

## Suggested procedural filing guideline for filing a Notice of Removal and state court documents.

The information provided below is only a **suggested procedural guideline** and is **not** all inclusive due to the status of the state case, the documents that may or may not have been filed in district court or the different policies in each district which may affect what documents are available to be filed in the United States District Court, for the District of Colorado. **It is the responsibility of the attorney or pro se party** removing the case to interpret and follow Local Rule **D.C.COLO.LCivR 81.1 - PROCEDURE FOR REMOVAL** and **28 U.S.C. § 1446(a)**.

### Case Opening and Initiating documents:

1. **Review 28 U.S.C. § 1446(a)** to ensure compliance. **28 U.S.C. § 1446(a)** requires the filing of the Notice of Removal and specific state court documents. Each of the state court documents shall be individual PDFs. As a suggested procedural guideline, see item three below.
2. Open a new case. (See **Attorney Civil Case Opening Procedures** for more information.)
3. File the initiating document (Notice of Removal)
  - a. Notice of Removal's (main document)
  - b. Complaint/Cross Claim/Counter Claim/3rd Party Complaint or other initiating document
  - c. Answers to complaints or initiating petitions.
  - d. Affidavit of Service/Returns of Service of the complaint and summons
  - e. Any orders served upon the defendant  
**(NOTE1: Documents for items b through e are from the state court case)**  
**(NOTE2: The Description field for attachments in CM/ECF shall clearly identify the state court document. For example, the state court complaint would be described as "State Court Complaint", etc.**
  - f. Civil Cover Sheet

### Within 14 Days of filing of the Notice of Removal:

2. Within fourteen (14) days of the filing of the Notice of Removal, the removing party shall file in CM/ECF, the following types of documents:

**NOTE:** Each of the following documents should be **separate** PDF documents and **each** PDF cannot exceed 5.0 MB in size.

- A. Current state docket sheet (register of actions.) (Use the **Notice - Other** event under the **Other filings - Notices** category.)
- B. Each pending motion from state court (Use the appropriate federal **motion** event under the **Motions and Related filings - Motions** category.)
- C. All **related** responses, replies, and briefs. (Use **response to motion**, **reply to motion**, **brief in support of motion**, or **brief in opposition of motion** event under the **Motions and Related filings - Supporting documents, Responses and Replies** category.)

**NOTE:** Each response, reply, or brief shall be filed using the appropriate response, reply, or brief event and linked to the motion they relate to.

- D. State petitions. (Use the **petition** event under the **Other Filings - Other Documents** category.)

### Pending State Court Hearings:

3. If a **hearing in the state court has been set before a case is removed**, counsel or the pro se party **removing** the case shall notify the state court judge forthwith of the removal.

Use the **Notice - Other** event to file a copy.

4. The removing party will **notify the federal judge to whom the case is assigned of the nature, time, and place of the state court setting.**