
University of Colorado Law School

2010SC460 (1 HOUR)

Petitioner:

Cameron Chad Davis,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Cameron Chad Davis:

Lauretta A Martin Neff

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, 2007CA1320

Docketed: July 13, 2010

At Issue: December 20, 2011

ISSUE(S):

Whether the court of appeals erred by holding that a detective, when testifying about interrogating or investigating a witness, may comment on his or her assessment of the witness's credibility or truthfulness.

Whether the court of appeals erred in deciding, as a matter of first impression, that a party may 'open the door' to the admission of otherwise inadmissible evidence through its opening statement, even though an opening statement is not evidence.

University of Colorado Law School

2010SC709 (1 HOUR)

Petitioner:

Donald A. Yale,

v.

Respondent:

AC Excavating, Inc., a Colorado corporation.

For the Petitioner Donald A. Yale:

Kelley B. Duke

and

Timothy G Atkinson

IRELAND, STAPLETON, PRYOR & PASCOE

For the Respondent AC Excavating, Inc., a Colorado corporation:

Craig D Johnson

and

Henry Alan Sand

CRAIG D. JOHNSON & ASSOCIATES PC

For Amicus Curiae Colorado Association of Home Builders

Dennis Boyd Polk

and

Melissa Ray Liff

HOLLEY, ALBERTSON & POLK, P.C.

Certiorari to the Colorado Court of Appeals, 2009CA2184

Docketed: October 18, 2010

At Issue: August 22, 2011

ISSUE(S):

Whether the court of appeals erred when it remanded the issue of whether petitioner was liable for civil theft under section 18-4-401, C.R.S. (2010).

Whether all funds made available to the developer of a construction project, including an owner's voluntary loans or capital contributions, are subject to the Colorado Trust Fund Statute, section 38-22-127, C.R.S. (2010), thereby requiring those invested funds to be held in trust for subcontractors.

2010SC623 (1 HOUR)

In the Interest of

B.B.O., child,

Petitioner:

Virginia Olds,

v.

Respondent:

Gay Lakay Berry.

For the Petitioner Virginia Olds:

Katherine Odelia Ellis
ELLIS WRIGHT & EWEGEN, LLP

For the Respondent Gay Lakay Berry:

James Wade Noland
LAW OFFICES OF JAMES W. NOLAND, LLC

**For Amicus Curiae Colorado Bar Association,
Family Law Section of the Colorado Bar
Association:**

Brenda Storey
MCGUANE & HOGAN LLP

**For Amicus Curiae Rocky Mountain Children's Law
Center:**

Michael Christopher Theis
Christopher Owen Murray
HOGAN LOVELLS US LLP
and
Stephanie Villafuerte
ROCKY MOUNTAIN CHILDREN'S LAW CENTE
and
Jeffrey C Koy
ROCKY MOUNTAIN CHILDRENS LAW CENTER

Certiorari to the Colorado Court of Appeals, 2009CA1874
Docketed: September 17, 2010
At Issue: December 5, 2011

ISSUE(S):

Whether the court of appeals erred in concluding that subsections 14-10-123(1)(b) & (1)(c), C.R.S. (2010), require, as a prerequisite to a non-parent's standing to commence a proceeding for an allocation of parental responsibilities, the consent of both natural parents to the non-parent's sole physical care of the child.

2010SC403 (1 HOUR)

Petitioners:

General Steel Domestic Sales, LLC d/b/a General Steel Corporation, a Colorado limited liability corporation; Discount Steel Buildings, LLC, a Delaware limited liability corporation; Jeffrey Wayne Knight, individually; and Nathan Wright, individually;

v.

Respondent:

Harold Irving Bacheller, III.

For the Petitioner General Steel Domestic Sales, LLC d/b/a General Steel Corporation, a Colorado limited liability corporation, Discount Steel Buildings, LLC, a Delaware limited liability corporation, Jeffrey Wayne Knight, individually and Nathan Wright, individually:

Patrick Donald Frye
David Samuel Fein
BUILDING SERVICES GROUP, LEGAL DEPT.
and
Paul Leo Vorndran
VORNDRAN LAW, P.C.

