

Finality and Timeliness in Civil Appeals

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This article describes the key principles and legal developments pertaining to the determination of finality and timeliness when appealing decisions to the Colorado appellate courts.

The question whether an order is final for purposes of appeal may seem like a simple matter, but in practice it is fraught with difficulties. Determining finality is critical for preserving appellate rights. Failure to recognize that an order is final could result in parties missing the deadline to appeal, and filing an appeal too early can result in its dismissal without prejudice. This article outlines many of the issues that may arise related to finality and timeliness in state civil appeals.

General Principles

The fundamental finality principles discussed below apply to all cases. This section addresses appellate jurisdiction, the consequences of untimely or premature appeals, the requirements for a final order, and the role of protective notices of appeal.

Finality Is Jurisdictional

Finality implicates the appellate court's jurisdiction. CRS § 13-4-102(1) provides that "the court of appeals shall have initial jurisdiction over appeals from final judgments of . . . the district courts." C.A.R. 1(a)(1) provides that an appeal to the appellate court may be taken from "a final judgment of any district, probate, or juvenile court in all actions or special proceedings whether governed by these rules or by the statutes." C.A.R. 1(a) goes on to list additional nonfinal orders from which an immediate appeal can be taken. These include:

- (2) a judgment and decree, or any portion thereof, in a proceeding concerning water rights, an order refusing, granting, modifying, cancelling, affirming or continuing in whole or in part a conditional water right, or a determination that reasonable diligence or progress has or has not been shown in an enterprise granted a conditional water right;

- (3) an order granting or denying a temporary injunction; or

- (4) an order appointing or denying the appointment of, or sustaining or overruling a motion to discharge, a receiver.

Note, however, that taking an interlocutory appeal pursuant to C.A.R. 1(a)(2) through (4) is permissive, not mandatory, and if no interlocutory appeal is taken, the orders may be reviewed on appeal following a final judgment.¹

The district court cannot manufacture finality where there is none, absent a proper CRCP 54 certification, which is discussed below.² Similarly, because finality is jurisdictional, the parties cannot agree to—or waive—finality.³ The parties can agree to stipulate to certification in the district court pursuant to C.A.R. 4.2, but the court of appeals still has discretion to determine whether to allow the interlocutory appeal.⁴

Consequences and Excusable Neglect

Under C.A.R. 4(a)(1), a notice of appeal in a civil case is due 49 days after the district court's final judgment or order. Dependency and neglect cases follow a separate expedited schedule, and the notice of appeal must be filed within 21 days after the entry of the judgment, decree, or order.⁵ Separate expedited deadlines also apply to other types of appeals, such as appeals from the Industrial Claim Appeals Office and appeals of mental health orders.⁶

Failing to file the notice of appeal within the prescribed time "deprives the appellate court of jurisdiction and precludes a review of the merits."⁷ "Strict compliance" with this jurisdictional rule is "required."⁸ Thus, failure to recognize that an order is final could result in counsel missing the deadline to appeal.

Unlike other deadlines in the Colorado court rules, an appellate court may not grant an appellant leave to file an untimely notice of

appeal in a civil case for "good cause shown."⁹ Instead, C.A.R. 4(a)(4) allows the appellate court to extend the deadline by up to 35 days only upon a showing of "excusable neglect."

"Excusable neglect involves a situation where the failure to act results from circumstances which would cause a reasonably careful person to neglect a duty."¹⁰ Failure to act due to carelessness or negligence is not excusable neglect.¹¹ Similarly, ignorance or mistake of law is not excusable neglect.¹² Instead, excusable neglect occurs when there has been a failure to take proper steps at the proper time, "not in consequence of carelessness, but as the result of 'some unavoidable hindrance or accident.'"¹³

Dismissal Without Prejudice

Filing an appeal before there is a final order will result in the dismissal of the appeal without prejudice. Because finality is jurisdictional, an appellate court will dismiss the case at any stage, even after briefing and oral argument, if it becomes apparent that the underlying order being appealed is not final for appeal.¹⁴ Thus, determining finality early in the case is necessary to avoid unnecessary costs.

What Is a Final Order?

