**FILING A NOTICE OF REMOVAL**

*The information provided below is only a suggested procedural guideline. - it is not all inclusive.*

*Each state court has its own policy regarding Notices of Removal which may impact what documents are available to be filed in the federal court. Ultimately, it is the responsibility of the attorney or pro se party who removes the case to interpret*

*and follow governing requirements set forth in Local Rule D.C.COLO.LCivR 81.1 and 28 U.S.C. § 1446(a).*

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| **Case Opening & Initiating Documents**  1. 28 U.S.C. § 1446(a) sets forth requirements,  including specific state court documents,  needed for the filing of a Notice of Removal.  For example, each state court document  shall be filed in the federal case as an  individual PDF. Review 28 U.S.C. § 1446(a)  to ensure your compliance.  2. Assemble the documents needed to initiate  the new federal case.  - Notice of Removal (main document)  - Complaint/Cross Claim/Counter Claim/3rd  Party Complaint or other initiating document  - Answers to complaints or initiating petitions  - Affidavit of Service/Returns of Service of  the complaint and summons  - Any orders served upon Defendant  - Civil Cover Sheet  3. Open the new federal case [see *Opening a*  *Civil Case* for more information] and file the  documents above. When filing the documents,  identify them in the Description field for each  attachment [e.g. State Court Complaint, State  Court Answer to Complaint, etc. | **Subsequent Documents**  4. Within 14 days of the filing of the  Notice of Removal, the removing party  shall file the following documents into  the new federal case as separate PDFs:  - Current state court docket sheet or  register of actions [*event Other filings*  *– Notices*]  - Each pending motion in state court  [event *Motions and Related filings*]  - All related responses, replies, and  briefs [event *Motions and Related*  *Filings* 🡪 *Supporting documents,*  *Responses, and Replies*] linked to the  appropriate motion  - Each pending petition in state court  [event *Other Filings* 🡪 *Other*  *Documents*] | **Hearings Pending in State Court**  5. If a state court hearing has been set before  the case is removed, the moving party shall  promptly notify the state court judge that  the case has been removed to federal  court. Upon doing so, file a copy of the  notice in the federal case [event *Notice –*  *Other*].  6. The removing party shall notify the federal  judge assigned to the new federal case of  the state court setting, to include the  nature of the hearing, time, and location. |