

Section I – Civil Rules

Comment 2022-2023-3
 D.C.COLO.LCivR 8.1
 In Forma Pauperis Party and Prisoner Pleadings

Submitted by magistrate judge. Suggestion to extend initial review to cases wherein prisoner pays filing fee.

Existing rule	Proposed revision	Final w/ revision
<p>(b) Review of Prisoner Pleadings. A judicial officer designated by the Chief Judge shall review the pleadings of a prisoner (whether represented by counsel or not) to determine whether the pleadings should be dismissed summarily if the prisoner is</p> <ul style="list-style-type: none"> (1) proceeding without prepayment of fees; (2) challenging conditions of confinement; (3) seeking redress from a governmental entity, officer, or employee; or (4) asserting claims pertinent to his or her conviction or sentence, except in death penalty cases. <p>A judicial officer may request additional facts or documentary evidence necessary to make this determination.</p>	<p>(b) Review of Prisoner Pleadings. A judicial officer designated by the Chief Judge shall review the pleadings of a prisoner (whether represented by counsel or not) to determine whether the pleadings should be dismissed summarily if the prisoner is</p> <p>(1) proceeding without prepayment of fees;</p> <ul style="list-style-type: none"> (1) challenging conditions of confinement; (2) seeking redress from a governmental entity, officer, or employee; or (3) asserting claims pertinent to his or her conviction or sentence, except in death penalty cases. <p>A judicial officer may request additional facts or documentary evidence necessary to make this determination.</p>	<p>(b) Review of Prisoner Pleadings. A judicial officer designated by the Chief Judge shall review the pleadings of a prisoner (whether represented by counsel or not) to determine whether the pleadings should be dismissed summarily if the prisoner is</p> <ul style="list-style-type: none"> (1) challenging conditions of confinement; (2) seeking redress from a governmental entity, officer, or employee; or (3) asserting claims pertinent to his or her conviction or sentence, except in death penalty cases. <p>A judicial officer may request additional facts or documentary evidence necessary to make this determination.</p>

Section I – Civil Rules

Comment 2022-2023-2
D.C.COLO.LCivR 72.1
General Authority and Duties of a Magistrate Judge

Submitted by magistrate judge. Suggestion to add additional duty of addressing highly sensitive documents.

Existing rule	Proposed revision	Final w/ revision
<p>(b) Duties. A magistrate judge may:</p> <p><i>[subsections 1-10]</i></p>	<p>(b) Duties. A magistrate judge may:</p> <p><i>[subsections 1-10]</i></p> <p>(11) issue orders on motions to treat a document as a highly sensitive document; and</p> <p>(12) issue other orders as authorized by law.</p>	<p>(b) Duties. A magistrate judge may:</p> <p><i>[subsections 1-10]</i></p> <p>(11) issue orders on motions to treat a document as a highly sensitive document; and</p> <p>(12) issue other orders as authorized by law.</p>

Section I – Civil Rules

Comment 2022-2023-7
D.C.COLO.LCivR 72.2
Consent Jurisdiction of a Magistrate Judge

Submitted by magistrate judge. Suggestion to eliminate reference of prohibited conduct in acquiring consent.

Existing rule	Proposed revision	Final w/ revision
<p>(a) Designation. Under 28 U.S.C. §636(c)(1) and subject to this rule, a full-time magistrate judge is designated specially to conduct any or all proceedings in any jury or nonjury civil action and order the entry of judgment in the case.</p> <p>(b) Prohibition. No judicial officer, court official, or court employee may attempt to influence the granting or withholding of consent to the reference of any civil matter to a magistrate judge. The form of notice of the right to consent to disposition by a magistrate judge shall make reference to the prohibition and shall identify the rights being waived.</p> <p>(c) Notice. On the filing of any civil action, the clerk shall deliver to the plaintiff(s) written notice of the right of the parties to consent to disposition of the civil action by a magistrate judge under 28</p>	<p>(a) Designation. Under 28 U.S.C. §636(c)(1) and subject to this rule, a full-time magistrate judge is designated specially to conduct any or all proceedings in any jury or nonjury civil action and order the entry of judgment in the case.</p> <p>(b) Prohibition. No judicial officer, court official, or court employee may attempt to influence the granting or withholding of consent to the reference of any civil matter to a magistrate judge. The form of notice of the right to consent to disposition by a magistrate judge shall make reference to the prohibition and shall identify the rights being waived.</p> <p>(b) Notice. On the filing of any civil action, the clerk shall deliver to the plaintiff(s) written notice of the right of the parties to consent to disposition of the civil action by a magistrate judge under 28</p>	<p>(a) Designation. Under 28 U.S.C. §636(c)(1) and subject to this rule, a full-time magistrate judge is designated specially to conduct any or all proceedings in any jury or nonjury civil action and order the entry of judgment in the case.</p> <p>(b) Notice. On the filing of any civil action, the clerk shall deliver to the plaintiff(s) written notice of the right of the parties to consent to disposition of the civil action by a magistrate judge under 28 U.S.C. § 636(c) and the provisions of this rule. A copy of the notice shall be attached to the summons and served on the defendant(s). A failure to serve a copy of such notice on a defendant shall not affect the validity of the service of process or personal jurisdiction over the defendant(s).</p> <p><i>[subsections c-e]</i></p>