Generally, an order or judgment in a case is deemed final "when it ends the particular action in which it is entered, leaving nothing further for the court pronouncing it to do except to execute the judgment."¹⁵ Pursuant to CRCP 54(b) and 58, an order must be signed, dated, and written and must determine all issues as to all parties and claims, counterclaims, cross-claims, and third-party claims to be final. Therefore, oral bench rulings are not final, although signed and dated minute orders are.¹⁶ Finality for appeal and enforceability are individual concepts; rulings are effective and enforceable even if they are not final.¹⁷

Counsel's Due Diligence and Protective Notices of Appeal

C.A.R. 3(d) outlines the requirements of the notice of appeal. The primary purpose of the notice of appeal is to establish jurisdiction in the court of appeals and to give the court of appeals the information it needs to determine whether it has jurisdiction. A division of the court of appeals in *Chavez v. Chavez* discussed in detail how the court of appeals determines its jurisdiction.¹⁸

The notice of appeal does not need to include the arguments that will be brought on appeal; rather, the list of potential issues is merely "advisory."¹⁹ Because the notice of appeal is a jurisdictional tool, counsel should follow the outline in C.A.R. 3(d) and include all the information necessary for the court of appeals to determine whether it has jurisdiction by including the order being appealed, indicating

whether any post-trial motions have been filed or any extensions to file such post-trial motions have been sought, and specifying whether the court has anything left to do, such as determining an award of attorney fees.

A "protective" notice of appeal is filed when counsel is unsure whether there has been a final judgment but wants to ensure that the appeal is filed timely.²⁰ However, counsel also has an obligation to diligently research whether an order is final before filing a protective notice of appeal and must advocate on behalf of their client for the position taken as to finality.²¹ Thus, only when there is a legitimate question regarding whether a ruling is final should a party file a protective notice of appeal as a cautionary measure. When filing such a protective notice of appeal, counsel should outline in the notice of appeal why the order might be final for purposes of appeal and

provide a detailed legal analysis, including any relevant statutes and case law, to enable the court of appeals to determine whether it has jurisdiction.

When defending an appeal, it is important to analyze whether the appeal was filed prematurely, and if so, to file a motion to dismiss the appeal. The motion to dismiss should be filed ideally before the briefing stage to avoid any unnecessary costs. There is no specific appellate rule addressing motions to dismiss, but such a motion would fall under C.A.R. 27. Such motions, after being reviewed by the motions division, may be deferred to the division determining the merits.

The Effect of Attorney Fee Awards on Finality

Any attorney fees award must be reduced to a sum certain to be final.²²

Finality in cases where attorney fee issues haven't been fully resolved is no longer determined by whether attorney fees are classified as costs or damages. The Colorado Supreme Court in *L.H.M. Corp., TCD v. Martinez* eliminated that distinction.²³ Thus, in most cases, that the district court has not yet issued a final decision on attorney fees and costs does not prevent the underlying order on the merits from being final.²⁴

Sanctions awarded under CRS § 13-17-102 before resolution of the entire case are not final appealable orders themselves and cannot be certified as final under CRCP 54. An appeal of those orders must await resolution of the entire case.²⁵

An order awarding attorney fees on matters certified under CRCP 54(b) can be appealed without separate certification of the attorney fees award, because the award is ancillary to the merits of the 54(b) certification.²⁶

Fees pursuant to CRS § 14-10-119 in a dissolution of marriage case are treated by the court of appeals as an exception to *L.H.M.* A division of the court of appeals has determined that the apportionment of attorney fees in a dissolution action "is an integral and substantive part of equitably disposing of the parties' assets and liabilities and dissolving the marriage" and, thus, that permanent orders are not final until resolution of any request for

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fees under this section.²⁷ But the same is not true in an allocation of parental responsibilities proceeding unrelated to a dissolution of marriage.²⁸ In such a case, the orders are final and appealable once the intertwined issues of parental responsibilities and child support are resolved, and an unresolved request for attorney fees under section 14-10-119 does not prevent finality.²⁹

Presumably, even in a dissolution case, an attorney fees award pursuant to CRS § 13-17-102 would be separately appealable under *L.H.M.* When attorney fees are awarded pursuant to CRS § 14-10-119 and § 13-17-102, the district court should distinguish between the two statutes and the amount of each award. Moreover, the district court's failure to resolve a motion under CRS § 14-10-119 could postpone finality indefinitely.

However, in the post-decree context, a pending request for attorney fees under CRS § 14-10-119 does not prevent a ruling on a motion to modify parenting time, decision-making, child support, or maintenance from being final.³⁰ The rationale is that "when considering a post-decree motion to modify, the district court is no longer concerned with 'equitably disposing of the parties' assets and liabilities.'"³¹ At the time of a modification, the assets and liabilities have already been divided, and the court has no continuing duty to dissolve the marriage.³²

Prejudgment Interest

Prejudgment interest is a component of a damages award and must also be reduced to a sum certain before an order is considered final.³³ If an order announces (1) the amount of the judgment, (2) the interest rate, and (3) the date on which accrual of prejudgment interest begins, then the amount of prejudgment interest has been reduced to a sum certain as of the date of the order, even if the order does not calculate the final amount.³⁴

Discovery Rulings

Discovery-related rulings are generally interlocutory and cannot be appealed until the case is fully resolved.³⁵ Challenges to such rulings can be raised in a C.A.R. 21 petition to the supreme court as a discretionary interlocutory appeal,

but only if the ruling affects confidentiality or fundamentally affects the upcoming trial, such that an ordinary appeal after a final judgment would not afford relief.³⁶

Finality Issues Related to District Court Review of Magistrate's Order

Amendments to the Rules for Magistrates were adopted on September 4, 2025, by the Colorado Supreme Court, and are effective for orders issued on or after January 2, 2026.

