

*ANNOUNCEMENTS
COLORADO COURT OF APPEALS
OCTOBER 10, 2013*

“Slip opinions” are the opinions as filed by the judges with the clerk. Slip opinions are subject to modification, rehearing, withdrawal, or clerical corrections. A link to any modifications to previously posted opinions will appear in the Petition for Rehearing section of the announcement document the day the changes are announced.

PUBLISHED OPINIONS

Court of Appeals No. [12CA1013](#)
City and County of Denver District Court No. 11CV893
Honorable Edward D. Bronfin, Judge

Annette Berenson,

Plaintiff-Appellant,

v.

USA Hockey, Inc., a District of Columbia non-profit corporation; and Colorado Ice Hockey Referees Association, a Colorado non-profit unincorporated association,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE FURMAN
Booras, J., concurs
Dailey, J., dissents

UNPUBLISHED OPINIONS

Court of Appeals No. 09CA2503
Summit County District Court No. 08CR268
Honorable William T. Ruckriegle, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John William Wiemann

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE FOX
Hawthorne and Booras, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 09CA2782
Arapahoe County District Court No. 08CR2562
Honorable Marilyn L. Antrim, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Roy Storm,

Defendant-Appellant.

JUDGMENTS VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE HAWTHORNE
Booras and Fox, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 10CA2189
Jefferson County District Court No. 99CR1481
Honorable Jane A. Tidball, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Linda Anne Rau,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE NEY*
Terry and Márquez*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 11CA0787
Jefferson County District Court No. 01CR642
Honorable Kenneth M. Plotz, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mark Stephen Ellis,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE MÁRQUEZ*
Terry and Ney*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 11CA1187
Routt County District Court No. 10CR96
Honorable Michael A. O'Hara, III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Anthony Richard Allen,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division I
Opinion by JUDGE LICHTENSTEIN
Miller and Nieto*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 11CA1871
El Paso County District Court No. 07CV3451
Honorable Scott A. Sells, Judge

In re the Parental Responsibilities Concerning D.I.S., a Child,
and Concerning Alan Sidman and Sheryl Sidman,

Plaintiffs-Appellants,

and

Michael Sidman and Renee Sidman,

Defendants-Appellants.

ORDERS AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE CARPARELLI
J. Jones and Booras, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 11CA2574
City and County of Denver District Court Nos. 10CR4495 & 11CR923
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Stanley Cochrell,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE HAWTHORNE
Booras and Fox, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA0057
Larimer County District Court No. 06CR340
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Barry Alan Everett,

Defendant-Appellant.

SENTENCE AFFIRMED AND ORDER VACATED

Division III
Opinion by JUDGE KAPELKE*
Román and J. Jones, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA0396
Adams County District Court No. 02CR2159
Honorable Patrick T. Murphy, Judge
Honorable Harlan R. Bockman, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Richard Samuel Cervantes,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE FURMAN
Gabriel and Plank*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA0587
Larimer County District Court No. 03CR1797
Honorable Stephen E. Howard, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jan Robin Gerards,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE NEY*
Loeb, C.J., and Roy*, J., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1089
Douglas County District Court No. 05CR564
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Jose Urquiza-Medina,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE MILLER
Rothenberg* and Kapelke*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1231
City and County of Denver District Court No. 11CV3309
Honorable Robert L. McGahey, Jr., Judge

Farmers Insurance Exchange,

Plaintiff-Appellee,

v.

Shelter Mutual Insurance Company,

Defendant-Appellant.

JUDGMENT REVERSED, ORDER VACATED,
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE BOORAS
Dailey and Furman, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1613
San Miguel County District Court No. 10CV33
Honorable Mary E. Deganhart, Judge

St. Sophia Partners, LLLP,

Plaintiff-Appellant and Cross-Appellee,

v.

CO Lot 161C-R Mountain Village, LLC,

Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE WEBB
Bernard and Dunn, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1627
Boulder County District Court No. 11DR640
Honorable Maria E. Berkenkotter, Judge

In re the Marriage of

Alexandra Wadman,

Appellant,

and

Christer Wadman,

Appellee.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE DAILEY
Gabriel and Nieto*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1784
Industrial Claim Appeals Office of the State of Colorado
WC Nos. 4-683-537 & 4-822-611

JEB Electric, Inc. and Mid-Century Insurance Company,

Petitioners,

v.

Industrial Claim Appeals Office of the State of Colorado; and Carlos Ordonez,

Respondents.

