § 1-26(5). The Larimer County District Court clerk’s administrative rejection of the filing pursuant to CJD 11-01 § XI does not, and cannot, change the fact that the Motion was filed on January 3, 2018, nor divest the Court of its jurisdiction under C.A.R. 4.2 to certify the Order for interlocutory appeal. *Cf. Maslak*, 345 P.3d at 977 – 78. Such a conclusion is

contrary to Colorado law, *see id.*, and would effectively render the filing provisions of Colo. R. Civ. P. §§ 1-26(5) meaningless. *Maslak*, 345 P.3d at 978.

CONCLUSION

For the reasons set forth above, cause does not exist to dismiss the City's Petition for Interlocutory Review pursuant to C.A.R. 4.2. Accordingly, the City respectfully requests that the Court dismiss the January 25, 2018 Order to Show Cause and exercise its discretion under C.A.R. 4.2 to accept the case for interlocutory review, as set forth in detail in the Petition.

Respectfully submitted: February 6, 2018.

BERG HILL GREENLEAF RUSCITTI LLP

[Pursuant to C.A.R. 30(f) the signed original is on file at Berg Hill Greenleaf Ruscitti LLP]

s/ Mary Sue Greenleaf

Josh A. Marks

Mary Sue Greenleaf

Attorneys for Defendant-Appellant the City of Loveland

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February, 2018, a true and correct copy of the foregoing **RESPONSE TO JANUARY 25, 2018 ORDER TO SHOW CAUSE** was served electronically via ICCES and/or by depositing same in the U.S. Mail, postage prepaid, addressed to the following:

Kathryn I. Hopping
Darrell G. Waas
Waas Campbell Rivera Johnson &
Velasquez LLP
1350 Seventeenth Street, Suite 450
Denver, CO 80202

Mark C. Overturf
Overturf McGath & Hull, P.C.
625 E. 16th Avenue, Suite 100
Denver, CO 80202

*[Pursuant to C.A.R. 30(f), the signed
original is on file at Berg Hill Greenleaf
Ruscitti LLP]*

s/ Linda D. Smith



Linda D. Smith

Mary S. Greenleaf

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Wednesday, January 03, 2018 7:35 PM
To: Mary S. Greenleaf
Subject: Submission Receipt: 2016CV030362 - Loveland Eisenhower Investments LLC v. The City Of Loveland et al

DATE FILED: February 6, 2018 3:49 PM
FILING ID: 938DC6851A98B
CASE NUMBER: 2018CA122

Court: Larimer County
Case Caption: Loveland Eisenhower Investments LLC v. The City Of Loveland et al
Case Number: 2016CV030362
Filing ID: 779C99DF1F605
Date Filed: January 3, 2018 at 07:30 PM

E-File Fee: \$6.00
Service Fees: \$7.50
Billing Reference: 60130.00090

Document ID: 12A8D303B006B
Document Type: Motion
Document Title: Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2

Document ID: 2172BA2557DD3
Document Type: Proposed Order
Document Title: Proposed Order re: Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm?fid=779C99DF1F605>.

For questions about this case, please contact the court.

If you need additional assistance, you may contact us at efilingsupport@judicial.state.co.us or 1-855-264-2237.

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EXHIBIT B

DATE FILED: February 6, 2018 3:49 PM
FILING ID: 938DC6851A98B
CASE NUMBER: 2018CA122

| | |
|---|--|
| COLORADO COURT OF APPEALS Court Address: 2 East 14th Avenue Denver, CO 80203 Nature of proceeding: District Court Appeal Appeal From: Larimer County District Court Judge Susan Blanco Case No: 2016CV30362 | ▲ COURT USE ONLY ▲ |
| Petitioner – Appellant: THE CITY OF LOVELAND v. Respondent - Appellee: LOVELAND EISENHOWER INVESTMENTS, LLC, a Colorado limited liability company | |
| | Case Number: 2018CA____ Div.: Ctrm.: |
| AFFIDAVIT OF MARY SUE GREENLEAF, ESQ. | |

STATE OF COLORADO)
) ss.
COUNTY OF BOULDER)

