

# COLORADO PRACTICE SERIES™

## Volume 4

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# Civil Rules Annotated

Fifth Edition

By

**STEPHEN A. HESS**

Colorado Springs  
Member, Colorado Bar

Rules 1 to 53



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## **Dedication**

To Mary Lou Hess, and to my wife Dee Dee and our  
children Conor, Evan, Jeremy and Joshua.

Stephen A. Hess



## Preface

The Colorado Rules of Civil Procedure have undergone substantial changes since the Fourth Edition was published in 2005. In addition, hundreds of decisions interpreting and applying the Rules have been announced in the past fifteen years, so the pocket parts have become more difficult to use. This Fifth Edition integrates the pocket parts into the new bound volumes, and updates the research so that all sources are current through late 2019. As before, annual pocket parts will continue to keep the Rules, commentary, and case notes up to date.

These volumes originated with Vance Dittman's *Colorado Rules Annotated* (1966), a pioneering work that collected and analyzed eighty years of Colorado Civil jurisprudence. Sheila Hyatt invited me to collaborate with her beginning with the Third Edition, which was published in 1998. Professor Hyatt passed away late in 2017 before we were able to start work on this Fifth Edition, but these pages still include a very substantial portion of her scholarship.

STEPHEN A. HESS  
COLORADO SPRINGS,  
COLORADO

February 2020



## About The Author

Stephen A. Hess is a member of Sherman & Howard, LLC, where he practices construction law, business litigation, and sports law in the firm's Colorado Springs, Denver, and Albuquerque offices.

Mr. Hess's publications include Stephen Hess, Colorado Handbook on Courtroom Evidence (Thomson Reuters); Robert Benson, ed., Colorado Construction Law (7th ed. 2020, CLE in Colorado, Inc.) (Chapters 3 and 10); Stephen Hess, P. Douglas Folk, Jerry Bales & Ty Holt, eds., Design Professional and Construction Manager Law (American Bar Association 2007) (Executive Editor and chapter author on "Damages"); Carol Patterson, Ross Altman, Allen Overcash & Stephen Hess, eds. (American Bar Association 2019)(and author of chapters "Pricing Mechanisms," and "Damages"); Fred Wilshusen, Eric Berg, Terrence Brookie & Carrie Okizaki, eds., Construction Checklists: A Guide to Frequently Encountered Construction Issues (American Bar Association 2009) (author of three chapters outlining considerations for general contractors); Stephen A.Hess, ed., Colorado Methods of Practice (Editor in Chief and author of seven chapters on Colorado litigation and procedure), and Andy Ness, Stephen Hess, and Robbie MacPherson, Insider's Guide to Construction Contracts (American Bar Association, forthcoming).

Mr. Hess has written more than two dozen articles for law reviews, and he formerly served as the Editor of *The Construction Lawyer*, the American Bar Association's construction law journal and *Construction Briefings*, a national law journal published by Thomson Reuters. He is a Fellow of the American College of Construction Lawyers, and is an adjunct faculty member of the University of Denver College of Law, where he created and teaches the school's Construction Law Seminar.





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