Finality of a Magistrate's Order for Purposes of District Court Review

C.R.M. 7(a) requires review of *any* magistrate's order by the district court before appealing to the court of appeals. The petition for review must be filed with the district court no later than 28 days from the date the order becomes reviewable pursuant to C.R.M. 7(c).

C.R.M. 5(a) provides that "[a]n order or judgment is final for purposes of appeal or judicial review as stated in C.R.M. 7." Under C.R.M. 7(c), "[o]nly a final order or judgment of a magistrate is reviewable," and "[a] final order or judgment is that which fully resolves an issue or claim." A final order or judgment is not reviewable until it is written, dated, and signed by the magistrate.³⁷ A minute order signed by a magistrate will constitute a final written order or judgment.³⁸

Finality for review by the district court is a fundamentally different concept than finality for purposes of appellate review, because resolution of "an issue or claim" does not necessarily entail resolution of all claims as to all parties.³⁹ Thus, a party may be able to obtain district court review of an order but then may have to wait until the entire case is resolved and final for purposes of appeal before obtaining review by the court of appeals.⁴⁰

Finality of District Court Review

Any petition for review that has not been decided within 91 days from the timely filing of the petition for review will, without further action by the reviewing judge, be deemed an adoption of the order or judgment for all purposes, including C.A.R. 4(a), and the time for appeal will start on that date, if the case is otherwise final.⁴¹

Post-Trial Motions to a Magistrate

Cases interpreting C.R.M. 5(a) have consistently held that a magistrate may not entertain a motion for post-trial relief under CRCP 59 or for relief from a judgment under CRCP 60(b).⁴² The amended rules continue to disallow magistrates to entertain motions under CRCP 59 or 60(b). However, the amended rules now allow any party to file with the magistrate a motion to reconsider under CRCP 121 § 1-15(11), or a motion to correct clerical errors under CRCP 60(a) within 14 days from the date the order or judgment became reviewable under C.R.M. 7(c).⁴³

Upon the timely filing of a motion to reconsider, the time within which a petition for review must be filed with the district court pursuant to C.R.M. 7(d) is tolled until an order on the motion is issued.⁴⁴ If no order has been issued within 21 days of the response deadline (which is 7 days after the motion was filed), the motion shall be deemed denied for all purposes and the time to file a petition for review under C.R.M. 7(d) will start.⁴⁵ If a magistrate grants such a motion, in whole or in part, a petition for review of the amended order or judgment must be filed within 28 days from the date that order or judgment became reviewable under C.R.M. 7(d).⁴⁶

Orders Deciding Contempt and Sanctions

Contempt citation orders are final when all issues have been resolved, including any punitive and remedial sanctions.⁴⁷ This is true even when the underlying case in which the contempt citation arises is still pending and not final.⁴⁸

Orders Regarding Sovereign Immunity

Generally, a district court's grant or denial of a motion regarding governmental immunity is a final judgment subject to interlocutory appeal.⁴⁹ No certification pursuant to CRCP 54(b) is necessary to review the immunity issue even if there are issues in the case unaffected by the immunity determination.⁵⁰

The determination of immunity may be appealed immediately following entry of the order, or the public entity may elect to forego an interlocutory appeal in favor of pursuing trial

or settlement on the claims, while preserving the immunity issue in the event of an appeal following the final disposition of the case.⁵¹ Also, the district court’s ruling on a sovereign immunity issue does not necessarily need to be reduced to a signed written order.⁵²

Orders Dismissing a Complaint Without Prejudice

The general rule is that an order dismissing claims without prejudice is not final for purposes of appeal.⁵³ But there are exceptions. For instance, if claims would be time-barred or would be precluded from reassertion based on the court’s ruling, then the judgment is considered final and appealable despite the claims being dismissed without prejudice.⁵⁴ Additionally, orders denying a motion to dismiss based on tribal sovereign immunity grounds, are, like orders denying governmental and qualified immunity, immediately appealable.⁵⁵

Plaintiffs’ voluntary dismissal of their remaining claims without prejudice, following the district court’s dismissal of some claims with prejudice, does not render a case final for purposes of appeal.⁵⁶

Orders on Summary Judgment

In general, an order denying summary judgment is not appealable because it is not a final order, as trial on the merits remains.⁵⁷ Even if the movant ultimately loses at trial, a summary judgment denial that resolves an issue of law is not appealable; rather, the movant must preserve the issue by other means, such as a motion for directed verdict or judgment notwithstanding the verdict.⁵⁸