<p>U.S.C. § 636(c) and the provisions of this rule. A copy of the notice shall be attached to the summons and served on the defendant(s). A failure to serve a copy of such notice on a defendant shall not affect the validity of the service of process or personal jurisdiction over the defendant(s).</p> <p><i>[subsections d-g]</i></p>	<p>U.S.C. § 636(c) and the provisions of this rule. A copy of the notice shall be attached to the summons and served on the defendant(s). A failure to serve a copy of such notice on a defendant shall not affect the validity of the service of process or personal jurisdiction over the defendant(s).</p> <p><i>[subsections c-f]</i></p>	
---	---	--

Section II – Criminal Rules

Comment 2022-2023-2 (cont'd)

D.C.COLO.LCrR 57.1

General Authority and Duties of a Magistrate Judge

Submitted by magistrate judge. Suggestion to add additional duty of addressing highly sensitive documents.

Existing rule	Proposed revision	Final w/ revision
<p>(b) Duties. A magistrate judge may:</p> <p><i>[subsections 1-26]</i></p>	<p>(b) Duties. A magistrate judge may:</p> <p><i>[subsections 1-26]</i></p> <p>(27) issue orders on motions to treat a document as a highly sensitive document; and</p> <p>(28) issue other orders as authorized by law.</p>	<p>(b) Duties. A magistrate judge may:</p> <p><i>[subsections 1-26]</i></p> <p>(27) issue orders on motions to treat a document as a highly sensitive document; and</p> <p>(28) issue other orders as authorized by law.</p>

Section IV – AP Rules

Comment 2022-2023-9
 D.C.COLO.LAPR 16.1
 AP Case Management

Submitted by magistrate judge. Suggestion to create separate JCMP for Individuals with Disabilities Education Act (IDEA) and environmental cases.

Existing rule	Proposed revision	Final w/ revision
<p>(a) Joint Case Management Plan. A scheduling conference under D.C.COLO.LCivR 16.1 shall not be conducted. In all AP cases, except social security appeals and bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for review of agency action in AP cases, including environmental cases, is here.</p>	<p>(a) Joint Case Management Plan. A scheduling conference under D.C.COLO.LCivR 16.1 shall not be conducted. In all AP cases, except social security appeals and bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for review of agency action in AP cases, including except Individuals with Disabilities Education Act cases and environmental cases, is here. The form of JCMP for review of administrative action in Individuals with Disabilities Education Act cases and environmental cases is here.</p>	<p>(a) Joint Case Management Plan. A scheduling conference under D.C.COLO.LCivR 16.1 shall not be conducted. In all AP cases, except social security appeals and bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for review of agency action in AP cases, except Individuals with Disabilities Education Act cases and environmental cases, is here. The form of JCMP for review of administrative action in Individuals with Disabilities Education Act cases and environmental cases is here.</p>

Section IV – AP Rules

Comment 2022-2023-10
 D.C.COLO.LAPR 16.1
 AP Case Management

Submitted by court staff. Suggestion to create requirements for submission of 406(b) motion and address filing deadlines in Social Security cases.

