SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, September 30, 2014
Bailiff: Chief Justice Rice's Chambers

9:00 a.m.
EN BANC

2013SC394 (1 HOUR)

Petitioner:

Brandon Coats,

v.

Respondent:

Dish Network, LLC.

For the Petitioner Brandon Coats:
Michael Donivan Evans
THE EVANS FIRM, LLC
and
Thomas Karel Carberry
THOMAS K. CARBERRY

For the Respondent Dish Network, LLC:
Meghan Welch Martinez
MARTINEZ LAW GROUP, P.C.

For Amicus Curiae Colorado Civil Justice League:
Carrie Anne Claiborne
Christopher L Ottele
HUSCH BLACKWELL, LLP

For Amicus Curiae Colorado Mining Association:
Laura E Beverage
Meredith Kapushion
JACKSON KELLY, PLLC
and
Michael D. Moberly
Charitie L. Hartsig
RYLEY CARLOCK & APPLEWHITE

For Amicus Curiae Colorado Plaintiff Employment Lawyers Association
Kimberlie K Ryan
RYAN LAW FIRM, LLC

For Amicus Curiae Colordo Defense Lawerys Association
Andrew David Ringel
HALL & EVANS LLC

For Amici Curiae Jason M Beinor, Kathleen Chippi, and Patient Caregiver Rights Litigation Project:
Andrew B Reid
SPRINGER AND STEINBERG, P.C.

For Amicus Curiae State of Colorado
Michael Lee Francisco, Assistant Solicitor General
David C. Blake, Deputy Attorney General
Michelle Brissette Miller, Assistant Attorney General
COLORADO DEPARTMENT OF LAW

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, September 30, 2014
Bailiff: Chief Justice Rice's Chambers

9:00 a.m.
EN BANC

Certiorari to the Colorado Court of Appeals, 2012CA595
Docketed: June 5, 2013
At Issue: July 15, 2014

ISSUE(S):

Whether the Lawful Activities Statute, C.R.S. section 24-34-402.5, protects employees from discretionary discharge for lawful use of medical marijuana outside the job where the use does not affect job performance.

Whether the Medical Marijuana Amendment makes the use of medical marijuana 'lawful' and confers a right to use medical marijuana to persons lawfully registered with the state.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, September 30, 2014
Bailiff: Chief Justice Rice's Chambers

10:30 a.m.
EN BANC

2013SA135 (1 HOUR)

Concerning the Office of the State Engineer's Approval of the Plan of Water Management for the Special Improvement District No. 1 of the Rio Grande Water Conservation District

Objectors-Appellants:

San Antonio, Los Pinos and Conejos River Acequia Preservation Association; Save Our Senior Water Rights, LLC; Richard Ramstetter; and Costilla Ditch Company;

v.

Applicant-Appellee:

Special Improvement District No.1 of the Rio Grande Water Conservation District,

and

Defendant-Appellee:

State Engineer,

and

Objectors-Appelleees:

Rio Grande Water Conservation District; Rio Grande Water Users Association; Conejos Water Conservancy District; Farming Technology Corporation; Mountain Coast Enterprises LLC; Ernest Myers; Virginia Myers; Freda Myers; Warren Myers; Nevitt Farms; Sam Investments, Inc.; Skyview Cooling Company, Inc.; Wiajaya Colorado, LLC; Edward Harmon; Sherilyn R. Harmon; David Bradley; Perry Alsbaugh; Martin Shellabarger; Kelly Sowards; Richard L. Benton; Jason L. Benton; Thomas C. Corzine; Clayton C. Corzine; Roy McConnel, Jr.; Fredrick V. Paulson; Fredrick L. Paulson, II; Norman W. Slade; and Off Ranches, Inc.;

and

Appellee Pursuant to C.A.R. 1(e):

Craig Cotten, Division Engineer, Water Division No. 3.

For the Objectors-Appellants San Antonio, Los Pinos and Conejos River Acequia Preservation Association, and Save Our Senior Water Rights, LLC:
Eric Ryan Potyondy
Timothy Ray Buchanan
BUCHANAN AND SPERLING, P.C

For the Objector-Appellant Richard Ramstetter:
Stephane Walter Atencio
S.W. ATENCIO & ASSOCIATES, P.C.

For the Objector-Appellant Costilla Ditch Company:
Erich Schwiesow
LESTER SIGMOND ROONEY & SCHWIESOW

For the Applicant-Appellee Special Improvement District No.1 of the Rio Grande Water Conservation District:
David W Robbins
Dennis Michael Montgomery
Peter J Ampe
Andrew J. Rottman
HILL & ROBBINS, P.C.