However, an order denying summary judgment is appealable where the district court grants one motion for summary judgment and denies the other, effectively ending the litigation.⁵⁹ Moreover, a district court’s denial of summary judgment on the basis of the legal question of qualified immunity in a § 1983 case is immediately appealable.⁶⁰

In contrast, an order granting summary judgment is immediately appealable because it ends the litigation.⁶¹ However, an order granting *partial* summary judgment must be properly certified as final under CRCP 54(b) to be con-

sidered final.⁶² As with rulings on motions to dismiss, a dismissal without prejudice on a motion for summary judgment generally is not final for purposes of appeal unless further action by the plaintiff would be barred—for example, if refiling the claim would be barred by the statute of limitations.⁶³

“
Temporary
maintenance and
temporary child
support orders are
reviewable as final
judgments because
they establish the
financial rights and
obligations of the
parties until
the entry of
permanent orders.
”

Orders Denying Intervention as of Right

The denial of a motion to intervene under CRCP 24(a) as a matter of right is treated as a final and appealable order.⁶⁴

Orders in Domestic Relations Cases

Family law cases present unique challenges to determining finality, due to the complex procedural path often required, including the common use of magistrates.

Permanent and Temporary Orders

In domestic relations cases, typically only permanent orders that resolve all pending issues may be appealed.⁶⁵ Thus, for example, where the district court rules on allocation of parental responsibilities separately from other financial issues, the case is not yet final until all issues have been resolved.⁶⁶ Accordingly, if a party seeks to appeal a portion of the permanent orders before the rest of the case is final, the party will have to seek a certification from the district court pursuant to CRCP 54(b).

But there are exceptions. Temporary maintenance and temporary child support orders are reviewable as final judgments because they establish the financial rights and obligations of the parties until the entry of permanent orders.⁶⁷ However, once permanent orders are entered, the temporary orders can no longer be appealed.⁶⁸ Temporary attorney fees, if reduced to a sum certain, are also considered final.⁶⁹

Protection Orders

Even when filed within a dissolution of marriage proceeding that is otherwise not yet final, a motion for a protection order effectively commences a discrete action for “separate and independent relief” and is considered final for purposes of appeal when the motion is resolved.⁷⁰

Dependency and Neglect Orders

In dependency and neglect cases, an adjudication of dependency and neglect is final and appealable once a dispositional order has been entered, even though that order does not end the dependency and neglect proceeding.⁷¹ A “no adjudication” finding is also appealable.⁷²

Probate Orders

The same rules of finality apply in probate cases as in other civil cases.⁷³ Thus, an order of the probate court is final if it “ends the particular action in which it is entered and leaves nothing

further for the court pronouncing it to do in order to completely determine the rights of the parties as to that proceeding.”⁷⁴ A “proceeding” in the probate context is, if not prescribed by the probate code, framed by a petition.⁷⁵ All subsequent pleadings that relate to the set of claims set forth in the petition are part of the same proceeding.⁷⁶ When the probate court has entered orders fully determining the rights of the parties with respect to all claims raised in a proceeding, there is a final judgment.⁷⁷ If a party wishes to appeal an order of the probate court before every claim in the proceeding has been resolved, the party may seek a CRCP 54(b) certification.⁷⁸

Certifying Finality Pursuant to CRCP 54(b)

In certain circumstances, a party may request certification of an order as final even if not all issues have been resolved. This certification process should not be confused with an interlocutory appeal pursuant to C.A.R. 4.2.⁷⁹ CRCP 54 allows certification in a case where more than one claim for relief is presented,

whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved.⁸⁰ The court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination by the district court that there is “no just reason for delay” and upon an express direction for the entry of judgment.⁸¹

The Colorado Supreme Court recently concluded that appellate courts reviewing a district court’s finding that there is “no just reason for delay” in a CRCP 54(b) certification order do so only to determine whether the district court abused its discretion and may overturn those decisions only if they are “manifestly arbitrary, unreasonable, or unfair.”⁸²

District Court Considerations

In deciding whether to issue a CRCP 54(b) certification with respect to a decision that does not dispose of the entire case, a district court must engage in a three-step process.

1. The court must determine that the decision to be certified is a ruling upon an entire “claim for relief.”

2. The court must conclude that the decision is final in the sense that it is an ultimate disposition of an individual claim.
3. The court must determine that there is no just reason for delay in entry of a final judgment on the claim.⁸³

Failure to procure an express finding by a district court so that an appeal can be properly pursued is fatal.⁸⁴ The court of appeals will review de novo the legal sufficiency of a district court’s certification.⁸⁵

Once the district court issues an order certifying its ruling as final, the time for filing an appeal starts to run.⁸⁶

The Effect of Post-Trial Motions on Finality and Tolling

A post-trial motion does not change the finality of the order being challenged, but it may toll the time for appealing.