The Affiant, Mary Sue Greenleaf, Esq., being of lawful age and duly sworn upon oath, deposes and states as follows:

1. I am an Associate with the law firm of Berg Hill Greenleaf Ruscitti, LLP located in Boulder, Colorado.

2. I am one of the attorneys of record for Petitioner-Appellant the City of Loveland (the "City") in the above captioned-matter.
3. I make this Affidavit based upon personal knowledge, in support of the City's Response to January 25, 2018 Order to Show Cause (the "Response").
4. On January 3, 2018 I submitted the City's Motion for Interlocutory Appeal Pursuant to C.A.R. 4.2 (the "Motion") on January 3, 2018 to the Larimer County District Court into Case No. 2016CV30362 at approximately 7:30 P.M., along with a proposed order.
5. Shortly after submitting the Motion, I received an email notification from ICCES that the Motion and proposed order had been successfully submitted. A true and correct copy of this email notification is attached to the Response as Exhibit A.
6. The following morning, at approximately 8:47 A.M. on January 4, 2018, I received an email notification from ICCES that the Motion and proposed order had been rejected by the Court clerk because the proposed order was not submitted in an editable format. A true and correct copy of this email notification is attached to the Response as Exhibit C.
7. I then uploaded an editable version of the proposed order to the filing and resubmitted it to the Court, at approximately 9:40 A.M. on January 4, 2018. I received an email notification from ICCES that the Motion and proposed order had been successfully submitted. A true and correct copy of this email notification is attached to the Response as Exhibit D.
8. I received an email notification from ICCES stating that the clerk had accepted the resubmitted filing on January 4, 2018. A true and correct copy of this email notification is attached to the Response as Exhibit E.

Further Affiant sayeth not.

Dated this 6th day of February, 2018.

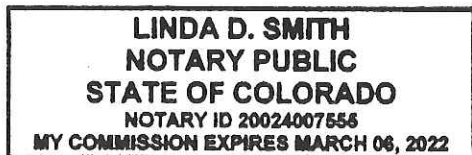


Mary Sue Greenleaf

SUBSCRIBED AND SWORN to before me this 6th day of February, 2018,
by Mary Sue Greenleaf.

WITNESS my hand and official seal.

[SEAL]





Notary Public

Mary S. Greenleaf

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Thursday, January 04, 2018 8:47 AM
To: Mary S. Greenleaf
Subject: Rejected Filing: 2016CV030362 - Loveland Eisenhower Investments LLC v. The City Of Loveland et al

DATE FILED: February 6, 2018 3:49 PM
FILING ID: 938DC6851A98B
CASE NUMBER: 2018CA122

Court: Larimer County
Case Caption: Loveland Eisenhower Investments LLC v. The City Of Loveland et al
Case Number: 2016CV030362
Division: Division 4C
Filing ID: 779C99DF1F605
Date Filed: January 3, 2018
Date Rejected: January 4, 2018

Document ID: 2172BA2557DD3 Proposed Order re: Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2 has been rejected for the following reason(s):

Proposed Order or related documents not editable

Clerk Name: Peter . Blythin

Clerk's Number: 970-494-3515

Note to Filer: The Proposed Order must be in an editable format. Please resubmit. Thank you.

Document ID: 12A8D303B006B Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2 has been rejected for the following reason(s):

Proposed Order or related documents not editable

Clerk Name: Peter . Blythin

Clerk's Number: 970-494-3515

View more details through your Alerts at <https://www.jbits.courts.state.co.us/efiling/web/home/alerts.htm>. Click the file icon in the Action column if you wish to correct and resubmit your filing.

For questions about this rejection or case, please contact the court.

If you need additional assistance, you may contact us at efilingssupport@judicial.state.co.us or 1-855-264-2237.

