

DISTRICT COURT, COUNTY OF BOULDER 1777 6 TH STREET BOULDER, CO 80302 PETITIONER: and CO-PETITIONER / RESPONDENT:	<div style="border-top: 1px solid black; border-bottom: 1px solid black; text-align: center; padding: 2px;"> σ COURT USE ONLY σ </div> Case Number: Division: 12 Courtroom: L
PRE-HEARING ORDER	

PLEASE READ CAREFULLY. THESE ARE NOT STANDARD ORDERS. VIOLATION OF THESE ORDERS MAY RESULT IN SANCTIONS, INCLUDING THE POSSIBLE LOSS OF YOUR HEARING DATE.

- 1) You are set for a hearing on _____ which you agreed to set for ____ days/hours. Each party will be allotted one half of the available time, including cross-examination and closing argument, to present his or her case. The Court will keep time and will keep the parties informed how much time each party has remaining. *See, In re Marriage of Yates*, 148 P.3d 304 (Colo.App., 2006). Absent extraordinary circumstances, no additional time will be given for the hearing. The Court will require time at the conclusion of the hearing for deliberation and issuing a ruling from the bench.
- 2) If you have settled the matter please file a Separation Agreement, Parenting Plan or Stipulation, as appropriate, as soon as possible. Hearings will not be vacated unless a written, signed agreement is filed with the Court. Mediation and Trial Management Certificate deadlines will be enforced unless a written, signed agreement, addressing all outstanding issues, is filed with the Court.
- 3) Remember, the Court needs time to deliberate and make a ruling. If the parties use all of their time, the Court may have to take the case under advisement, which will delay the ruling.
- 4) The parties must file a JOINT Trial Management Certificate (TMC) in compliance with C.R.C.P. 16.2(h), which shall include each party's position on every issue for which the parties are seeking a ruling. Failure to include an issue in the TMC may preclude that issue from being heard. Unless listed in the Joint Trial Management Certificate, witnesses and exhibits will not be allowed, absent good cause. If either party fails to cooperate in filing a joint TMC, the Court will entertain sanctions, upon


affidavit, against the non-cooperative party, including default judgment, dismissal, attorney fees, and limitation of introduction of evidence. The affidavit must explain steps taken in order to obtain cooperation from the non-responsive party in the process of attempting to confer and to file the TMC. If a joint TMC is not filed, the parties may lose their hearing date. If both parties are not represented by counsel, the parties shall each file a pre-trial statement pursuant to C.R.C.P. 16.2(h)(1).

- 5) In order to streamline the hearing, please comply with the following:
- a) The time your hearing is set is when the hearing will begin. If you need or want time to talk with the opposing party, please arrange to arrive before your scheduled start time.
 - b) The TMC will have been read by the judge, if you elect to use your time to make an opening statement, please consider that the Court has read the TMC.
 - c) If the parties agree, the Court will accept offers of proof or affidavits as to any witness. If you wish, a witness to appear by telephone please comply with C.R.C.P 43(i) and C.R.C.P. 16.2(c)(4). Witnesses can be called out of order, if the parties agree or extenuating circumstances demonstrate good cause.
 - d) If a CFI/PRE is involved, the report will be considered as evidence without the need for the author to testify. However, either party may subpoena the author of the report.
 - e) If either party is calling an expert witness, the expert report must be filed with the Court at least seven (7) days prior to the hearing, unless there is an objection to the expert or the report. If there is no objection, the Court will read the report prior to the hearing and the report will constitute the direct examination of that witness. The other party will be able to cross-examine the witness and the Court will allow expanded re-direct examination, as well as re-cross examination.
 - f) If division of any real or personal property is at issue, the parties are to confer and prepare ONE Excel spread sheet which lists EVERY asset, piece of property (including household items in dispute), debt, or anything else the parties are asking the Court to divide. The item is to be described with particularity so that everyone knows what it is. Each party's opinion as to the value, its status as marital or non-marital, who currently is in possession of the property, and its proposed disposition, shall be listed. If the asset or debt is not on the spread sheet, the Court will not consider it. **NOTE:** The spread sheet is to be **e-mailed** as an attachment to the division judicial assistant prior to the hearing, so that it is in editable form.
 - g) The parties are to meet at least 10 days prior to trial to exchange and discuss exhibits (this is also a good time to work on the Joint TMC). All stipulated exhibits to be introduced by either party are to be put into ONE Notebook, using numbers. If there are exhibits to which the parties do not stipulate, the party wishing to introduce that exhibit is to bring four (4) copies, triple-punched on the side, so that the exhibit can be put into the notebook, if admitted. Any exhibit admitted, or offered but not admitted, must be filed within seven (7) days after the hearing, pursuant to CJD 11-01. The court will neither upload exhibits nor retain them after hearing

- 6) The Court will not hear from the child(ren) except under extraordinary circumstances, addressed in a Status Conference prior to the hearing. NO ONE SHALL BRING THE CHILDREN TO COURT.
- 7) Parties must update their 16.2 disclosures seven (7) days prior to hearing if the disclosures are more than sixty (60) days old. If information has not been properly disclosed pursuant to the rules, it will not be admitted at the hearing. This will be strictly enforced with regard to any new financial information that has not been previously disclosed.

So ORDERED, October 1, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'T. Mulvahill', written over a horizontal line.

Thomas F. Mulvahill
District Court Judge