For the Defendant-Appellee State Engineer and Appellee Pursuant to C.A.R. 1(e) Craig Cotten, Division Engineer, Water Division No. 3:
Preston Vincent Hartman
Mari Wiseman Deminski
OFFICE OF THE ATTORNEY GENERAL

For the Objector- Appellee Rio Grande Water Users Association:
William Arthur Paddock
Mead Hammond
Karl David Ohlsen
CARLSON HAMMOND & PADDOCK, LLC

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, September 30, 2014
Bailiff: Justice Rice's Chambers

10:30 a.m.
EN BANC

Appeal from the District Court, , 2006CV64
Docketed: May 23, 2013
At Issue: July 15, 2014

ISSUE(S):

Whether the District Court for the 12th Judicial District and Water Division 3 ("Trial Court") erred in determining that the plan of water management ("Plan") of the Special Improvement District No. 1 of the Rio Grande Water Conservation District ("Subdistrict") would remain in effect while Objectors' challenges to the Plan were pending before the Trial Court.

Whether the Trial Court erred in dismissing before trial several of Objectors' challenges to the Plan.

Whether the Trial Court erred when it approved the use of water from the Closed Basin Water Salvage Project ("Salvage Project Water") as a source of replacement water for the Subdistrict's Plan.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, September 30, 2014
Bailiff: Chief Justice Rice's Chambers

1:30 p.m.
EN BANC

2013SC72 (1 HOUR)

Petitioner:

James B. Chapman, MD,

v.

Respondent:

Carolyn K. Harner.

For the Petitioner James B. Chapman:
David H Yun
Jared Richard Ellis
JAUDON & AVERY, LLP

For the Respondent Carolyn K. Harner:
Baine Perkins Kerr
Keith Malcolm Edwards
HUTCHINSON BLACK AND COOK, LLC

For Amicus Curiae Colorado Defense Lawyers: Association
Troy Robert Rackham
FENNEMORE CRAIG, PC

For Amicus Curiae Colorado Medical Society:
John L Conklin
Jerome R Geraghty
MARTIN CONKLIN, P.C.

For Amicus Curiae Colorado Trial Lawyers Association:
Henry Miniter
David P. Mason
Benjamin I Sachs
LEVENTHAL, BROWN & PUGA, P.C.
and
Lorraine Elizabeth Parker Amicus Curiae
PARKER LIPMAN, LLP

For Amicus Curiae HCA-HealthONE:
John Michael Bowlin
Andrew M Low
DAVIS GRAHAM & STUBBS, LLP

For Amicus Curiae Regents of the University of Colorado:
Patrick Terrence O'Rourke
David Temple
OFFICE OF UNIVERSITY COUNSEL

Certiorari to the Colorado Court of Appeals, 2011CA2401
Docketed: January 30, 2013
At Issue: July 15, 2014

ISSUE(S):

Whether the court of appeals erred in holding, based on Weiss v. Axler, 137 Colo. 554, 328 P.2d 88 (1958), that res ipsa loquitur shifts the burden of proof to the defendant despite the adoption of C.R.E. 301, which provides that 'a presumption 'does not shift . . . the burden of proof.'

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, October 1, 2014
Bailiff: Justice Hobbs' Chambers

9:00 a.m.
EN BANC

Ralston Valley High School
Arvada, CO

2013SC306 (1 HOUR)

Petitioner:

Sara L. Burnett,

v.

Respondent:

State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation.

For the Petitioner Sara L. Burnett:
Alan Geoffrey Molk
LAW FIRM OF ALAN G. MOLK
and
Timms R Fowler
THE FOWLER LAW FIRM LLC

For the Respondent State of Colorado, Department of Natural Resources, Division of Parks and Outdoor Recreation:
Kathleen L Spalding, Senior Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For Amicus Curiae Colorado Trial Lawyers Association:
John Frederic Poor, Amicus Curiae
LAW OFFICES OF JOHN F POOR

Certiorari to the Colorado Court of Appeals, 2011CA2141
Docketed: May 6, 2013
At Issue: July 15, 2014

ISSUE(S):

Whether the court of appeals erred in concluding that the government did not waive immunity under section 24-10-106(1)(e), C.R.S. (2013), of the Colorado Government Immunity Act, for injuries caused by a tree limb that fell on a camper in an improved campsite in a state park.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, October 1, 2014
Bailiff: Justice Hobbs' Chambers

10:15 a.m.
EN BANC

Ralston Valley High School
Arvada, CO

2012SC803 (1 HOUR)

Petitioner:

Joe Anthony Martinez,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Joe Anthony Martinez:
Shann Renee Jeffery, Deputy Public Defender
OFFICE OF THE PUBLIC Defender

For the Respondent The People of the State of Colorado:
Elizabeth Fraser Rohrbough, Senior Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2009CA572
Docketed: October 15, 2012
At Issue: July 15, 2014

ISSUE(S):

Whether the trial court committed reversible, constitutional error by giving the jury a legally erroneous instruction on the time interval for deliberation, thereby lessening the prosecution's burden of proving deliberation necessary for first-degree murder.