The only civil post-trial motion that tolls the time for appealing is a motion that is timely filed pursuant to CRCP 59.⁸⁷ A motion that does not cite CRCP 59, but is properly construed as a CRCP 59 motion, also tolls the time for appealing.⁸⁸ A



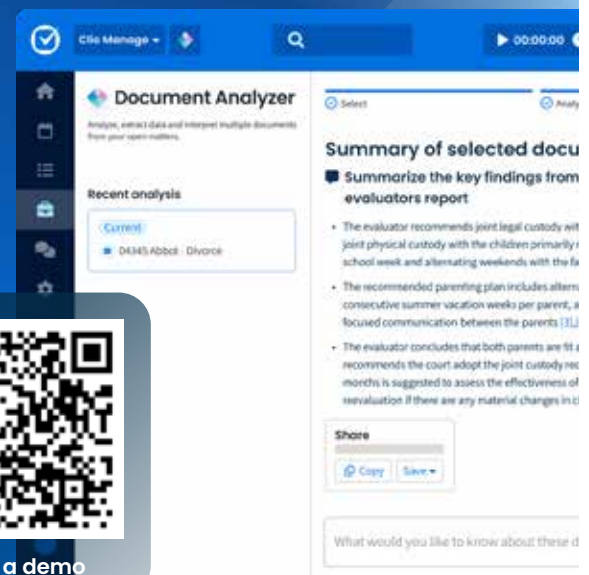
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motion pursuant to CRCP 60 does not toll the time for filing an appeal.⁸⁹ Nor does a general “motion for reconsideration” not properly construed as a CRCP 59 motion.⁹⁰

C.A.R. 4 provides that “[t]he running of the time for filing a notice of appeal is terminated as to all parties when any party timely files a *motion* in the lower court pursuant to C.R.C.P. 59”⁹¹

Thus, an untimely filed CRCP 59 motion or a motion for extension of time to seek post-trial relief filed during the 14-day period does not toll the time for filing an appeal.⁹² However, an order granting an extension to file a CRCP 59 motion will toll the time for appealing so long as the CRCP 59 motion is subsequently filed within the extended deadline.⁹³ When a party files a motion for extension, and it is granted, but the party does not file the CRCP 59 motion, the time is not tolled, and the appellate deadline runs from the time of the original order.⁹⁴ Similarly, if the court denies the extension, the appeal must be filed within the applicable deadline calculated from the date of the original order.⁹⁵ A party may therefore be required to file the notice of appeal despite a pending request for extension of time to file a motion under CRCP 59.

A CRCP 59 motion is deemed denied 63 days after the date it is filed if no decision is rendered, and the time for appeal begins to run from the deemed denied date.⁹⁶ When the district court fails to rule within 63 days, the judgment becomes final, and the court loses jurisdiction. Actions taken under CRCP 59 after the 63-day period are outside the court’s jurisdiction and are void.⁹⁷ However, a post-trial motion is “determined” timely on the date of an oral ruling occurring before the deemed-denied period terminates, even if a written ruling is issued after the deemed-denied period.⁹⁸ Under such circumstances, the time for appealing runs from the date the written ruling is delivered to the parties.⁹⁹

Finality for Purposes of Filing a CRCP 59 Motion

A motion pursuant to CRCP 59(a) must be filed within 14 days following the “entry of judgment.”¹⁰⁰ Finality for purposes of a CRCP

59 motion is the same as finality for purposes of appeal. CRCP 58 specifies that “[t]he term ‘judgment’ includes an appealable decree or order as set forth in C.R.C.P. 54(a).” And CRCP 54(a) provides that “[j]udgment’ as used in these rules includes a decree and order to or from which an appeal lies.” Accordingly, a CRCP 59 motion can only be filed to challenge an order that is also final for purposes of appeal.

Parties sometimes file, and courts accept and consider, a motion pursuant to CRCP 59, despite the underlying order not yet being final. For instance, in a dissolution case, a court may issue permanent orders but not rule on an attorney fees request under CRS § 14-10-119 or not reduce such an award to a sum certain. Arguably, in those instances, a CRCP 59 motion is not properly filed since the underlying order is not final for appeal; it is an interlocutory order. Under that circumstance, while the court may entertain the motion as a motion to reconsider under CRCP 121 § 1-15(11), a party should not presume that the motion would toll the time for appealing a subsequently issued final order.

Finality of Post-Judgment Rulings

The general rule for finality of orders entered in post-judgment proceedings is the same as that for proceedings before entry of a final judgment; the post-judgment order must end the particular part of the action in which it is entered, leave nothing further for the court to do to completely determine the rights of the


parties as to that part of the proceeding, and be more than a ministerial or administrative determination.¹⁰¹

Subsequent Ministerial, Enforcement, or Administrative Orders

It is important when determining finality to differentiate between the court having additional matters to decide that preclude finality and the court’s ability to enter other subsequent orders after a final order.

