

LITIGATION BY THE NUMBERS - FOURTH EDITION

July 2007 Update

Enclosed is the 48-page July 2007 Update for your copy of *Litigation By The Numbers - Fourth Edition*, by Julie A. Goren, Esq.

NEW RULES FOR JULY 2007: As of July 1, 2007, there will be a new category of Limited Civil Cases, called "Collections Cases." They are actions for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorneys fees, arising from a transaction in which property, services, or money was acquired on credit, and do not seek tort or punitive damages, recovery of real or personal property or a prejudgment writ of attachment (new C.R.C., Rule 3.740, effective July 1, 2007). In order to provide uniformity among the various counties in the State, and eliminate costly court appearances, Collections Cases will be carved out of certain current fast track rules, and different rules will apply, for example:

- The 60-day deadline for filing the Proof of Service of Summons will not apply to Collections Cases. Instead, the plaintiff will have 180 days within which to file Proof of Service of Summons or to obtain an Order for Publication of Summons. These new rules are reflected in Chapter 1 of the July Update.
- The rule requiring the plaintiff to obtain default judgment within 45 days of entering default will not apply to Collections Cases. Instead, the plaintiff is to obtain default judgment within 360 days of filing the Complaint. This change is reflected in Chapter 3 of the July 2007 Update.

NEW FORM FOR JULY 2007: The Civil Case Cover Sheet will be revised as of July 1, 2007, to include "Rule 3.740 Collections Cases" as a type of case. (Chapters 1 and 4)

AUTHOR'S TWEAKS AND IMPROVEMENTS: This is the bulk of the July Update.

- **Added Limited Civil Case Information:** Since initial publication in 1982, *Litigation By The Numbers* has focused solely on procedure relating to cases seeking relief in excess of the Municipal Court / Limited Civil Case jurisdictional limit. However, in order to include the Collections Case rules in this Update, we've expanded the scope of the book to include Limited Civil Cases. This involved numerous changes, including:
 - ' **Case Questionnaire:** We've added a new § 1.5A "Additional Optional Documents to Serve on the Defendant," which includes the "Case Questionnaire for Limited Civil Cases," and we added the form to the end of Chapter 1. In Chapter 4, we remind the defendant to serve a completed Case Questionnaire with the Answer if applicable.
 - ' **Fees:** We've added Limited Civil Case fees to Appendix "F" and so noted everywhere filing fees and Appendix "F" are mentioned.
 - ' **Differences in Procedure:** Chapter 4 states that the Answer doesn't have to be verified; under each method of discovery in Chapter 5, we've added warnings about the limitations on discovery; in the rogs section, we've noted that there is a separate Judicial Council form set of rogs for Limited Civil Cases; in Chapter 6, we've noted the Limited Civil Case restrictions on demurrers and motions to strike.
- **Added Detail on Motions to Compel:** Under each method of discovery in Chapter 5, there is now a note to calendar the last day to notice a motion to compel, and at the end of Chapter 5, we've added a basic discussion about motions to compel, including sanctions, meet and confer requirements, and the need for a separate statement.

- **Calendaring Notes and Warnings:** We've added more detail on calendaring and changed the look of calendaring warnings. For example, in Chapter 1, upon filing the Complaint, a text box tells the reader to calendar 60 days to file the Proof of Service of Summons in an Unlimited Civil Case and a tickler before that to consider seeking an extension of time to do so, and for Limited Civil Cases, to calendar 180 days to file the Proof of Service of Summons and 360 days to obtain default judgment; each method of service of the Summons and Complaint contains a note to calendar 30 days as the date the defendant's response is due, and 40 days to request entry of default. Chapter 5 has bold text box warnings about waivers of rights to object to discovery and to move to compel. Chapter 6 has a bold text box warning about time limitations for noticing motions and having them heard.
- **More Substance:** In Chapter 1, we've added a bit on jurisdiction and venue and a better explanation on when service by publication is effective; in Chapter 5 we've added more on the scope of discovery and cut-off for discovery-related motions; and in Chapter 6 we've added a warning that there are time limitations for noticing motions and/or having them heard.

Here's how to replace the pages:

New Pages to insert	# pp. to insert	# pp. to discard		New Pages to insert	# pp. to insert	# pp. to discard
Title thru -vi-	3	same as discard		5-39 to 5-40	1	same as discard
1-1 to 1-8	4	"		5-47 to 5-48	1	"
1-17 to 1-20	2	"		5-57 to 5-62	3	"
1-25 to 1-26	1	"		5-65 to 5-68	2	"
1-29 to 1-32	2	"		5-71 to 5-74	2	1
1-35.3 to 1-40	3	"		6-5 to 6-6	1	same as discard
1-43 to 44	1	"		6-39 to 6-40	1	"
1-51 to 52	1	"		6-43 to 6-48	3	"
1-61 to 64	2	0		Appendix F 1-2	1	"
3-9 to 3-10	1	same as discard		Glossary 1-6	3	"
4-7 to 4-10.2	3	"		Index 1-6	3	"
5-1 to 5-8	4	5		////////////////////	////	////////////////////////////////////

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