I. Collateral Source

A. Can plaintiff submit to a jury the total amount of his/her medical expenses, even if a portion of the expenses were reimbursed or paid for by his/her insurance carrier?

Yes, Colorado codified the common-law pre-trial evidentiary component of the collateral source rule in 2010. The statute bars any evidence of the fact or amount of any collateral source. (See Colo. Rev. Stat. § 10-1135(10)(a)).

B. Is the fact that all or a portion of the plaintiff's medical expenses were reimbursed or paid for by his/her insurance carrier admissible at trial or does the judge reduce the verdict in a post trial hearing?

The judge reduces the verdict in a post-trial hearing pursuant to Colo. Rev. Stat. § 13-21-111.5

C. Can defendants reduce the amount plaintiff claims as medical expenses by the amount that was actually paid by an insurer? (i.e. where plaintiff's medical expenses were $50,000 but the insurer only paid $25,000 and the medical provider accepted the reduced payment as payment in full).

No, the amount the health care providers charged is the amount presented to the jury. Even if health care provider accepted $40,000 as payment in full for a $250,000 bill, the amount presented to the jury will be $250,000. See Wal-Mart Store, Inc. v. Crossgrove, 2012 Colo. Lexis 330 (2012)

II. Accident and Incident Reports

Can accident/incident reports be protected as privileged attorney work product prepared in anticipation of litigation or are they deemed to be business records prepared in the ordinary course of business and discoverable?

No, the Colorado Supreme Court has held that "because a substantial part of an insurance company's business is to investigate claims made by an insured against the company or by some other party
against the insured, it must be presumed that such investigations are part of the normal business activity of the company and that reports and witness' statements compiled by or on behalf of the insurer in the course of such investigations are ordinary business records as distinguished from trial preparation materials.” Hawkins v. Dist.Ct., 638 P.2d 1372, 1378 (Colo. 1982).