The district court retains jurisdiction to make subsequent ministerial orders or to enforce its orders, even though there is already a final order for purposes of appeal. A remaining issue does not prevent finality when its resolution will not change or moot the determinations contained in the order or affect rights or create liabilities not previously resolved by the adjudication of the merits.¹⁰²

Conclusion

Understanding these complex rules regarding finality can be critical to ensuring appeals are filed timely, yet the statutes and rules governing these issues are replete with potential pitfalls. This article attempts to comprehensibly share this critical information, but it does not address every potential nuance. The law in this area is evolving, and new cases on this topic are published regularly. Counsel must carefully review the statutes, rules, and case law when determining timeliness and finality and should not rely exclusively on this article. 



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NOTES

1. *Prefer v. PharmNetRx, LLC*, 18 P.3d 844, 848 (Colo.App. 2000) (grant of preliminary injunction).

2. *Musick v. Woznicki*, 136 P.3d 244, 246 (Colo. 2006) (“[B]arring extraordinary circumstances, a judgment [not otherwise final] must be certified under C.R.C.P. 54(b) in order to be considered final and sufficient to transfer jurisdiction to the court of appeals.”).

3. See *People ex rel. D.S.*, 292 P.3d 1210, 1212 (Colo.App. 2012) (“[A] party cannot consent to or waive jurisdiction when a court does not have jurisdiction.”).

4. *Wilson v. Kennedy*, 490 P.3d 855, 857 (Colo. App. 2020) (“[U]nder C.A.R. 4.2, this court has discretion, under certain circumstances, to permit an interlocutory appeal of a question of law certified by a trial court or stipulated to by the parties.”); *Miller v. Bullock*, 569 P.3d 897, 898 (Colo.App. 2025) (stipulation denied by the division). See also C.A.R. 21 (original proceedings in supreme court of interlocutory order).

5. C.A.R. 3.4.

6. See C.A.R. 3.1 to 3.3, 3.5.

7. *Riggs Oil & Gas Corp. v. Jonah Energy LLC*, 555 P.3d 90, 94 (Colo.App. 2024) (quoting

Widener v. Dist. Ct., 615 P.2d 33, 34 (Colo. 1980)), cert. granted, No. 24SC456, 2025 WL 242431 (Colo. Jan. 13, 2025) (case dismissed by stipulation).

8. *Id.* (quoting *Collins v. Boulder Urb. Renewal Auth.*, 684 P.2d 952, 954 (Colo.App. 1984)).

9. *Id.* at 94.

10. *Id.* at 94 (quoting *Farmers Ins. Grp. v. Dist. Ct.*, 507 P.2d 865, 867 (Colo. 1973)).

11. *Id.*

12. See *Bosworth Data Servs., Inc. v. Gloss*, 587 P.2d 1201, 1203 (Colo.App. 1978) (miscounting the deadline to file an appeal is not excusable neglect).

13. *Riggs*, 555 P.3d at 94 (quoting *Farmers Ins.*, 507 P.2d at 867). See also *id.* at 92 (where nonlawyer assistant files appeal in district court rather than court of appeals, the error constitutes “garden-variety attorney inattention”—not excusable neglect).

14. See *Nguyen v. Lai*, 525 P.3d 1113, 1115 (Colo. App. 2022) (“If a judgment is not final, we must dismiss the appeal.”).

15. *Musick*, 136 P.3d at 249 (quoting *Civil Serv. Comm’n v. Carney*, 97 P.3d 961, 967 (Colo. 2004)).

16. See C.R.M. 7(c) (“A Minute Order which is signed by a magistrate will constitute a final

written order or judgment.”); *Kidwell v. K-Mart Corp.*, 942 P.2d 1280, 1282 (Colo.App. 1996) (unsigned minute orders did not constitute final appealable judgments).

17. See *People in Interest of J.M.*, 74 P.3d 475, 477 (Colo.App. 2003) (acknowledging that an order was not void or invalid for enforcement purposes merely because it was not final for purposes of appeal); *Consol. Landscape v. Indus. Claim Appeals Off.*, 883 P.2d 571, 572 (Colo.App. 1994) (oral ruling was effective on the date it was announced despite not being final).

18. *Chavez v. Chavez*, 465 P.3d 133 (Colo.App. 2020).

19. C.A.R. 3(d)(3).

20. *Chavez*, 465 P.3d at 140–41.

21. The division in *Chavez* viewed a protective notice of appeal as being needed on “relatively rare occasions.” *Id.* at 140.