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Mary S. Greenleaf

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Thursday, January 04, 2018 9:46 AM
To: Mary S. Greenleaf
Subject: Submission Receipt: 2016CV030362 - Loveland Eisenhower Investments LLC v. The City Of Loveland et al

DATE FILED: February 6, 2018 3:49 PM
FILING ID: 938DC6851A98B
CASE NUMBER: 2018CA122

Court: Larimer County
Case Caption: Loveland Eisenhower Investments LLC v. The City Of Loveland et al
Case Number: 2016CV030362
Filing ID: 4AA4DB0F6787E
Date Filed: January 4, 2018 at 09:40 AM

E-File Fee: \$6.00
Service Fees: \$7.50
Billing Reference: 60130.00090

Document ID: E7648A19E13B0
Document Type: Motion
Document Title: Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2

Document ID: 71E1F3DD83667
Document Type: Proposed Order
Document Title: Proposed Order re: Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm?fid=4AA4DB0F6787E>.

For questions about this case, please contact the court.

If you need additional assistance, you may contact us at efilingssupport@judicial.state.co.us or 1-855-264-2237.

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Mary S. Greenleaf

From: CO E-Filing Courtesy Notices <DoNotReply@judicial.state.co.us>
Sent: Thursday, January 04, 2018 10:16 AM
To: Mary S. Greenleaf
Subject: Accepted Filing: 2016CV030362 - Loveland Eisenhower Investments LLC v. The City Of Loveland et al

DATE FILED: February 6, 2018, 3:49 PM
FILING ID: 938DC6851A98B
CASE NUMBER: 2018CA122

Court: Larimer County
Case Caption: Loveland Eisenhower Investments LLC v. The City Of Loveland et al
Case Number: 2016CV030362
Division: Division 4C
Filing ID: 4AA4DB0F6787E
Date Filed: January 4, 2018
Date Accepted: January 4, 2018

Document ID: 71E1F3DD83667 Proposed Order re: Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2 has been accepted by the court.
Clerk Name: Spencer Williams

Document ID: E7648A19E13B0 Motion for Certification for Interlocutory Appeal Pursuant to C.A.R. 4.2 has been accepted by the court.
Clerk Name: Spencer Williams

View details online at
<https://www.jbits.courts.state.co.us/efiling/web/filingInformation/filingInfo.htm?fid=4AA4DB0F6787E>.

For questions about this case, please contact the court.

If you need additional assistance, you may contact us at efilingssupport@judicial.state.co.us or 1-855-264-2237.

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**SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE**

Directive Concerning Statewide Electronic Filing Standards

DATE FILED: February 6, 2018 3:49 PM
FILING ID: 88DC6851A98B
CASE NUMBER: 2018CA122

The purposes of this CJD are (1) to make uniform the means by which documents are electronically transmitted and accepted through the State’s E-Filing system, (2) to eliminate potentially conflicting local rules that attempt to define those standards, and (3) to increase access to the courts by reducing the number of reasons for rejecting an e-filing.

I. SCOPE

This CJD applies to all documents that are transmitted and accepted electronically using the E-Filing system. Where applicable, procedures specific to a case type will be distinguished below.

II. RELATING DOCUMENT(S)

All related documents (motion, proposed order, response and reply) shall be related to each other when electronically filed.

III. DOCUMENT FORMAT STANDARDS

- A. Electronic Document Size: The size limit for each document filed electronically shall be set forth on the Colorado Judicial Department’s website located at: www.courts.state.co.us/icces. For the purpose of this procedure, each electronically filed pleading, motion, brief, or other filing is a separate document. The electronic filing system shall preclude a filer from submitting a document that exceeds the size limits.
- B. Oversize Documents: Any document that exceeds the file size limits shall be separated into smaller electronic files.
- C. Color or Graphics: Documents scanned in color, grey scale, or containing graphics result in larger file sizes and take longer to download. Therefore, it is recommended that filers configure scanners to scan documents at an optimal resolution to conform to filing size limits.

IV. DOCUMENT SUBMISSION

A filing submission is one or more documents filed collectively at the same time. Filing submissions are limited in size as set forth on the Colorado Judicial Department’s website located at: www.courts.state.co.us/icces. If the total size of all documents, including exhibits, exceeds the size limits of a filing submission, an additional filing submission must be created. All documents relating to a single pleading or other filing may be filed electronically as a single filing submission—although they must remain as separate documents. For example, a motion, exhibits and related affidavits may be filed as a single filing submission. This will enable searching for specific documents.

