

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 14, 2011

"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

<p>SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202</p> <p>Appeal from the District Court Water Division 7, Water Court Case No. 09CW22 Honorable Gregory Lyman, Judge</p>	<p>Case No. 09SA374</p>
<p>In the matter of the Application for Water Rights of the King Consolidated Ditch Company, Morrison Consolidated Ditch Company, Los Pinos Ditch Company, Thompson-Epperson Ditch Company, Pine River Canal, Sullivan Ditch Company, Bear Creek and Pine River Ditch (Remmow Land Co., LP; Robert Williams d/b/a Williams Ranch; Jarrett F. Cook; and Robert S. Dulin and Susan W. Dulin), and Spring Creek Ditch Company in the Pine River Drainage in La Plata County,</p> <p>Appellant:</p> <p>The Southern Ute Indian Tribe,</p> <p>v.</p> <p>Appellees:</p> <p>King Consolidated Ditch Company; Morrison Consolidated Ditch Company; Los Pinos Ditch Company; Thompson-Epperson Ditch Company; Pine River Canal; Sullivan Ditch Company; Bear Creek and Pine River Ditch (Remmow Land Co., LP; Robert Williams d/b/a Williams Ranch; Jarrett F. Cook; and Robert S. Dulin and Susan W. Dulin); and Spring Creek Ditch Company.</p>	
<p style="text-align:center">JUDGMENT AFFIRMED EN BANC</p> <p>JUSTICE HOBBS delivered the Opinion of the Court. JUSTICE RICE dissents, and JUSTICE COATS and JUSTICE EID join in the dissent.</p>	

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SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202 Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 06CA747	<u>Case No. 09SC708</u>
Petitioner: The People of the State of Colorado, v. Respondent: Tember Terri Rector.	
JUDGMENT REVERSED EN BANC JUSTICE RICE delivered the Opinion of the Court.	

SUPREME COURT, STATE OF COLORADO 101 West Colfax Avenue, Suite 800 Denver, Colorado 80202 Certiorari to the Colorado Court of Appeals Court of Appeals Case No. 07CA1001	<u>Case No. 09SC828</u>
Petitioner: David Lee Cropper, v. Respondent: The People of the State of Colorado.	
JUDGMENT AFFIRMED EN BANC JUSTICE RICE delivered the opinion of the Court. JUSTICE MARTINEZ dissents, and CHIEF JUSTICE BENDER joins in the dissent.	

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PETITIONS FOR REHEARING

NONE

PETITIONS FOR WRIT OF CERTIORARI

No. 10SC409

Court of Appeals Case No. 09CA599

Petitioner:

Jack Sunahara, Jr.,

v.

Respondent:

State Farm Mutual Automobile Insurance Company.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals erred in holding that the amount accepted in full payment for medical treatment was admissible in light of Kendall v. Hargrave, 142 Colo. 120, 123, 349 P.2d 993, 994 (1960) and its progeny, the common law collateral source rule, Colorado's collateral source statute, section 13-21-111.6, C.R.S. (2010) and section 10-1-135(10) (a), C.R.S. (2010).

Whether the court of appeals erred in ruling that respondent's claim file and other documentation that attributed fault to the tortfeasor were not discoverable and were inadmissible.

DENIED AS TO ALL OTHER ISSUES.

No. 10SC470

Court of Appeals Case No. 07CA2011

Petitioner:

Kenneth Henry Tripp,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC516
Court of Appeals Case No. 09CA689

Petitioner:

Wal-Mart Stores, Inc.,
v.

Respondent:

Larry Crossgrove.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in holding that the amount accepted in full payment for medical treatment was inadmissible in light of Kendall v. Hargrave, 142 Colo. 120, 123, 349 P.2d 993, 994 (1960) and its progeny, the common law collateral source rule, Colorado's collateral source statute, section 13-21-111.6, C.R.S. (2010) and section 10-1-135(10)(a), C.R.S. (2010).

DENIED AS TO ALL OTHER ISSUES.

No. 10SC554
Court of Appeals Case No. 07CA819

Petitioner:

Lamar Atu Blackwell,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC634
Court of Appeals Case No. 08CA464

Petitioner:

Sonny Lee,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC665
Court of Appeals Case No. 09CA1536

Petitioners:

Robert Arthur Sachs and Moira Olivia Sachs,
v.

Respondent:

American Family Mutual Insurance Company, a Wisconsin corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC681
El Paso County District Court Case No. 10CV100

Petitioner:

Rosetta Spencer,
v.

Respondent:

Richard Sonntag.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC684
Court of Appeals Case No. 10CA807

Petitioner:

J.S.-K.,
v.

Respondent:

The People of the State of Colorado,
In the Interest of:
K.A.B., Minor Child.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC689
Court of Appeals Case No. 09CA492

Petitioner:

Robert J. Hakel,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC703
Court of Appeals Case No. 09CA1130

Petitioner:

Elizabeth Condo,
v.