Whether the evidence was insufficient to support the first-degree murder conviction.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, October 2, 2014
Bailiff: Justice Coats' Chambers

9:00 a.m.
EN BANC

2013SA197 (1 HOUR)

Concerning the Application for Water Rights of Widefield Water and Sanitation District and the City of Fountain in Custer County

Applicants-Appellants:

Widefield Water and Sanitation District and City of Fountain,

v.

Opposers-Appellees:

Steven J. Witte, in his official capacity as Division Engineer for Water Division 2; Dick Wolfe, in his official capacity as State Engineer; Pueblo West Metropolitan District; Round Mountain Water and Sanitation District; Custer County Investments, LLC; Ute Springs Ranch, LLC; Southeastern Colorado Water Conservancy District; Peter Lopresti; Catherine Lopresti; Board of Water Works of Pueblo, Colorado; Wet Mountain Valley Water Association; John W. Brandenburg; Radonna B. Brandenburg; John W. Brandenburg Living Trust; Radonna B. Brandenburg Living Trust; Charles E. Schneider; Lee Roy Family Trust; D & V Koch Ranch, LLC; Mike Smith; City of Aurora; Board of County Commissioners of Custer County, Colorado; and Penrose Water District.

For the Applicant-Appellant Widefield Water and Sanitation District:
Sarah Ann Klahn
Philip Ernest Lopez
WHITE & JANKOWSKI, LLP

For the Applicant-Appellant City of Fountain:
Cynthia Frazer Covell
Andrea Luise Benson
ALPERSTEIN & COVELL, P.C.

For the Opposers-Appellees Steven J. Witte, in his official capacity as Division Engineer for Water Division 2, and Dick Wolfe, in his official capacity as State Engineer:
Paul Louis Benington, First Assistant Attorney General
Thomas Neal George, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For the Opposers-Appellees Pueblo West Metropolitan District and Round Mountain Water and Sanitation District:
Robert Frederick Krassa
Robin A. Byers
Thomas J Mullans
KRASSA & MILLER, LLC

For Amicus Curiae Blue River Valley Lakes Association:
Mary Mead Hammond
Mason Hamill Brown
CARLSON HAMMOND & PADDOCK, LLC

For Amicus Curiae Cache La Poudre Water Users Association, and Amicus Curiae City of Northglenn:
Daniel Kenneth Brown
Donald Everett Frick
Sara J.I. Irby
FISCHER, BROWN, BARTLETT, & GUNN, P.C.

Appeal from the District Court, 2008CW47
Docketed: August 5, 2013
At Issue: July 15, 2014

ISSUE(S):
Whether the Division 2 Water Court ("Water Court") erred in rejecting as a matter of law Widefield Water and Sanitation District ("Widefield") and City of Fountain's ("Fountain") historic consumptive use ("HCU") analysis of the Subject Water Rights that relied on historically irrigated acres decreed in two separatechange decrees ("Historically Irrigated Acres"), and instead holding as a matter of law that the HCU analysis must be based on different acres identified in the original 1896 Decree for the Subject Water Rights ("Originally Decreed Acres").

Whether the Water Court, by holding as a matter of law that the HCU analysis must be based on the Originally Decreed Acres, erroneously invalidated prior Water Court confirmation of the place of use of the Subject Water Rights on the Historically Irrigated Acres andthe Water Court order requiring continued irrigation of that acreage.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, October 2, 2014
Bailiff: Justice Coats' Chambers

10:00 a.m.
EN BANC

2013SA254 (30 MINUTES)

In the Matter of:

Juliet Carol Gilbert.

Appeal from the District Court, ,
Docketed: September 27, 2013
At Issue: July 15, 2014

For the Appellant The People of the State of Colorado:
Adam J. Espinosa, Assistant Regulation Counsel
Mason Hamill Brown
OFFICE OF ATTORNEY REGULATION COUNSEL

For the Appellee Juliet Carol Gilbert:
Nancy L. Cohen
MILETICH COHEN, P.C.

ISSUE(S):
Whether a lawyer who enters into a fee agreement that provides exclusively that she will perform specific legal services in return for a flat fee violates Colo. RPC 1.16(d) when she retains client funds on an hourly basis after the representation is terminated and before the legal services have been performed?