All documents must be submitted by either (1) directly uploading the document from a word processing format (such as Word or Word Perfect) to the E-Filing system, or (2) electronically converting the document from a word processing format into a PDF format and then directly uploading the PDF document to the E-Filing system. Parties shall not upload documents into the E-Filing system in any manner that prevents the Court from copying/pasting text or employing enhanced search functionality within the document. Except as specifically provided in this directive, parties shall not upload documents into the E-Filing system as scanned or graphic images.

V. SUBMISSION OF EXHIBITS, FORM/PREPRINTED DOCUMENTS AND RETURNS OF SERVICE

All exhibits, form/preprinted documents, and returns of service must be submitted through the E-Filing system in civil cases. However, they may be submitted as scanned or graphic images but shall be uploaded in their original format. For example, color documents shall be uploaded in color and not as black and white scanned copies.

If exhibits are filed prior to trial in criminal cases, the following procedures also apply.

- A. Exhibits. Exhibits shall be filed as one filing submission, when possible. Exhibits shall be titled according to the party's designation in the case, such as *Plaintiff's (Petitioner's) or Defendant's (Respondent's) Proposed Exhibits*. Each exhibit shall be a separate file (for example, PDF file, Excel Spreadsheet) within the filing submission. The exhibit designation shall be legible when electronically filed.
- B. Documentary Exhibits that Exceed E-Filing Size Restrictions. A party intending to submit any documentary exhibit that exceeds the megabyte file size limit set forth in section III above, shall separate the exhibit into electronic files as provided in this Directive. If the document cannot be separated, then the party shall place it on a CD or DVD for filing with the court.
- C. Exhibits of Large Physical Size and Non-Documentary Exhibits. If a party intends to submit an exhibit or document that cannot be submitted through the E-Filing system because of its physical size or because it is non-documentary in nature, an image of the exhibit or document shall be electronically filed for purposes of the record.
- D. Audio and Video Exhibits. Audio or video exhibits cannot be submitted through the E-Filing system at this time. Those exhibits shall be placed on a CD or DVD.

VI. TIMELINES FOR SUBMISSION OF EXHIBITS IN CIVIL CASES FOR TRIAL AND HEARINGS

- A. Exhibits for Parties with an Attorney. The trial court may enter case management orders governing specifics of requirements for e-filing exhibits. Unless the court orders otherwise, on or before the hearing or trial date, the parties shall submit all of their exhibits, or images as permitted in section III above, through the E-Filing system. Exhibits for expedited hearings shall be submitted as the court directs.

Parties should anticipate that there are exhibits such as negotiable instruments where the original paper document may need to be tendered to the court. Images of these exhibits shall also be filed through the E-Filing system.

- B. Exhibits for Pro Se Parties. Provisions for tender and uploading of exhibits from pro se parties will be addressed at a pretrial or prehearing conference.

VII. JURY INSTRUCTIONS

- A. Civil Cases. Proposed jury instructions shall be submitted through the E-Filing system in editable format. The set of instructions provided to the jury as well as a party's tendered instructions that have been rejected by the court shall be uploaded into the E-Filing system as the court directs.
- B. Criminal Cases. Proposed jury instructions from the prosecuting attorney shall be submitted through the E-Filing system in editable format. Proposed jury instructions from the Defendant shall be submitted through the E-Filing system in editable format and shall be sealed. The set of instructions provided to the jury as well as a party's tendered instructions that have been rejected by the court shall be uploaded into the E-Filing system as the court directs.

VIII. DOCUMENT EVENTS

When submitting documents using the E-Filing system, the parties shall select a Document Event category that matches the identifiable and specific category of the actual document being submitted. For example, a party filing a Motion to Withdraw selects "Motion to Withdraw" for electronic filing purposes, as that document event presently exists as an "Event" field. Submitting the document in the category "Filing Other" is not appropriate.

IX. TITLE OF DOCUMENTS

Any document submitted through the E-Filing system must bear a Document Title that is descriptive of the contents of that document. For example, a document titled "XYZ Plaintiff's Motion for Summary Judgment on Claims 1 and 2 Against Third Party Defendant ABC Corporation" or "Motion to Suppress Statements" is appropriate. That same document simply bearing the title "Motion" is not appropriate.