Respondents:

Thomas J. Conners, George Roberts, and Wendell Porterfield.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether Colorado courts should construe contractual anti-assignment clauses narrowly, and if so, whether Colorado public policy follows the modern approach to contractual assignments, as described in Rumbin v. Utica Mut. Ins. Co., 757 A.2d 526 (Conn. 2000).

DENIED AS TO ALL OTHER ISSUES.

No. 10SC712
Court of Appeals Case No. 10CA324

Petitioner:

Alan D. Sudduth,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC751
Court of Appeals Case No. 09CA1368

Petitioner:

CB Richard Ellis, Inc., a Delaware corporation,
v.

Respondents:

CLGP, LLC; Robert Hatch, Esq.; and Gesco Corporation.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC753
Court of Appeals Case No. 08CA387

Petitioner:

Jacob Aguirre,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 10SC762
Court of Appeals Case No. 09CA162

Petitioner:

Community Banks of Colorado, Inc.,
v.

Respondent:

Yale Fisher.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in holding that section 38-10-124(2), C.R.S. (2010), allowed the introduction of extrinsic evidence to interpret an allegedly ambiguous contract.

DENIED AS TO ALL OTHER ISSUES.

No. 10SC763
Court of Appeals Case No. 07CA2135

Petitioner:

Daniel Logan Hayes,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC779
Court of Appeals Case No. 09CA1659

Petitioners/Cross-Respondents:

Capital Securities of America, Inc.; Jerry Manning; and Adam Alves,
v.

Respondents/Cross-Petitioners:

Fay Griffin, in her official capacity as Treasurer of Jefferson
County; and Board of County Commissioners of Jefferson County.

Petition for Writ of Certiorari GRANTED. Cross-Petition for Writ of
Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

Summary of Issue:

When a court finds a transaction unlawful but also finds that a
defendant's conduct was not blameworthy and that the plaintiff had no
out-of-pocket losses, can the court nonetheless order disgorgement of
defendant's profits on the theory that disgorgement is proper as long
as the plaintiff is not unjustly enriched.

DENIED AS TO ALL OTHER ISSUES.

No. 10SC785
Court of Appeals Case No. 08CA2290

Petitioner:

Deric Dean Cole,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC786
Court of Appeals Case No. 09CA1485

Petitioner:

Gregory Lentsch,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 10SC800
Court of Appeals Case No. 08CA191

Petitioner:

Erica D. Jarrett,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC807
Court of Appeals Case No. 07CA2417

Petitioner:

David M. Robredo,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC815
District Court, City and County of Denver, Case No. 10CV2517

Petitioner:

Michael Medina,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC821
Court of Appeals Case No. 08CA1880

Petitioner:

Elvie Bellamy,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC828
Court of Appeals Case No. 08CA1528

Petitioner:

Yi Ching Chou,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC829
Court of Appeals Case No. 08CA1128

Petitioner:

Dwayne Ornelas,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC834
Court of Appeals Case No. 09CA717

Petitioner:

Peter E. Gomez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC840
Court of Appeals Case No. 07CA1381

Petitioner:

Angel Quintana,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC849
Court of Appeals Case No. 08CA1831

Petitioner:

Colleen Loris,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC850
Court of Appeals Case No. 10CA599

Petitioner:

Irma Montoya,
v.

Respondents:

Industrial Claim Appeals Office; HEP-Denver, LTD; and Farmington
Casualty Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC861
Court of Appeals Case No. 09CA646

Petitioner:

John Turner,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 10SC864
Court of Appeals Case No. 09CA2354

Petitioner:

Cody Mann,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC869
Court of Appeals Case Nos. 10CA480 and 10CA481

Petitioner:

Belland Builders, Inc.,
v.

Respondents:

Industrial Claim Appeals Office, Dennis R. Widiker, and Eric E.
Widiker.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC879
Court of Appeals Case No. 07CA1957

Petitioner:

Edward Romalus Taylor,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC3
Court of Appeals Case No. 09CA1992

Petitioner:

David R. Calvert,
v.

Respondent:

Denise A. Genova.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 11SC4
Court of Appeals Case No. 07CA2139

Petitioner:

Carlos Reyes Martinez,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ does not participate.

No. 11SC6
Court of Appeals Case No. 08CA1989

Petitioner:

Lindell Mark Sample, Jr.,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC8
Court of Appeals Case No. 09CA2431

Petitioner:

Joyce Wilkins,
v.

Respondent:

Judith Redwine.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC11
Court of Appeals Case No. 09CA1185

Petitioner:

Kimberly Ann Helka,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 11SC12
Court of Appeals Case No. 09CA1220

Petitioner:

Dustin Fowler,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC21
Court of Appeals Case No. 09CA739

Petitioner:

David Porterfield,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC24
Court of Appeals Case No. 09CA1525

Petitioner:

Kenneth Mitchell,
v.

Respondent:

Pennant Investment Company.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC27
Court of Appeals Case No. 09CA2093

Petitioner:

Charles E. Brown,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 11SC31
Court of Appeals Case No. 09CA2161

Petitioner:

JoAnn Redwillow,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC33
Court of Appeals Case No. 10CA2100

Petitioner:

James Denman,
v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