22. *In re Collins*, 544 P.3d 1258, 1274 (Colo.App. 2023); *In re Marriage of Hill*, 166 P.3d 269, 272 (Colo.App. 2007). See *Stone Grp. Holdings LLC v. Ellison*, 547 P.3d 1164, 1172 (Colo.App. 2024) (court’s subsequent order restating the amount of attorney fees and adding interest to it were superfluous and did not change the date that it became final).

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23. *L.H.M. Corp., TCD v. Martinez*, 499 P.3d 1050, 1056 (Colo. 2021).
24. *Id.*
25. *State Farm Fire & Cas. Co. v. Bellino*, 976 P.2d 342, 343 (Colo.App. 1998).
26. *Reyher v. State Farm Mut. Auto. Ins. Co.*, 2012 COA 58, ¶ 24.
27. *Hill*, 166 P.3d at 272.
28. *In re W.P.A.S.*, 2026 COA 4, ¶ 22, --- P.3d ----.
29. *Id.*
30. *In re Marriage of Nelson*, 292 P.3d 1214, 1218 (Colo.App. 2012).
31. *Id.* at 1217 (quoting *Hill*, 166 P.3d at 272).
32. *Id.* See also CRS § 14-10-122 (setting forth standards for modification); *In re Marriage of Aldinger*, 813 P.2d 836, 840 (Colo.App. 1991) (“A motion to modify is not considered under the same standard as an original award . . .”).
33. *Stone Grp.*, 547 P.3d at 1169.
34. *Id.* at 1170.
35. *Silva v. Basin W., Inc.*, 47 P.3d 1184, 1187 (Colo. 2002) (“As a general rule, orders pertaining to discovery are interlocutory in nature . . .”).
36. *Id.* at 1187-88 (“[T]his court has not hesitated to review discovery rulings where a pretrial discovery order would cause unwarranted damage to a litigant that could not be cured on appeal.”).
37. C.R.M. 7(c).
38. *Id.*
39. C.R.M. 7(a)(3); CRCP 54(b). See also *In re People v. Maes*, 545 P.3d 487, 491 (Colo. 2024) (“[A]n action, as the overarching conflict between the parties, can and often does incorporate multiple issues and claims. Simply put, an action is the whole, and issues and claims are the building blocks that comprise it. A court can resolve an individual component of an action without resolving the action in its entirety.”).
40. See *In re Marriage of Carey*, 2026 COA 3, ¶¶ 11, 13, --- P.3d --- (“[W]hat is reviewable by the district court under C.R.M. 7(a) is not the same as what is final for purposes of appeal to this court” and, thus, “the process of seeking district court review of magistrate orders . . . can be piecemeal, whereas appeals to [the court of appeals] generally are not.”).
41. C.R.M. 7(k).
42. See, e.g., *In re Marriage of James*, 535 P.3d 977, 980 (Colo.App. 2023) (concluding that a notice of appeal filed more than 49 days after the permanent orders was untimely; a pending CRCP 59 motion filed with the magistrate did not toll the appellate deadline).
43. C.R.M. 7(e).
44. *Id.*
45. *Id.*
46. C.R.M. 7(f).
47. *Securities Inv. Prot. Corp. v. First Entmt. Holding Corp.*, 36 P.3d 175, 178 (Colo.App. 2001).
48. See *id.*
49. See CRS § 24-10-108 (“The court’s decision on [a motion concerning sovereign immunity] shall be a final judgment and shall be subject to interlocutory appeal.”); CRS § 24-10-118(2.5).
50. *Richland Dev’t Co. v. E. Cherry Creek Valley Water & Sanitation Dist.*, 899 P.2d 371, 373 (Colo.App. 1995).
51. *Walton v. State*, 968 P.2d 636, 641 (Colo. 1998).
52. *Furlong v. Gardner*, 956 P.2d 545, 555 (Colo. 1998).
53. *Brody v. Bock*, 897 P.2d 769, 777 (Colo. 1995).
54. *Wilson*, 490 P.3d at 858 (citing *Spiremedia Inc. v. Wozniak*, 487 P.3d 1211 (Colo.App. 2020) (“[A] dismissal without prejudice is a final judgment if the statute of limitations period has expired or the dismissal otherwise results in prohibiting further proceedings.”) and *Avicanna Inc. v. Mewhinney*, 487 P.3d 1110, 1112 n.1 (Colo. App. 2019) (“Where . . . the circumstances of the case indicate that the action cannot be saved and that the district court’s order precludes further proceedings, dismissal without prejudice qualifies as a final judgment for the purposes of appeal.”)).