X. SIGNATURE REQUIREMENTS

Documents must clearly identify which attorney(s) signed the document.

XI. REJECTION OF E-FILED DOCUMENTS

Attachments A and B establish reasons for rejection of electronically filed documents in civil and criminal cases respectively. Rejection reasons shall be set by case class, as civil and criminal cases differ substantially in both substance and procedure. Therefore, the rejection reasons for each case type will also differ.

- A. **Civil Cases.** Attachment A sets forth specific reasons for rejection of electronically filed documents in civil cases. No electronically filed document in civil cases shall be rejected unless it is for one or more of the reasons specified in Attachment A.

- B. **Criminal Cases.** Attachment B sets forth specific reasons for rejection of electronically filed documents in criminal cases. No electronically filed document in criminal cases shall be rejected unless it is for one or more of the reasons specified in Attachment B.

Attachments A and B may be amended by the State Court Administrator or that Administrator's designee either to remove or to add reasons for rejection. Courts are not required to reject documents that are identified in Attachments A and B. However, no electronically filed document shall be rejected unless it is for one or more of the reasons specified in these Attachments.

The information contained in CJD 05-02 is incorporated herein; therefore, CJD 05-02 is repealed effective May 17, 2011.

This CJD is amended August, 2011.

This CJD is amended October, 2012.

This CJD is amended, effective October, 2014

Done at Denver this 30th day of September, 2014.

/s/
Nancy E. Rice, Chief Justice

Attachment A: Rejection List for E-Filed Documents in Civil Cases

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|--|--|--|
| (1) INCORRECT CAPTION | <ul style="list-style-type: none"> • Wrong court address • Wrong parties • Wrong case number • Wrong court name • Incorrect caption on proposed orders • Attorney name and contact information included in the caption of a proposed order | |
| (2) DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE | <ul style="list-style-type: none"> • Filed in the wrong court location • Document filed into a closed and consolidated case | |
| (3) PROPOSED ORDER OR RELATED DOCUMENTS NOT IN EDITABLE FORMAT | | This is required in C.R.C.P. 121, § 1-26 (15)(c); C.R.C.P. 305.5 (q)(3); and CJD 11-01 |
| (4) DOCUMENTS THAT SHOULD NOT BE FILED WITH THE COURT | <ul style="list-style-type: none"> • Discovery matters filed under CRCP 121, 1-12(3) • Offers of settlement • In-camera review documents (should be filed as sealed) | |
| (5) AT FILING ATTORNEY'S REQUEST | <ul style="list-style-type: none"> • Filing attorney calls the court and requests filing be rejected | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|-------------------|
| (6) INCORRECT SCANNING OR DOCUMENT SUBMISSION | <ul style="list-style-type: none"> • Proposed order not filed separate from the motion • Multiple documents filed as one single document • Separately filing single pages of a multiple page document, except as required because of the size of the document. • A document cannot be opened by the court because of an apparent corruption • A document quarantined by the system for having a virus. | |
| (7) POOR DOCUMENT QUALITY | <ul style="list-style-type: none"> • Document is illegible • Document scanned inappropriately | |
| (8) FILINGS WHERE THE FILING PARTIES ARE INCONSISTENT WITH THE PARTIES LISTED IN THE BODY OF THE PLEADING | <ul style="list-style-type: none"> • Filer represents one party, but incorrectly selects another party to file on behalf of in the Filing Party tab • Filer does not represent any party but selects a party to file on behalf to get a pleading filed | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|--|---|-------------------|
| (9) INCOMPLETE OR INAPPROPRIATE DOCUMENTS | <ul style="list-style-type: none"> • Certificate of mailing is missing or incomplete • Notary signature/seal is not included on a document that requires it • Missing date or time on pleadings • PR Cases: missing date of appointment and case number on Information of Appointment sheet • Documents with tracked changes showing • Duplicate Conformed Order Filed: Attorney electronically filing original of an order provided to the attorney in court and order already appears electronically • Duplicate documents filed | |
| (10) PLEADINGS NOT IN COMPLIANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE, THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE, AND THE COLORADO RULES OF PROBATE PROCEDURE | <ul style="list-style-type: none"> • Missing caption • Wrong font size, within reason • Wrong margins for appellate court filings • Documents filed fewer than five (5) business days before the set return date, CRCP 305.5(d) | |
| (11) WRONG DATES ON A NOTICE OF HEARING, NOTICE OF SETTING, OR SUMMONS | <ul style="list-style-type: none"> • A wrong date or time in a notice of hearing, a notice of setting, a summons, a Rule 120 notice | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|--|---|
| (12) FILING FOR EXECUTION OF A JUDGMENT THAT HAS BEEN STAYED, VACATED, OR SET ASIDE | <ul style="list-style-type: none"> • Filing a proposed Writ of Garnishment or Writ of Execution with respect to a named defendant when a stay of execution has been placed on the judgment or the judgment was vacated or set aside • Filing a proposed Writ of Restitution in a case with a stay of execution or the judgment was vacated or set aside | |
| (13) DEFECTIVE WRITS OF GARNISHMENT | <ul style="list-style-type: none"> • All pages of a garnishment are not submitted • Incorrect form of garnishment used • Garnishee is not identified • Creditor and/or debtor names on garnishment do not match the creditor and/or debtor names on the judgment • Filing a garnishment where the judgment has been satisfied, set aside, or stayed • Incorrect judgment amounts listed in the garnishment • Attorney signature or creditor signature is not notarized or signed before a court clerk | |
| (14) PLEADING FILED BY AN ATTORNEY WHO SIMPLY HELPED PREPARE DOCUMENTS BUT DOES NOT INTEND TO APPEAR ON BEHALF OF THE PARTY | | The certificate required by C.R.C.P. 11(b) will be accepted in ICCES. |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|--|--|--------------------------|
| (15) A CHANGE IN STATUS OF THE ATTORNEY WITHIN THE ATTY REGISTRATION SYSTEM. | | |
| (16) DISTRICT COURT: EACH MOTION SHALL BE ACCOMPANIED BY A PROPOSED ORDER | Proposed order. Except for orders containing signatures of the parties or attorneys as required by statute or rule, each motion shall be accompanied by a proposed order submitted in editable format. The proposed order complies with this provision if it states that the requested relief be granted or denied. | C.R.C.P. 121, § 1-15(10) |