Existing rule	Proposed revision	Final w/ revision
<p>(a) Joint Case Management Plan. A scheduling conference under D.C.COLO.LCivR 16.1 shall not be conducted. In all AP cases, except social security appeals and bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for review of agency action in AP cases, including environmental cases, is here.</p> <p>(b) Briefing Schedule for Social Security Appeals.</p> <p>(1) Briefing Schedule. Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days</p>	<p>(a) Joint Case Management Plan. A scheduling conference under D.C.COLO.LCivR 16.1 shall not be conducted. In all AP cases, except social security appeals and bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for review of agency action in AP cases, including environmental cases, is here.</p> <p>(b) Motions for Attorney Fees Under 42 U.S.C. §406(b).</p> <p>(1) The motion shall include a copy of the Notice of Award, which specifies the total of past due benefits awarded and/or the amount withheld from the award for the payment of attorney fees.</p> <p>(2) The date of the Notice of Award shall commence the calculation of the time for filing of the motion.</p>	<p>(a) Joint Case Management Plan. A scheduling conference under D.C.COLO.LCivR 16.1 shall not be conducted. In all AP cases, except social security appeals and bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for review of agency action in AP cases, including environmental cases, is here.</p> <p>(b) Motions for Attorney Fees Under 42 U.S.C. §406(b).</p> <p>(1) The motion shall include a copy of the Notice of Award, which specifies the total of past due benefits awarded and/or the amount withheld from the award for the payment of attorney fees.</p> <p>(2) The date of the Notice of Award shall commence the calculation of the time for filing of the motion.</p>

after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.

(2) Page Limitations. Unless otherwise ordered and excluding the cover page, jurisdictional statement, table of contents, statement of facts, and procedural history, opening and response briefs shall be no more than 20 pages, and reply briefs shall be no more than 10 pages.

(d) Motions for Summary Judgment. Motions for summary judgment shall not be filed.

(e) Termination of AP Case Designation. On completion of pre-merits management, designation as an AP case shall terminate, and the case shall be assigned under D.C.COLO.LCivR 40.1. For good cause, designation as an AP case may be terminated before the completion of pre-merits management on motion of a party or sua sponte by the district judge designated for pre-merits management under D.C.COLO.LCivR 40.1(e).

(3) If the motion is filed more than three months after the date of the Notice of Award, the motion shall establish good cause for the delay in filing the motion.

(c) Briefing Schedule for Social Security Appeals.

(1) Briefing Schedule. Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.

(3) Page Limitations. Unless otherwise ordered and excluding the cover page, jurisdictional statement, table of contents, statement of facts, and procedural history, opening and response briefs shall be no more than 20 pages, and reply briefs shall be no more than 10 pages.

(3) If the motion is filed more than three months after the date of the Notice of Award, the motion shall establish good cause for the delay in filing the motion.

(c) Briefing Schedule for Social Security Appeals.

(1) Briefing Schedule. Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.

(4) Page Limitations. Unless otherwise ordered and excluding the cover page, jurisdictional statement, table of contents, statement of facts, and procedural history, opening and response briefs shall be no more than 20 pages, and reply briefs shall be no more than 10 pages.

	<p>(d) Motions for Summary Judgment. Motions for summary judgment shall not be filed.</p> <p>(e) Termination of AP Case Designation. On completion of pre-merits management, designation as an AP case shall terminate, and the case shall be assigned under D.C.COLO.LCivR 40.1. For good cause, designation as an AP case may be terminated before the completion of pre-merits management on motion of a party or sua sponte by the district judge designated for pre-merits management under D.C.COLO.LCivR 40.1(e).</p>	<p>(d) Motions for Summary Judgment. Motions for summary judgment shall not be filed.</p> <p>(e) Termination of AP Case Designation. On completion of pre-merits management, designation as an AP case shall terminate, and the case shall be assigned under D.C.COLO.LCivR 40.1. For good cause, designation as an AP case may be terminated before the completion of pre-merits management on motion of a party or sua sponte by the district judge designated for pre-merits management under D.C.COLO.LCivR 40.1(e).</p>
--	--	--

Section IV – AP Rules

Comment 2022-2023-6
 D.C.COLO.LAPR 16.1
 AP Case Management

Submitted by court staff. Suggestion to provide SSA Commissioner additional time for filing of response.

Existing rule	Proposed revision	Final w/ revision
<p>(b) Briefing Schedule for Social Security Appeals. (1) Briefing Schedule. Unless otherwise ordered, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.</p>	<p>(b) Briefing Schedule for Social Security Appeals. (1) Briefing Schedule. Unless otherwise ordered for good cause shown, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.</p>	<p>(b) Briefing Schedule for Social Security Appeals. (1) Briefing Schedule. Unless otherwise ordered for good cause shown, the opening brief of the plaintiff shall be filed no later than 40 days after the Commissioner files the administrative record. The response brief of the Commissioner shall be filed no later than 70 days after the filing of the administrative record. The plaintiff may file a reply brief no later than 85 days after the filing of the administrative record.</p>

Section V – Attorney Rules

Comment 2022-2023-1
 D.C.COLO.LAttyR 8
 Conviction of Crime

Submitted by district judge. Suggestion to clarify conviction of crime.

