

8 <sup>th</sup> District Court, Larimer County, State of Colorado 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521-2761 (970) 494-3500	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
In Re Marriage of  Petitioner:  And  Co-Petitioner:	
Case Number: DR Courtroom: 2B	
<p style="text-align: center;"><b>ORDER SETTING TRIAL/HEARING</b></p>	

**FURTHER PROCEEDINGS**

The following further proceedings are set in this matter:

	<u>Hearing/Trial</u>	<u>Pre-Trial Conference</u>
Proceeding:	<u>Permanent orders/APR</u>	<u>By phone (Court will initiate call) unless ordered to appear.</u>
Date:	<u>, 2016</u>	<u>, 2016</u>
Time:	<u>.m.</u>	<u>.m.</u>
Courtroom:	<u>2B ( 1- Day Trial)</u>	<u>2B</u>

**If both parties are pro se (representing themselves):**

Each party shall file, and provide a copy to the opposing party, at least 3 days prior to the pretrial conference the following: a brief statement (not to exceed five pages) identifying the disputed issues (for example, parenting time, child support, etc.), the relief requested (what you want the court to order), a list of disputed personal property with valuation of each item of property, a list of that party's witnesses and exhibits, and an updated sworn financial statement. The parties are advised to bring their witnesses to court. If you need a subpoena to compel the witness' appearance in court, prepare one, have it issued by the clerk's office, and serve it on the witness. Hearsay is usually not admissible. There are some exceptions under the Rules of Evidence, but those exceptions are too long and complicated to explain I this document.

Hearsay is a statement by someone who is not in court to testify, offered to prove the matter asserted in the statement. Therefore, you should plan on having any witness you want the court to hear from present at the hearing to give sworn testimony in the courtroom, under oath. Certain forms are available at the 8<sup>th</sup> Judicial District Self Help Center.

**If at least one party is represented by counsel:**

### **WITNESSES AND EXHIBITS: PRE-TRIAL MEETING**

Expert Witness reports, if any, must have been previously disclosed prior to the date of this order. Lay and expert witness information (**detailed** description of testimony) as required by CRCP 16.2(e)(3) and 26 as applicable, shall be filed no later than 49 days prior to the trial date.

The pre-trial meeting of counsel/parties required by C.R.C.P. 16.2(h)(2) shall be held no later than 14 days prior to the pre-trial conference, and exhibits shall be exchanged at the meeting.

### **TRIAL MANAGEMENT CERTIFICATE**

The parties shall file their Joint Trial Management Certificate required by C.R.C.P. 16.2(h) no later than 7 days prior to the pretrial conference. Trial Management Certificates shall include all the items required by C.R.C.P. 16.2(h)(2). Parties shall e-file their exhibits by that date with an exhibit list.

Opening statements (Not to exceed three pages) and any listing of disputed personal property are due the day prior to the pre-trial conference. See the mandatory order included herein for further requirements.

Dated .

BY THE COURT:

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John A. Jostad  
DISTRICT COURT MAGISTRATE

DISTRICT COURT, COUNTY OF LARIMER, STATE OF COLORADO

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MANDATORY ORDER RE: DOMESTIC TRIAL MANDATORY PRE-TRIAL FILINGS

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**TO: Counsel of Record and Pro Se Parties**

**The court expects strict compliance with Rule 16.2 and the Order Setting Trial/Hearing. It is imperative for all parties to file all the required documents by the deadlines set and that these documents be complete, current and accurate. The court will only permit late or additional filings based on extraordinary circumstances. Sanctions may be entered and/or the trial or hearing may be continued for failure to comply.**

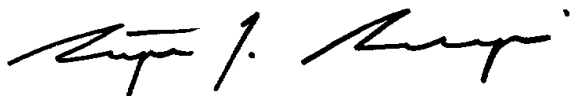
To ensure that the parties and the court are prepared to address the pending issues at the hearing, each party **shall file the following documents before the pre-trial conference, as ordered, with the court:**

- Opening Statement with specific relief requested (not to exceed 3 pages and consistent with Joint Trial Management Certificate positions)
- Personal Property Listing/Valuation (If personal property division is at issue)

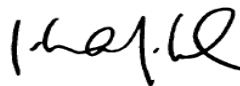
Effective January 1, 2012, attorneys are required to e-file all pleadings and exhibits. Pro se parties shall file all pleadings and exhibits in paper format at the clerk's counter on the first floor. If a pro se party is mailing any filings, the court must **receive** the filings by the due date. Pro se parties must always mail any filings to the opposing party/counsel, and retain copies. If the documents are mailed, the envelope should be addressed to: The Honorable John A. Jostad, Larimer County Justice Center, 201 LaPorte Ave., Suite 100, Fort Collins, CO 80521. Original exhibits and one courtesy copy of all exhibits shall be brought to the court hearing for use by the witnesses and the court.

Prior to the trial, the court expects counsel or pro se parties to have conferred to (a) review exhibits and witnesses, (b) to stipulate to undisputed facts (c) discuss trial efficiencies such as presentation of testimony through the use of reports or presentation by offers of proof, or agreements regarding admissibility of exhibits, and (d) reduce stipulations and agreements to writing. **If the case completely settles**, but the agreement(s) are not fully signed and filed with the court prior to the trial or hearing, the appearance of the parties/counsel is **NOT excused** unless requested and ordered by the Court.

The Court will not receive stipulated exhibits *carte blanche*. Exhibits must be necessary and relevant to the issues to be determined. Parties should avoid submission of duplicate exhibits. Petitioner exhibits are numbered, and Respondent/Co-Petitioner exhibits are lettered.



Stephen J. Schapanski  
CHIEF HUDGE



John A. Jostad  
DISTRICT COURT MAGISTRATE

## C.R.C.P. 16.2:

### (h) Trial Management Certificates.

- (1) If both parties are **not represented** by counsel, then each party shall file with the court a brief statement identifying the disputed issues and that party's witnesses and exhibits including updated Sworn Financial Statements and (if applicable) Supporting Schedules, together with copies thereof, mailed to the opposing party at least 7 days prior to the hearing date or at such other time as ordered by the court.
- (2) If at least **one party is represented** by counsel, the parties shall file a joint Trial Management Certificate 7 days prior to the hearing date or at such other time as ordered by the court. Petitioner's counsel (or respondent's counsel if petitioner is pro se) shall be responsible for scheduling meetings among counsel and parties and preparing and filing the Trial Management Certificate. **The joint Trial Management Certificate shall set forth stipulations and undisputed facts, any requests for attorney fees, disputed issues and specific points of law, lists of lay witnesses and expert witnesses the parties intend to call at hearing and a list of exhibits, including updated Sworn Financial Statement, supporting Schedules (if applicable) and proposed child support worksheets.** The parties shall exchange copies of exhibits at least 7 days prior to hearing.