55. *Rush Creek Sols., Inc. v. Ute Mountain Ute Tribe*, 107 P.3d 402, 405-06 (Colo.App. 2004).
56. *Wilson*, 490 P.3d at 863.
57. *Feiger, Collison & Killmer v. Jones*, 926 P.2d 1244, 1249 (Colo. 1996).
58. *Id.*
59. *Dep’t of Nat. Res. v. 5 Star Feedlot, Inc.*, 486 P.3d 250, 260 (Colo. 2021).
60. *Furlong*, 956 P.2d at 551.
61. *Stone Grp.*, 547 P.3d at 1171.
62. *Pham v. State Farm Mut. Auto. Ins. Co.*, 70 P.3d 567, 571 (Colo.App. 2003).
63. *Id.*
64. *Feigin v. Alexa Grp., Ltd.*, 19 P.3d 23, 26 (Colo. 2001).
65. See *In re Marriage of Salby*, 126 P.3d 291, 295 (Colo.App. 2005) (no finality of previous permanent orders until all issues were resolved).
66. *Id.*
67. *In re Marriage of Wiggs*, 566 P.3d 1032, 1036 (Colo.App. 2025).
68. *Salby*, 126 P.3d at 295.
69. *In re Marriage of Mockelmann*, 944 P.2d 670, 672 (Colo.App. 1997).
70. *Wiggs*, 566 P.3d at 1036 (quoting *Mockelmann*, 944 P.2d at 672).
71. *People in Interest of E.A.*, 638 P.2d 278 (Colo. 1981); CRS § 19-1-109(2)(c).
72. *People v. G.S.*, 416 P.3d 905, 909-12 (Colo. 2018) (concluding that order was not final when an adjudication as to one party remained pending but also ruling that a “no adjudication” finding was appealable).
73. *Scott v. Scott*, 136 P.3d 892, 896 (Colo. 2006).
74. *Id.*
75. *Id.* at 896-97.
76. *Id.* at 897. See also *In re Estate of Gadash*, 413 P.3d 272, 275-77 (Colo.App. 2017) (further elucidating *Scott*’s definition of a proceeding in a probate case); *Chavez*, 465 P.3d at 140 (discussing *Scott*).
77. *Scott*, 136 P.3d at 896.
78. *Id.* at 897-98.
79. See *Wilson*, 490 P.3d at 857-58 (discussing the two rules).
80. CRCP 54(b).
81. *Id.* See *Fid. & Deposit Co. v. May*, 350 P.2d 343, 343-44 (Colo. 1960).
82. *Wolf v. Breneman*, 548 P.3d 666, 669 (Colo. 2024) (quoting *In re Storey*, 517 P.3d 1243, 1252 (Colo. 2022)).
83. *People ex rel. Rein v. Jacobs*, 465 P.3d 1, 8 (Colo. 2020).
84. *Smith v. City of Arvada*, 429 P.2d 308, 309 (Colo. 1967). See also *Galindo v. Valley View Ass’n*, 399 P.3d 796, 799 (Colo.App. 2017) (dismissing an appeal where the district court gave no explanation as to why it was certifying the ruling, much less any explanation as to why there was no just reason for delay).
85. *Richmond Am. Homes of Colo., Inc. v. Steel Floors, LLC*, 187 P.3d 1199, 1203 (Colo.App. 2008).
86. *Musick*, 136 P.3d at 250 (“When a trial court certifies a ruling as a final judgment under C.R.C.P. 54(b), it forecloses any further consideration of the issue, rendering ‘the claim properly postured for appellate review.’” (quoting *Gall v. Dist. Court*, 965 P.2d 1268, 1271 (Colo. 1998))).
87. See *Said v. Magdy*, 562 P.3d 123, 125 (Colo. App. 2024).
88. *Id.* at 125-26.
89. *Koch v. Dist. Ct.*, 948 P.2d 4, 7 (Colo. 1997).
90. *Said*, 562 P.3d at 125-26. Motions for reconsideration under CRCP 121 § 1-15(11) do not toll the time for appealing. *Said*, 562 P.3d at 126.
91. C.A.R. 4(a)(3) (emphasis added).
92. *In re Estate of Ybarra*, 546 P.3d 632, 636-37 (Colo.App. 2024).
93. *Id.*
94. *Id.*
95. See *id.*
96. CRCP 59(j); C.A.R. 4(a)(3).
97. *Driscoll v. Dist. Ct.*, 870 P.2d 1250, 1252 (Colo. 1994).
98. *In re Marriage of Forsberg*, 783 P.2d 283, 284-85 (Colo. 1989).
99. *Id.* at 286-87.
100. CRCP 59(a).
101. *Luster v. Brinkman*, 250 P.3d 664, 667 (Colo.App. 2010).
102. *Nelson*, 292 P.3d at 1217 (citing *Baldwin v. Bright Mortg. Co.*, 757 P.2d 1072, 1073 (Colo. 1988)); *Luster*, 250 P.3d at 667; *Stone Grp.*, 547 P.3d at 1169.