Existing rule	Proposed revision	Final w/ revision
<p>(a) Crime. As used in these rules, a crime for which discipline may be imposed is any crime punishable by a term of imprisonment of more than one year; any lesser crime that reflects adversely on the honesty, trustworthiness, or fitness of the attorney in other respects; or any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation to commit a crime.</p>	<p>(a) Crime. As used in these rules, a crime for which discipline may be imposed is any crime punishable by a term of imprisonment of more than one year; any lesser crime that reflects adversely on the honesty, trustworthiness, or fitness of the attorney in other respects; or any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation to commit such a crime.</p>	<p>(a) Crime. As used in these rules, a crime for which discipline may be imposed is any crime punishable by a term of imprisonment of more than one year; any lesser crime that reflects adversely on the honesty, trustworthiness, or fitness of the attorney in other respects; or any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation to commit such a crime.</p>

Section V – Attorney Rules

Comment 2022-2023-8
 D.C.COLO.LAttyR 15
 Civil Pro Bono Representation

Submitted by Court Committee. Suggestion to amend clerk’s office representative for committee membership.

Existing rule	Proposed revision	Final w/ revision
<p>(b) Standing Committee: Composition, Mission, and Authority.</p> <p>(1) The Chief Judge shall appoint the members of the Standing Committee. The committee shall include one district judge, one magistrate judge, the Legal Officer of the court, and one representative each from the following organizations: the FFA, the Colorado Bar Association, a private law firm, Colorado Legal Services, the clinical program of the University of Denver Sturm College of Law, the clinical program of the University of Colorado Law School, and the Pro Se division of the court.</p>	<p>(b) Standing Committee: Composition, Mission, and Authority.</p> <p>(1) The Chief Judge shall appoint the members of the Standing Committee. The committee shall include one district judge, one magistrate judge, the Legal Officer of the court one representative of the office of the clerk, and one representative each from the following organizations: the FFA, the Colorado Bar Association, a private law firm, Colorado Legal Services, the clinical program of the University of Denver Sturm College of Law, the clinical program of the University of Colorado Law School, and the pro se division of the court.</p>	<p>(b) Standing Committee: Composition, Mission, and Authority.</p> <p>(1) The Chief Judge shall appoint the members of the Standing Committee. The committee shall include one district judge, one magistrate judge, one representative of the office of the clerk, and one representative each from the following organizations: the FFA, the Colorado Bar Association, a private law firm, Colorado Legal Services, the clinical program of the University of Denver Sturm College of Law, the clinical program of the University of Colorado Law School, and the pro se division of the court.</p>

Section V – Attorney Rules

Comment 2022-2023-4
D.C.COLO.LAttyR 15
Civil Pro Bono Representation

Submitted by member of the bar. Suggestion to include attorneys with pro bono certifications as eligible for Panel membership.

Existing rule	Proposed revision	Final w/ revision
<p>(c) Panel Membership and Removal. (1) A member of the Panel shall be an attorney who is a member in good standing of the bar of this court.</p>	<p>(c) Panel Membership and Removal. (1) A member of the Panel shall be an attorney who is either a member in good standing of the bar of this court or otherwise duly certified by the Colorado Supreme Court to provide pro bono legal services under C.R.C.P. 204.6 (Pro Bono Counsel Certification).</p>	<p>(c) Panel Membership and Removal. (1) A member of the Panel shall be an attorney who is either a member in good standing of the bar of this court or otherwise duly certified by the Colorado Supreme Court to provide pro bono legal services under C.R.C.P. 204.6 (Pro Bono Counsel Certification).</p>

District of Colorado forms

Comment 2022-2023-5

Forms [on court's website]

Optional addendum to scheduling order in FLSA cases

Submitted by member of the bar. Suggestion to make available a standardized Settlement Worksheet.

**UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO**

FLSA SETTLEMENT WORKSHEET

Case Name: _____ Case Number: _____

Overview of Case & Claims: *This should be a brief summary of what the wage claims and disputes are, including facts such as type of company, the Plaintiff's title/position, duration of employment, and nature of the type of underpayment(s) alleged.*

	YES	NO	N/A	Page	Section
1. Scope of Release. Does the settlement include a release of claims outside of, or in addition to, wage claims?					