For the Respondent Harold Irving Bacheller, III:

Daniel Richard Satriana
CLISHAM SATRIANA & BISCAN LLC
and
April Letitia Jones
COLORADO AFFORDABLE LEGAL SERVICES,

Certiorari to the Colorado Court of Appeals, 2009CA1383
Docketed: June 21, 2010
At Issue: December 12, 2011

ISSUE(S):

Whether the court of appeals erred in failing to apply the heightened standards required by this court's seminal decision in *Protect Our Mountain Environment, Inc. v. District Court*, 677 P.2d 1361 (Colo. 1984) ('POME') to respondent's malicious prosecution claim where such claim was entirely predicated upon petitioners' petitioning activities.

Whether the court of appeals erred by failing to apply issue preclusion based on the arbitrator's decisions as to whether the prior litigation as a whole, and the narrower litigation as to Respondent alone, was devoid of factual or legal support.

Whether the court of appeals erred by improperly and narrowly applying POME to petitioners' prior litigation by limiting the defense to only the prior litigation as to respondent and not the entire litigation and excluding the evidence relating to the other arbitration respondents.

Whether the court of appeals erred in failing to find that the trial court abused its discretion in trebling exemplary damages based upon action taken by counsel in the litigation itself.

2011SC210 (1 HOUR)

Petitioners:

Accident and Injury Medical Specialists, P.C.; Elite Chiropractic Care, Inc.; Physical Therapy, Inc.; Myocare, Inc.; A Shi Acupuncture, Inc.; Comprehensive Diagnostic Services, Inc.; Mile High Medical Group, L.L.C.; and Global Physician Services, P.C.;

v.

Respondent:

David J. Mintz.

For the Petitioners Accident and Injury Medical Specialists, P.C., Elite Chiropractic Care, Inc., Physical Therapy, Inc., Myocare, Inc., A Shi Acupuncture, Inc., Comprehensive Diagnostic Services, Inc., Mile High Medical Group, L.L.C., Global Physician Services, P.C.:

Ronald L Wilcox
Todd E Mair
PETERS MAIR WILCOX, LLC

For the Respondent David J. Mintz :

Michael Zwiebel
Jeffrey Alan Springer
SPRINGER AND STEINBERG, P.C.

For Amicus Curiae Colorado Bar Association:

David L. Masters
and
Troy R. Rackham
FENNEMORE CRAIG, P.C.
and
John M. Lebsack
WHITE AND STEELE, P.C.
and
David C. Little
MONTGOMERY LITTLE & SORAN, P.C.

For Amicus Curiae Colorado Trial Lawyers Association :

Thomas D. Neville
OGBORN SUMMERLIN & OGBORN, LLC

Certiorari to the Colorado Court of Appeals, 2008CA1867
Docketed: March 28, 2011
At Issue: December 29, 2011

ISSUE(S):

Whether an attorney owes fiduciary duties to third parties who are entitled to funds from Colorado Lawyer Trust Account Foundation (COLTAF) trust accounts.

2011SA225 (1 HOUR)

In Re:

Petitioner:

Associated Governments of Northwest Colorado,

v.

Respondents:

Colorado Public Utilities Commission; Joshua Epel, in his official capacity as Chairman of the Colorado Public Utilities Commission; and James K. Tarpey and Matt Baker in their official capacity as members of the Colorado Public Utilities Commission.

For the Petitioner Associated Governments of Northwest Colorado:

Terri L Rithner
COLORADO HOUSING AND FINANCE AUTHORITY
and
Paul Martin Seby
MOYE WHITE, LLP

For the Respondents Colorado Public Utilities Commission, Joshua Epel, in his official capacity as Chairman of the Colorado Public Utilities Commission, James K. Tarpey and Matt Baker in their official capacity as members of the Colorado Public Utilities Commission:

John William Suthers, Attorney General
David Alexander Beckett, First Assistant Attorney General
Erin A. Overturf Assistant, Attorney General
Office of the Attorney General

Original Proceeding, District Court, 2011CV24
Docketed: August 4, 2011
At Issue: November 16, 2011

ISSUE(S):

When a party commences judicial review of a PUC decision, does the failure to timely file in one of the two divisions of the district court specified in § 40-6-115(5) require dismissal for lack of subject matter jurisdiction.

2011SA224

In Re:

Plaintiff:

Associated Governments of Northwest Colorado,

v.

Respondents:

Colorado Public Utilities Commission; Joshua Epel, in his official capacity as Chairman of the Colorado Public Utilities Commission; and James K. Tarpey and Matt Baker, in their official capacity as members of the Colorado Public Utilities Commission.

