

*ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, FEBRUARY 22, 2010*

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"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

OPINIONS

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| <p>SUPREME COURT, STATE OF COLORADO<br/>Two East 14th Avenue<br/>Denver, Colorado 80203</p> <p>Appeal from the District Court<br/>District Court, City and County of Denver<br/>Case Nos. 09CV1188 and 09CV1200</p>   | <p><a href="#">Case No. 09SA224</a></p> |
| <p>Case No. 09CV1188</p> <p><b>Plaintiffs-Appellees:</b></p> <p>Kerrie Dallman; Laurence Botnick; School District 14 Classroom Teachers Association Political Action Committee, a Colorado political committee; School District 14 Classroom Teachers Association, a Colorado labor organization; and Aurora Fire Fighters Protective Association, a Colorado labor organization,</p> <p>v.</p> <p><b>Defendants-Appellants:</b></p> <p>William Ritter, in his official capacity as the Governor of Colorado; and Rich L. Gonzales, in his official capacity as the Executive Director of Colorado's Department of Personnel and Administration.</p> <p style="text-align:center">* * * * *</p> |   |
| <p>Case No. 09CV1200</p> <p><b>Plaintiffs-Appellees:</b></p> <p>Daniel Ritchie, an individual; Patrick Hamill, an individual;</p>   |   |

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Charles V. Brown, Jr., an individual; Matthew R. Dalton, an individual; The Children's Hospital Association, a 501(c)(3) nonprofit organization; and The Colorado Seminary, a 501(c)(3) nonprofit which owns and operates the University of Denver,

v.

**Defendants-Appellants:**

Bill Ritter, as Governor of the State of Colorado; and Rich Gonzales, as Executive Director of the Colorado Department of Administration.

ORDER AFFIRMED  
EN BANC

JUSTICE RICE delivered the Opinion of the Court.  
JUSTICE MARTINEZ dissents.  
JUSTICE COATS and JUSTICE EID do not participate.

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PETITIONS FOR REHEARING

NONE

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PETITIONS FOR WRIT OF CERTIORARI

No. 09SC370  
Court of Appeals Case No. 08CA861

**Petitioner:**

Leticia Carvajal,

v.

**Respondents:**

Martina Hadinec; and State Farm Mutual Automobile Insurance Company.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC373  
Court of Appeals Case No. 03CA2480

**Petitioner:**

Joshua Vigil Torres,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC441  
Court of Appeals Case No. 08CA147

**Petitioner:**

Burg Simpson Eldredge Hersh & Jardine, P.C., a Colorado professional  
corporation,  
v.

**Respondent:**

City of Central, a home rule city and municipal corporation of  
Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC527

Court of Appeals Case No. 08CA371

**Petitioner:**

Julie Bailey, individually and as personal representative for the  
Estate of Brandon Magnuson,  
v.

**Respondent:**

Lincoln General Insurance Company, a Pennsylvania insurance company.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals was correct in concluding that the crime exclusion to supplemental liability insurance in the rental car agreement was not unconscionable and did not violate the doctrine of reasonable expectations.

Whether the lower courts erred in finding that the SLI exclusions are not contrary to public policy because the policy of fair compensation for innocent victims should override the crime exclusion under the circumstances of this case.

DENIED AS TO ALL OTHER ISSUES.

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No. 09SC534  
Court of Appeals Case No. 08CA134

**Petitioners:**

Qwest Services Corporation and Qwest Corporation,  
v.

**Respondents:**

Andrew Blood, Carrie Blood and Public Service Company of Colorado  
d/b/a Xcel Energy.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the punitive damages award against Qwest violates the Due Process Clauses of the federal and Colorado constitutions as interpreted in Philip Morris USA v. Williams, 549 U.S. 346 (2007).

Whether the court of appeals erred in affirming the punitive damage award against Qwest on de novo review, applying Due Process principles and Colorado requirements for willful and wanton conduct.

DENIED AS TO ALL OTHER ISSUES.

JUSTICE COATS would also grant as to the following issue:

Whether the Colorado Workers' Compensation Act divests the trial court of subject matter jurisdiction because it abolishes certain tort claims and places jurisdiction for those tort injuries with the administrative law judges rather than district courts, particularly in light of this court's decisions in Packaging Corp. of America v. Roberts, 455 P.2d 652 (Colo. 1969), and Town of Carbondale v. GSS Properties LLC, 169 P.3d 675 (Colo. 2007). And, if the act is solely an affirmative defense, was there any fact issue the jury had to decide before the trial court could grant judgment as a matter of law that the act bars plaintiffs' tort claims based on Qwest's affirmative defense.

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No. 09SC615  
Court of Appeals Case No. 07CA698

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Richard Anthony Hernandez.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether in order to fulfill the mandatory disclosure requirements of the leaving the scene of an accident statute, a driver involved in an accident must identify him or herself as the driver.

DENIED AS TO ALL OTHER ISSUES.