Notes: General releases are disfavored in FLSA settlements.

If yes, what special circumstances warrant a broader release?

2. Confidentiality. Does the settlement include a confidentiality provision?					
---	--	--	--	--	--

Notes: Confidentiality provisions are disfavored in FLSA settlements.

If yes, what special circumstances warrant a confidentiality provision??

	YES	NO	N/A	Page	Section
3. Non-Disparagement. Does the settlement include a prohibition against the Plaintiff/employee making truthful statements about their wages, the claim or lawsuit they have brought, or their experiences pursuing these claims?					
<i>Notes: Nondisparagement provisions either must not exist at all or must not be so broad as to include truthful statements related to the Plaintiff's wages or experiences pursuing the claim.</i>					
If yes, explain why the settlement should be approved with this inclusion					
4. Forfeiture of other rights. Does the settlement include any forfeitures of rights outside of the release of claims, such as a prohibition against re-employment?					
<i>Notes: Such provisions are disfavored in FLSA settlements.</i>					
If yes, what special circumstances warrant this/these provision(s)?					
5. Monetary amounts.					
What is the total settlement amount?					
What amount is payable to the Plaintiff(s)?					
What amount is payable to Plaintiff's(s') counsel?					
Of the amount payable to Plaintiff's(s') counsel, how much is for costs?					
Of the amount payable to Plaintiff's(s') counsel, how much is for fees?					
What percent of the total recovery does the fee portion represent?					
On what basis are the attorney fees computed? (e.g. percentage, hourly, etc.)					
	YES		NO		
Are there time and pay records from which damages can be computed with relative certainty?					

If Plaintiff(s) were successful on their FLSA claims, how much would the federal minimum wage claims be worth? <i>(Do not include liquidated damages)</i>		
If Plaintiff(s) were successful on their FLSA claims, how much would the federal overtime claims be worth? <i>(Do not include liquidated damages)</i>		
	YES	NO
Is the amount payable to the Plaintiff(s) less than twice the amount of the federal minimum wage plus overtime claims as stated above?		
<i>Notes: Any compromises to the full minimum wage, overtime, and liquidated damage amounts must be justifiable.</i>		
Provide any explanations as to why the above represents a fair and reasonable settlement for the Plaintiff(s).		
*** Plaintiffs' counsel are directed to submit copies of their retainer agreements and contemporaneous activity or timekeeping logs. They may do so under seal. ***		
<p>6. Other considerations. Are there any other issues the Court should consider when evaluating whether to approve this settlement? If so, briefly explain.</p>		

District of Colorado forms

Comment 2022-2023-11

Forms [on court's website]

Revision to JCMP to require filing of index instead of entire administrative record

Submitted by member of the bar. Suggestion to modify requirement to file entire administrative record in AP cases.

(Revised 08/2023)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: 00-cv-0000-AP *[place AP docket number here]*

XXXXX,

Petitioner,

v.

YYYYY,

Respondent.

**JOINT CASE MANAGEMENT PLAN (“JCMP”) FOR PETITIONS
FOR REVIEW OF AGENCY ACTION IN
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (“IDEA”) & ENVIRONMENTAL CASES**

1. APPEARANCES OF COUNSEL

For Plaintiff:

For Defendant:

Special Assistant United States Attorney

2. STATEMENT OF LEGAL BASIS FOR SUBJECT MATTER JURISDICTION

The Court has jurisdiction based on the presentation of federal question, 28 U.S.C. § 1331.

[If jurisdiction is also based on a specific statutory provision, i.e. the citizen-suit provision of the Endangered Species Act, parties should so state in this section. Additionally, the Respondent should identify any anticipated jurisdictional defenses (i.e., justiciability, ripeness, standing, failure to exhaust remedies, etc.)]

3. DATES OF FILING OF RELEVANT PLEADINGS

A. Date Petition for Review was filed:

B. Date Petition for Review was served on U.S. Attorney's Office:

C. Date Answer or other response was filed:

4. STATEMENT(S) REGARDING WHETHER THIS CASE RAISES UNUSUAL CLAIMS OR DEFENSES

[Provide concise statements regarding whether the case involves unusually complicated or out-of-the-ordinary claims, such as a constitutional challenge to a statute or regulation, an alleged due process violation, a request for emergency relief, etc. It would be the unusual case that has any information in this section.]

5. OTHER MATTERS

[Describe any other matters either party believes should be brought to the attention of the Court.]

