

SECTION III - AP RULES

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

I. SCOPE, PURPOSE, AND CONSTRUCTION

D.C.COLO.LAPR 1.1 SCOPE OF THE LOCAL RULES

- A. **Title and Citation.** These rules shall be known as the Local Rules of Practice of the United States District Court for the District of Colorado - AP Rules. These rules shall be cited as D.C.COLO.LAPR Rule, Section, and Subsection (e.g. D.C.COLO.LAPR 3.1B.3.a).
- B. **Effective Date.** These rules became effective on December 1, 2012.
- C. **Scope.** These rules apply to pre-merits management and briefing in a social security appeal, a case commenced or reviewed under 5 U.S.C. § 706 concerning an action or final decision of an administrative agency, board, commission or officer, or a bankruptcy appeal ("AP Case").
- D. **Numbering and Indexing.** These rules are numbered and indexed in accordance with the Judicial Conference Uniform Numbering System.
- E. **Forms.** Forms are subject to modification without notice.
- F. **Pilot Projects.** Upon appropriate notice, without amendment of the local rules of practice, the court may adopt and implement pilot programs or special projects by general order. The general order shall address:
 - 1. the purpose of the pilot program or special project;
 - 2. the term of the pilot program or special project;
 - 3. the effect upon any local rule of practice; and
 - 4. any requirement necessary to implement or facilitate the pilot program or special project.

D.C.COLO.LAPR 1.2 FORMS

Any court approved form is found on the court's website – www.cod.uscourts.gov. A form may be modified by the court or a judicial officer at any time. A form modified by a judicial officer may be found under the judicial officer's procedures on the court's website.

II. COMMENCEMENT OF ACTION, FORM OF PLEADING, SERVICE OF PROCESS, AND ASSIGNMENT OF AP CASES

D.C.COLO.LAPR 3.1 CIVIL COVER SHEET

A properly completed Civil Cover Sheet found at <http://www.cod.uscourts.gov/Forms.aspx> shall be filed at the commencement of every AP Case. The filing party shall add the phrase "AP docket" to the Brief Description field in Section VI of the Civil Cover Sheet regarding Cause of Action.

D.C.COLO.LAPR 10.2 COMMENCEMENT OF ACTION AND FORM OF PLEADING

- A. Social Security Appeals.** Review of a decision of the Commissioner of Social Security is commenced by filing a "Complaint and Petition for Review" which shall identify the specific order or decision for which review is sought and the date of issuance.
- B. Bankruptcy Appeals.** Appeals to the United States District Court for the District of Colorado from the Bankruptcy Court must be commenced and administered as prescribed in Part VIII of the Federal Rules of Bankruptcy Procedure 8001-8020.
- C. Administrative Appeals/Actions for Review of Final Agency Orders, Decisions, or Rulemaking.** Review of an order, decision, rulemaking, or other final action of an administrative agency pursuant to an agency's establishing statute or the Administrative Procedure Act is commenced by filing a properly denominated complaint or petition for relief as specified by the statute under which relief is requested. The complaint or petition for relief shall include factual allegations relating to the grounds on which the agency action is being challenged and the legal basis for plaintiff/petitioner's entitlement to relief.

D.C.COLO.LAPR 10.3
AP DOCKET

Opening an AP Case. On proper commencement of any AP case under Section A, B, or C of D.C.COLO.LAPR 10.2, the clerk will open a case and assign a case number without random selection to a district judge in accordance with D.C.COLO.LCivR 40.1D. The case number shall bear the initials "AP" to identify the case as an appeal.

III. THE RECORD, PRE-MERITS BRIEFING AND MOTIONS PRACTICE

D.C.COLO.LAPR 16.1
AP CASE MANAGEMENT

- A. Joint Case Management Plan.** A scheduling conference pursuant to D.C.COLO.LCivR 16.1 will not be conducted. In all AP cases, except bankruptcy appeals, the parties will be directed to file a Joint Case Management Plan (JCMP). The form of JCMP for social security appeals is found at <http://www.cod.uscourts.gov/Forms.aspx>. The form of JCMP for review of agency action in other AP cases, including environmental cases, is found at <http://www.cod.uscourts.gov/Forms.aspx>.
- B.** Motions for summary judgment shall not be filed.