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No. 09SC664  
Court of Appeals Case No. 08CA859

**Petitioner:**

Brent Walden,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC727  
Court of Appeals Case No. 07CA1931

**Petitioner:**

Oloyea D. Wallin,  
v.

**Respondents:**

Timothy Ritter; Lt. Moffett; A. Cosner; S. Hartley, Assistant Warden;  
R. Leyba; and Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC848

District Court, City and County of Denver, Case No. 07CV9161

**Petitioner:**

Lawrence Brown,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC877

Court of Appeals Case No. 06CA2556

**Petitioner:**

Raul Gomez-Garcia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC909

Court of Appeals Case No. 07CA1448

**Petitioner:**

Timothy Victor Contreras, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC936  
Court of Appeals Case No. 06CA2610

**Petitioner:**

Dwayne Allen Weiss,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC937  
Court of Appeals Case No. 07CA597

**Petitioner:**

Anthony Maurice Bennett,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC948  
Court of Appeals Case No. 08CA2609

**Petitioner:**

Thomas J. Redder,  
v.

**Respondents:**

Cytomation, Inc.; Dakocytomation California, Inc.; and Dakocytomation  
Colorado, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC953  
Court of Appeals Case No. 08CA393

**Petitioner:**

Brandy Wine Atkins,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC954  
Court of Appeals Case No. 08CA394

**Petitioner:**

Brandy Wine Atkins,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC955  
Court of Appeals Case No. 07CA1407

**Petitioner:**

Adam Antonio Montez,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC967

Court of Appeals Case Nos. 08CA811 & 08CA1514

**Petitioners:**

Kindred Nursing Centers West, LLC, a Delaware limited liability company d/b/a Iliff Care Center; Kindred Healthcare, Inc., a Delaware corporation d/b/a Iliff Care Center; and Susan Johnson, individually and as administrator of Iliff Care Center;

v.

**Respondents:**

Hollis Sawyer, by and through her next friend, Jacqueline Sawyer; Bonnie Sawyer, individually; and Jacqueline Sawyer, individually, and as the Personal Representative of the Estate of Hollis Sawyer, deceased.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC977

Court of Appeals Case No. 07CA513

**Petitioner:**

Patricia Luttig,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC978

Court of Appeals Case No. 07CA228

**Petitioner:**

Ricky Eugene Bailey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1006  
Court of Appeals Case No. 08CA2300

In re the Marriage of

**Petitioner:**

Timothy W. Moore,  
and

**Respondent:**

Diane L. Moore.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1018  
Court of Appeals Case No. 09CA307

**Petitioner:**

Juan Garcia,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1020  
Court of Appeals Case No. 08CA350

**Petitioner:**

Bradley Lucero,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1021  
Court of Appeals Case No. 07CA996

**Petitioner:**

Sidney Marion Blake,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1023  
Court of Appeals Case No. 08CA2461

**Petitioner:**

Thurman Harrison, Jr.,  
v.

**Respondents:**

Warden of the Fremont Correctional Facility and Executive Director of  
the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1024  
Court of Appeals Case No. 08CA1469

**Petitioner:**

Douglas Paul Nichols,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1025  
Court of Appeals Case No. 08CA2400

**Petitioner:**

William Gene Hollis,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1032  
Court of Appeals Case No. 07CA1558

**Petitioner:**

James Michael Fickle,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1034  
Court of Appeals Case No. 08CA2166

**Petitioners:**

Macario Gomez and Shelly Gomez,  
v.

**Respondents:**

Sylvia Tapia and Brenda Tapia.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1036  
Court of Appeals Case No. 09CA787

**Petitioner:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

A.J.L., a/k/a A.J.C.; A.K.M.H.; and Q.D.J.W.

**and Concerning**

**Respondent:**

A.P.L..

Petition for Writ of Certiorari GRANTED. EN BANC

Summary of Issue:

Whether the court of appeals applied the proper standard of review in reversing the trial court's decision to terminate parental rights.

DENIED AS TO ALL OTHER ISSUES.

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No. 09SC1038  
Court of Appeals Case No. 09CA120

**Petitioner:**

Stanley K. Anderson,

v.

**Respondent:**

Donna M. Warling-Johnson, a/k/a Donna M. Anderson.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1039  
Court of Appeals Case No. 09CA1700

**Petitioner:**

Roger L. Summer,

v.

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado and Talent Tree Crystal Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1041  
Court of Appeals Case No. 07CA2505

**Petitioner:**

Louis Joseph Espinosa, Jr.,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1044  
Court of Appeals Case No. 08CA648

**Petitioner:**

Harry J. Hall,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1059  
Court of Appeals Case No. 08CA777

**Petitioner:**

Aaron Ivan Jordan,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 09SC1060  
Court of Appeals Case No. 08CA2438

**Petitioner:**

Alonso Ponce-Jimenez,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC6  
Court of Appeals Case No. 09CA522

**Petitioner:**

Y.R.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

N.D.V.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MARTINEZ would grant as to the following issues:

Whether the trial court lacked jurisdiction to enter a termination order without an adjudication of the child.

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