Original Proceeding, District Court, 2011CV23
Docketed: August 4, 2011
At Issue: November 16, 2011

ISSUE(S):

When a party commences judicial review of a PUC decision, does the failure to timely file in one of the two divisions of the district court specified in § 40-6-115(5) require dismissal for lack of subject matter jurisdiction.

For the Plaintiff Associated Governments of Northwest Colorado:

Terri L Rithner
COLORADO HOUSING AND FINANCE AUTHOR
and
Paul Martin Seby
MOYE WHITE, LLP

For the Respondents Colorado Public Utilities Commission, Joshua Epel, in his official capacity as Chairman of the Colorado Public Utilities Commission, James K. Tarpey and Matt Baker in their official capacity as members of the Colorado Public Utilities Commission:

John William Suthers, Attorney General
David Alexander Beckett, First Assistant Attorney General
Erin A. Overturf Assistant Attorney General
Office of the Attorney General

2011SA115 (1 HOUR)

Petitioner-Appellee:

Colorado Office of Consumer Counsel,

v.

Respondents-Appellants:

Colorado Public Utilities Commission; Joshua Epel, in his official capacity as Chairman of the Colorado Public Utilities Commission; and James K. Tarpey and Matt Baker, in their official capacity as members of the Colorado Public Utilities Commission;

and

Intervenor-Appellant:

Qwest Corporation.

For the Petitioner-Appellee Colorado Office of Consumer Counsel:

Gregory Edward Bunker
OFFICE OF THE ATTORNEY GENERAL

For the Respondents-Appellants Colorado Public Utilities Commission, Joshua Epel, in his official capacity as Chairman of the Colorado Public Utilities Commission, and James K. Tarpey and Matt Baker, in their official capacity as members of the Colorado Public Utilities Commission:

David Alexander Beckett
OFFICE OF THE ATTORNEY GENERAL

For the Intervenor-Appellant Qwest Corporation:

Richard Louis Corbetta
DUFFORD & BROWN, P. C.
and
Timothy Jefferson Goodwin
QWEST
and
Sean Connelly
REILLY POZNER, LLP

Appeal from the District Court, Denver District Court, 2009CV9965

Docketed: April 22, 2011

At Issue: November 8, 2011

ISSUE(S):

Did the PUC regularly pursue its authority set forth at article XXV of the Colorado Constitution and Title 40 of the C.R.S. and issue a decision that is just, reasonable, and supported by substantial evidence in the administrative record when it approved new, phased-in, maximum prices for Qwest's residential basic local exchange service offerings?

Did the PUC hold Qwest to the appropriate burden of proof?

Whether, in this matter involving the PUC's exercise of its rate making authority, the PUC correctly interpreted, considered, and applied § 40-15-502(3)(b)(1.5), C.R.S., and the factors enumerated therein.

Whether the phased-in maximum prices set by the PUC for Qwest's residential basic local exchange service offerings are just and reasonable?

Whether the PUC complied with its statutory duty, under C.R.S. section 40-15- 502 (3)(b)(1.5), to 'consider' prescribed factors relevant to setting the maximum price for Qwest's residential basic service.

Whether the district court erred in setting aside the PUC decision and in directing the PUC to order refunds.

2011SA164 (1 HOUR)

Plaintiff-Petitioner-Appellant:

Leslie W. Glustrom,

v.

Defendant-Respondent-Appellee:

Colorado Public Utilities Commission.

For the Plaintiff-Petitioner-Appellant Leslie W.

Glustrom:

Dennis J Kelly

and

Anne Whalen Gill

HIGHLANDS RANCH LAW CENTER, PC

For the Defendant-Respondent-Appellee Colorado

Public Utilities Commission:

Michael J. Santisi Assistant Attorney General

Office of the Attorney General

Appeal from the District Court, Denver District Court, 2009CV8968

Docketed: June 9, 2011

At Issue: December 16, 2011

ISSUE(S):

Whether the Public Utilities Commission erred by not permitting Glustrom the opportunity to present evidence under commission Rule 3613.

Whether the Public Utilities Commission erred when setting the depreciation rate for Comanche 3.

Whether the Public Utilities Commission erred by including the investment and expenses of Comanche 3 in the Public Service Company of Colorado's rates before Comanche 3 was operational.