Attachment B: Rejection List for E-Filed Documents in Criminal Cases

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|--|--|
| (1) AT FILING ATTORNEY'S REQUEST | <ul style="list-style-type: none"> Filing attorney calls the court and requests filing be rejected | |
| (2) INCORRECT CAPTION | <ul style="list-style-type: none"> Wrong court address Wrong parties Wrong case number Wrong court name Incorrect caption on proposed orders Attorney name and contact information included in the caption of a proposed order | |
| (3) DOCUMENT FILED IN THE WRONG COURT OR WRONG CASE | <ul style="list-style-type: none"> Filed in the wrong court location Document filed into a closed and consolidated case | |
| (4) PROPOSED ORDER OR RELATED DOCUMENTS NOT IN EDITABLE FORMAT | | This is required in Crim. P. 49.5 (13)(c) and by CJD 11-01 |
| (5) POOR DOCUMENT QUALITY | <ul style="list-style-type: none"> Document is illegible Document scanned inappropriately | |
| (6) CHARGE MISMATCH | <ul style="list-style-type: none"> Charges displayed on document do not match charges filed electronically. | |
| (7) A CHANGE IN STATUS OF THE ATTORNEY WITHIN THE ATTY REGISTRATION SYSTEM. | | |

| CATEGORIES | REJECTION LIST | EXPLANATORY NOTES |
|---|---|-------------------|
| (8) INCORRECT SCANNING OR DOCUMENT SUBMISSION | <ul style="list-style-type: none">• Proposed order not filed separate from the motion• Multiple documents filed as one single document• Separately filing single pages of a multiple page document, except as required because of the size of the document.• A document cannot be opened by the court because of an apparent corruption A document quarantined by the system for having a virus. | |