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, October 2, 2014
Bailiff: Justice Coats' Chambers

10:30 a.m.
EN BANC

2012SC996 (1 HOUR)

Petitioner:

Tulips Investments, LLC,

v.

Respondents:

State of Colorado ex rel. John w Suthers, Attorney General for the State of Colorado and Julie Ann Meade, Administrator, Uniform Consumer Credit Code.

For the Petitioner Tulips Investments, LLC:
Edward Thomas Lyons
JONES & KELLER PC

For the RespondentS State of Colorado ex rel. John w Suthers, Attorney General for the State of Colorado, and Julie Ann Meade, Administrator, Uniform Consumer Credit Code:
Paul Chessin, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For Amicus Curiae Colorado Department of Regulatory Agencies
Russell Brent Klein
COLORADO DEPARTMENT OF LAW

For Amicus Curiae Wyoming Attorney General
Travis J. Kirchhefer
WYOMING ATTORNEY GENERAL'S OFFICE

Certiorari to the Colorado Court of Appeals, 2011CA2367
Docketed: December 14, 2012
At Issue: July 15, 2014

ISSUE(S):

Whether the court of appeals erred in holding that the Uniform Interstate Depositions and Discovery Act, C.R.S. § 13-90.5-101 et seq., does not provide a means by which the production of the documents sought by the subpoena could have been obtained with the assistance of a Delaware court.

Whether the court of appeals erred in holding that the district court had jurisdiction to order petitioner to comply with an administrative subpoena that was served up on Petitioner in Delaware, requiring petitioner to produce documents at the office of the Attorney General in Colorado or face punishment for contempt.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, October 2, 2014
Bailiff: Justice Coats' Chambers

1:30 p.m.
EN BANC

2011SC638 (1 HOUR)

Petitioner:

Armando M. Perez,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Armando M. Perez:
Dayna Vise, Deputy Public Defender
OFFICE OF THE PUBLIC DEFENDER

For the Respondent The People of the State of Colorado:
John T. Lee Assistant, Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2008CA1055
Docketed: September 8, 2011
At Issue: July 15, 2014

ISSUE(S):

Whether the court of appeals erred in affirming the petitioner's sexual assault on a child and kidnapping convictions, despite reversing his enticement conviction because improper 404(b) evidence was admitted at trial.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, October 2, 2014
Bailiff: Justice Coats' Chambers

2:30 p.m.
EN BANC

2013SA132 (1 HOUR)

Plaintiffs-Appellants:

St. Jude's Co. and Reno Cerise,

v.

Defendants-Appellees:

Roaring Fork Club, L.L.C.; Basalt Water Conservancy District; and Colorado Water Conservation Board;

and

Appellee Pursuant to C.A.R. 1(e):

Alan Martellaro, Division Engineer, Water Division 5.

For the Plaintiffs-Appellants St. Jude's Co. and Reno Cerise:
Gregory Joseph Cucarola
GREGORY J CUCAROLA
and
Roger T Williams
ROGER T WILLIAMS FIRM, LLC

For the Defendant-Appellee Roaring Fork Club, L.L.C.:
Scott C Miller
Jason M. Groves
PATRICK, MILLER, KROPF & NOTO, P.C.
and
Bradley Neal Shefrin
Marta May Horton
PRYOR JOHNSON CARNEY KARR NIXON, PC

For the Appellee Pursuant to C.A.R. 1(e) Alan Martellaro, Division Engineer, Water Division 5:
Susan J Schneider
OFFICE OF ATTORNEY GENERAL

Appeal from the District Court, , 2007CW176
Docketed: May 21, 2013
At Issue: July 15, 2014

ISSUE(S):

Whether the court erred in granting Roaring Fork Club's ("Club") applications 54 and 55 for aesthetic, recreational, and piscatorial uses, and awarding Club an unlawful private recreational in-channel diversion ("RICD").

Whether the court erred in finding Club did not breach the Ditch Agreement ("DA").

Whether the court erred in ruling St. Jude's ("St.Jude's) waived its rights under the DA and Colorado Constitution to use its historic John Cerise headgate ("Gate") and install an underground pipeline.

Whether the court erred in granting attorneys' fees and costs to Defendant under the Agreements.

Whether the court erred in failing to award St.Jude's 100% interest in John Cerise Ditch Priority 280 and by incorrectly awarding John Cerise Ditch priorities 280 and 364 on a 61%/39% split between St.Jude's and Club, respectively.

Whether the court refused unopposed terms and conditions in the decrees requiring measurement and reporting.

Whether the court erred by excluding evidence in St.Jude's supplemental disclosures responding to Defendants late discovery, and concerning St.Jude's proposed ditch piping.