6. PROPOSED BRIEFING SCHEDULE

[This briefing schedule is intended to provide reasonable default deadlines which expedite the review process without compromising the ability of Petitioners or Respondents to adequately develop their arguments. The schedule may be modified by agreement of the parties upon a showing of good cause. If parties have reached agreement on page limits for their merits briefs, they should so state here.]

A. Administrative Record:

Unless otherwise ordered, no later than 30 days after filing of a Response to the Petition, the agency shall provide the parties a certified copy of the administrative record and shall file on the electronic docket a verified index of the contents of the administrative record **using Event "Administrative Record"**. When possible, the index shall be filed in a searchable electronic format, e.g pdf. **Unless otherwise ordered, the entire administrative record shall not be filed with the Court.** No later than 7 days after completion of the final briefing related to the Petition, the parties shall confer about designation of an appendix containing copies of those portions of the administrative record that are cited or otherwise relied on in the briefing related to the Petition. The parties are encouraged to agree on the contents of the

appendix. No later than 14 days after completion of the final briefing related to the Petition, the Petitioner shall file the appendix agreed on by the parties or, if any party disagrees about the contents of the appendix, an appendix which identifies those portions specified by each party.

B. Petitioner's Opening Brief due:

[Petitioner's Opening Brief is due 30 days after the Deadline for Filing Motions to Complete and/or Supplement the Administrative Record. If there are challenges to the record, the briefing schedule will be modified accordingly.]

C. Respondent's Response Brief due:

[Respondent's Response Brief is due 30 days after the filing of Petitioner's Opening Brief.]

D. Petitioner's Reply Brief (if any) due:

[Petitioner's Reply Brief is due 15 days after the filing of Respondent's Response.]

7. STATEMENTS REGARDING ORAL ARGUMENT

[The parties should state whether they request oral argument. If oral argument is requested, the requesting party(ies) should explain the need for oral argument. Even if oral argument is requested by one or both parties, it will be the decision of the Judge to whom the case is randomly drawn to determine whether there is a need for such argument.]

A. Petitioner's statement:

B. Respondent's statement:

8. CONSENT TO EXERCISE OF JURISDICTION BY MAGISTRATE JUDGE

[The parties should state whether they intend to consent to the exercise of jurisdiction by a magistrate judge in accordance with D.C.COLO.LCivR 72.2. Pursuant to this Rule, all full-time magistrate judges in the District of Colorado are specially designated under 28 U.S.C. § 636(c)(1) to conduct any or all proceedings in any jury or nonjury civil matter and order the entry of judgment. If all parties consent to the exercise of jurisdiction by a magistrate judge under D.C.COLO.LCivR 72.2, they must file a completed "Notice of Availability . . . and Consent to Exercise Jurisdiction" form, which Plaintiff should have received from the clerk upon filing, NO LATER THAN 40 days after the date of Defendant's Answer, or within 21 days of the filing of the proposed Plan.]

Upon consent of the parties and an order of reference from the district judge, the magistrate judge assigned the case under 28 U.S.C. § 636(a) and (b) will conduct all proceedings in the case.]

Indicate below the parties' consent choice.

- A. () **All parties have consented to the exercise of jurisdiction of a United States Magistrate Judge.**
- B. () **All parties have not consented to the exercise of jurisdiction of a United States Magistrate Judge.**

9. OTHER MATTERS

[Parties filing motions for extension of time or continuances will comply with Fed. R. Civ. P. 5(d)(1) and D.C.COLO.LCivR 5.1(d) by serving a copy of the motion through electronic service upon all attorneys of record and by U.S. mail on all pro se parties, certified by the Notice of Electronic Filing. Parties filing motions for extension of time or continuances must comply with D.C.COLO.LCivR 6.1(c) by serving such motion on the moving attorney's client .]

10. AMENDMENTS TO JOINT CASE MANAGEMENT PLAN

[The parties agree that the Joint Case Management Plan may be altered or amended only upon a showing of good cause.]

DATED this _____ day of _____, 20____.

BY THE COURT

U.S. District Court Judge

APPROVED:

(Name)
(Address)
Email:
Telephone:

Attorney(s) for Petitioner(s)
(or Petitioner, *pro se*)

Street Address:
United States Attorney's Office

(Name)
(Title)
Email:
Telephone:

Attorney for Respondent

(Street Address)

[Please affix counsels' and any pro se party's signatures before submission of the final pretrial order to the court.]