

**RULES OF THE UNITED  
STATES DISTRICT  
COURT FOR THE  
DISTRICT OF COLORADO**

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Rules of the United States District Court for the District of Colorado by Various

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**VARIOUS**

**RULES OF THE UNITED  
STATES DISTRICT  
COURT FOR THE  
DISTRICT OF COLORADO**



U.S. District court, Colorado

RULES c†

**United States District Court**

**DISTRICT OF COLORADO**

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(Adopted January 4, 1912)  
(Amended to December 18, 1916)

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**TERMS OF COURT:**

- AT DENVER—First Tuesday in May.  
                    First Tuesday in November.  
AT PUEBLO—First Tuesday in April.  
AT GRAND JUNCTION—Second Tuesday in September.  
AT MONTROSE—Third Tuesday in September.  
AT DURANGO—Fourth Tuesday in September.

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**RULES**  
OF THE  
**DISTRICT COURT**  
OF THE  
**UNITED STATES FOR THE DISTRICT OF**  
**COLORADO**

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**RULE I.**

**Process.**

All process shall run in the name of "The President of the United States of America," be signed by the clerk, and issued under the seal of the court.

**RULE II.**

**Suits.**

1. Suits commenced in the district court may be filed in the clerk's office at any place the court may sit, and they shall be tried or heard at such place unless removed according to the rules of the court.

2. Suits removed from the court of the state of Colorado, in any of the counties of Dolores, San Miguel, Hinsdale, Ouray, Montrose, Gunnison, Delta, Mesa, Pitkin, Garfield, Rio Blanco, and Montezuma, pursuant to any act of congress, shall be filed in the clerk's office at Montrose.

3. Suits removed from a court of the state in any of the counties of Baca, Prowers, Kiowa, Bent, Otero, Las Animas, Huerfano, Pueblo, Fremont, Custer, Chaffee, Crowley, Saguache, Costilla, Rio Grande, Conejos, Archuleta, Mineral, La Plata, and San Juan, pursuant to any act of congress, shall be filed in the clerk's office at Pueblo.

4. Suits removed from a court of the state, in any other county of the state not hereinbefore mentioned, pursuant to any act of congress, shall be filed in the clerk's office at Denver.

5. Upon cause shown to the court, or a judge thereof, a suit may be transferred from the place where the same may be pending to either of the places where the court may be authorized to sit for further proceedings therein. And upon such removal or transfer, the clerk shall certify the original papers and files, together with a copy of the order directing the removal from that office in which the suit may be pending, to the office to which it may be removed. The cost of such removal, including the cost of transmitting papers, shall be paid by the moving party, or as the court may direct.

6. In any suit removed from a court of the state, either party may proceed according to law in this court, upon filing a transcript of the record of such suit in this court, at any time on or before the day limited by the act of congress for entering the suit in this court.

### RULE III.

#### Actions at Law.

Actions at law shall be commenced by filing a complaint with the clerk, upon which a summons shall be im-

In the Matter of }  
the Rules of Court. }

At this day it is ordered by the court that rule II of this court be, and the same is hereby, amended to read as follows, to-wit:

## RULE II.

### Suits.

1. Suits commenced in the district court may be filed in the clerk's office at any place the court may sit, and they shall be tried or heard at such place unless removed according to the rules of the court.

2. Suits removed from a court of the state of Colorado, in any of the counties of Alamosa, Baca, Bent, Chaffee, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, or Saguache, pursuant to any act of Congress, shall be filed in the clerk's office at Pueblo.

3. Suits removed from a court of the state of Colorado, in any of the counties of Delta, Gunnison, Hinsdale, Montrose, Ouray, or San Miguel, pursuant to any act of Congress, shall be filed in the clerk's office at Montrose.

4. Suits removed from a court of the state of Colorado, in any of the counties of Eagle, Garfield, Mesa, Pitkin, or Rio Blanco, pursuant to any act of Congress, shall be filed in the clerk's office at Grand Junction.

5. Suits removed from a court of the state of Colorado, in any of the counties of Archuleta, Conejos, Dolores, La Plata, Montezuma, or San Juan, pursuant to any act of Congress, shall be filed in the clerk's office at Durango.



6. Suits removed from a court of the state of Colorado, in any other county of the state not hereinbefore mentioned, pursuant to any act of Congress, shall be filed in the clerk's office at Denver.

7. Upon cause shown to the court, or a judge thereof, a suit may be transferred from the place where the same may be pending to either of the places where the court may be authorized to sit for further proceedings therein. And upon such removal or transfer the clerk shall certify the original papers and files, together with a certified transcript of all orders of court, including a copy of the order directing the removal from that office in which the suit may be pending, to the office to which it may be removed. The cost of such removal, including the cost of transmitting papers, shall be paid by the moving party, or as the court may direct.

8. In any suit removed from a court of the state, either party may proceed according to law in this court, upon filing a transcript of the record of such suit in this court, at any time on or before the day limited by the act of Congress for entering the suit in this court.

November 26th, A. D. 1917.

mediately issued, directed to the defendant, requiring him to appear and demur or answer to the complaint within thirty days from the day of service. Except as provided in these rules and in the laws of the United States, the summons and the pleadings and proceedings in the action shall be as prescribed in the laws of the state.

#### RULE IV.

##### Attachment.

In any action at law, where, by the laws of the state, the plaintiff would be entitled to proceed by attachment, or to procure an attachment in aid of his suit, the like remedy shall be allowed in this court, upon complying with the provisions of such statutes relating to the filing of an affidavit, the giving of bond, and the like; for that purpose the statutes of the state regulating attachments are adopted in this court as rules of proceeding, so far as the same are applicable in courts of the United States.

#### RULE V.

##### Replevin.

An action of replevin may be maintained under such regulations and restrictions as are prescribed in the statutes of the state respecting the claim and delivery of personal property; for that purpose, the statutes of the state on that subject are adopted as rules of proceeding in this court, so far as the same are applicable in the courts of the United States.

#### RULE VI.

##### Summons.

The summons shall be served by the marshal, or his deputy, in the manner prescribed in the statute of the

state, and he shall, in his return, state the time, place and manner of service. As to the place, it shall be sufficient to state the county in which service is made. The marshal shall be diligent in serving the summons on all of the defendants named therein.

#### RULE VII.

##### Plea in Abatement.

Matters in abatement of the action shall be pleaded before an answer in bar or to the merits is filed, and if not so pleaded, they will be regarded as waived.

#### RULE VIII.

##### Depositions.

A *dedimus potestatem* may be sued out of the clerk's office at any time on notice to the opposite party of ten days, and service of a copy of the interrogatories to be attached to the writ. Cross-interrogatories may be filed within the time specified in the notice, which shall also be attached to the writ. Objections by either party to the interrogatories of the other shall be in writing, and shall be set down for hearing before a judge of the court, upon one day's notice to the opposite party. If there shall be a judge of the court within the district, such objection shall be settled before the *dedimus* shall be issued. In the absence from the district of the judge of the court, or on stipulation, the writ may be issued, and objections to the interrogatories may be settled after the deposition shall be returned.

2. A *dedimus potestatem* may be directed to a United States commissioner or to any person qualified to take testimony by the laws of the state in which the same is to be executed. The officer to whom the same shall be