ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 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

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. 07CA1971	Case No. 09SC483
In the Matter of Minor Child D.I.S., and **Petitioners:** Alan Sidman and Sheryl Sidman, v. **Respondents:** Michael Sidman and Renee Sidman.	
JUDGMENT REVERSED EN BANC JUSTICE HOBBS delivered the Opinion of the Court. JUSTICE MARTINEZ dissents, and CHIEF JUSTICE BENDER and JUSTICE COATS join in the dissent.	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2011

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. 06CA1625	Case No. 09SC229
Petitioner: The Estate of Catherine Ford, v. **Respondents:** Danny J. Eicher, M.D. and Consultants in Obstetrics and Gynecology, P.C.	
JUDGMENT AFFIRMED 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. 08CA2045	Case No. 09SC1063
Petitioner: Carol Constable, f/k/a Carol Graham, d/b/a Flowers n' Roses, v. **Respondents:** Northglenn, LLC, a Colorado limited liability company and Jaylon Inc.	
JUDGMENT AFFIRMED EN BANC JUSTICE COATS delivered the Opinion of the Court.	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2011

PETITIONS FOR REHEARING

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. 06CA494	Case No. 08SC997
Petitioner: Ferrellgas, Inc., a Delaware corporation operating under the trade name Thermogas, v. **Respondent:** Ellen Yeiser.	
Petition for Rehearing DENIED. EN BANC.	

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. 08CA425	Case No. 09SC421
Petitioners: Virginia D. Munoz and Joel Munoz, v. **Respondents:** Linda L. Measner and Devon E. Measner.	
Petition for Rehearing DENIED. EN BANC.	

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2011

PETITIONS FOR WRIT OF CERTIORARI

No. 10SC532
Court of Appeals Case No. 09CA1195

Petitioners:
Colorado Oil and Gas Conservation Commission and David Neslin, in his Official Capacity as Acting Director of the Colorado Oil and Gas Conservation Commission,
v.
Respondents:
Grand Valley Citizens' Alliance, Cary Weldon, Ruth Weldon, Wesley Kent, Marcia Kent, and Western Colorado Congress.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals erred by substituting its interpretation of the Colorado Oil and Gas Conservation Act, which divests the Colorado Oil and Gas Conservation Commission of discretion to establish, by rule, reasonable limits on who may invoke the Commission's jurisdiction to initiate an adjudicatory hearing on applications for permits to drill, for the Commission's longstanding and reasonable interpretation of its enabling legislation.

Whether the court of appeals erred by basing its decision on its interpretation of a single sentence of a comprehensive legislative scheme rather than construing the Colorado Oil and Gas Conservation Act as a whole and without considering the consequences of its construction or the overall goal of the statutory scheme.

No. 10SC771
Court of Appeals Case No. 09CA167

Petitioner:
Alejandro Garcia,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BENDER and JUSTICE MARTINEZ would grant as to the following issue:

Whether the trial court erred by denying petitioner's suppression motion.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2011

No. 10SC842
Court of Appeals Case No. 09CA262

Petitioner:
Jeffrey Fletcher,
v.
Respondent:
Life Care Centers of America, a Tennessee corporation, d/b/a Heritage Park Care Center.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 10SC852
Boulder County District Court Case No. 09CV623

Petitioner/Cross-Respondent:
Mercantile Adjustment Bureau, LLC,
v.
Respondent/Cross-Petitioner:
Elizabeth Flood.

Petition and Cross-Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether an arrangement in which trial counsel goes beyond advancing court costs and expenses of litigation by personally paying the attorney fees for appellate counsel violates Rule 1.8(e) of the Colorado Rules of Professional Conduct.

In a matter on appeal from county court to district court, whether the district court erred in denying Petitioner's separate motion for attorneys' fees on appeal, and in particular relying upon C.A.R. 28(b) and 39.5 as persuasive authority for such denial when the appellate rules expressly provide that "Rules 1 through 48, except where specifically noted otherwise, apply to appeals to either the supreme court or to the court of appeals.

Whether the district court erred in relying on C.A.R. 28(b) and 39.5 to deny costs to Petitioner, when those rules are expressly applicable only to appeals to either the supreme court or to the court of appeals, and moreover do not apply to requests for costs in any forum.

DENIED AS TO ALL OTHER ISSUES.

ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, MARCH 21, 2011

No. 11SC10
Pueblo County District Court Case No. 10CV1308

Petitioner:
Ismael Burgos-Rivera,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 11SC44
Court of Appeals Case No. 07CA1986

Petitioner:
Joseph Saul Newland,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.