ORDER SET ASIDE

Division VII
Opinion by CHIEF JUDGE LOEB
Terry and Navarro, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1828
City and County of Denver District Court No. 11CV6815
Honorable Edward D. Bronfin, Judge

Gloria Upshaw and Morris Branch,

Plaintiffs-Appellants,

v.

Country Preferred Insurance Company, an Illinois corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE NEY*
Terry and Márquez*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1845
El Paso County District Court No. 02DR3719
Honorable Peter W. Booth, Judge

In re the Marriage of

Linda Mosher Rivera,

Appellee,

and

Jimmy Edward Rivera,

Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE GABRIEL
Carparelli, J., concurs
Furman, J., dissents

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1853
City and County of Denver District Court No. 09CR3535
Honorable John W. Madden, IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Max Anthony Trujillo,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUDGE DUNN
Webb and Bernard, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1890
Industrial Claim Appeals Office of the State of Colorado
WC No. 459-46-83

May B. McCormick,

Petitioner and Cross-Respondent,

v.

Industrial Claim Appeals Office of the State of Colorado

Respondent,

and

Exempla Healthcare, Inc.,

Respondent and Cross-Petitioner.

ORDER AFFIRMED IN PART AND SET ASIDE IN PART

Division V
Opinion by JUDGE RICHMAN
Graham and Navarro, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1978
Board of Assessment Appeals No. 58255

Snowmass BV Holdco, LLC,

Petitioner-Appellant,

v.

Pitkin County Board of Equalization,

Respondent-Appellee,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division III
Opinion by JUDGE ROMÁN
Dailey and J. Jones, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA2001
City and County of Denver Probate Court No. 07PR1713
Honorable Elizabeth D. Leith, Judge

In re the Estate of Maurice B. Glassman, deceased.

The M.B. Glassman Foundation, a Colorado non-profit corporation,

Appellant,

v.

Evan Makovsky, Personal Representative of the Estate of Maurice B. Glassman;
Shana Glassman Foundation, a Colorado non-profit corporation; Gary A.
Kleiman, Esq., Chairman of the Oversight Committee,

Appellees.

ORDERS AFFIRMED

Division VII
Opinion by JUDGE BOORAS
Hawthorne and Fox, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA2026
City and County of Denver District Court No. 12CV3333
Honorable J. Eric Elliff, Judge

James M. Robinson,

Plaintiff-Appellant,

v.

Valerie Estrada, City and County of Denver Probation Officer; Anita Klein, City and County of Denver Probation Officer; Department of Probation Services, City and County of Denver; and Honorable Raymond N. Satter, Denver County Judge,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE GABRIEL
Furman and Plank*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA2048
Elbert County District Court No. 11CV171
Honorable Jeffrey K. Holmes, Judge

Dean L. Jacobs and Marcielle S. Jacobs,

Plaintiffs-Appellants,

v.

Federal Home Loan Mortgage Corporation, Credit Suisse First Boston, and
OCWEN Loan Servicing, LLC,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE J. JONES
Román and Kapelke*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA2191
City and County of Denver District Court No. 11DR3492
Honorable William W. Hood, Judge

In re the Marriage of

Tiffany Fitzwater,

Appellee,

and

Shawn Hinkle,

Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE STERNBERG*
Román and J. Jones, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA2655
Elbert County District Court No. 12CV8
Honorable Jeffrey K. Holmes, Judge

Board of County Commissioners of Elbert County,

Plaintiff-Appellee,

v.

Mary Choate,

Defendant-Appellant.

ORDERS AFFIRMED

Division VII
Opinion by JUDGE FOX
Hawthorne and Booras, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 13CA0278
Industrial Claim Appeals Office of the State of Colorado
DD No. 23013-2012

Homesource Partners Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Jay H. Hauptman,

Respondents.

ORDER AFFIRMED

Division VII
Opinion by JUDGE HAWTHORNE
Booras and Fox, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 13CA0515
La Plata County District Court Nos. 11JV34 & 11JV80
Honorable David L. Dickinson, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of M.D., a Child,

and Concerning C.D.,

Respondent-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE RICHMAN
Graham and Navarro, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

P E T I T I O N S F O R R E H E A R I N G

Court of Appeals No. 09CA0731

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Fredric R. Dryer,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

Court of Appeals No. 12CA1112

Fabian Sebastian,

Plaintiff-Appellant,

v.

Douglas County, Colorado; Douglas County Sheriff's Office; David A. Weaver,
Douglas County Sheriff; and Greg A. Black, Douglas County Sheriff's Deputy,

Defendants-Appellees.

Petition for Rehearing DENIED

-20-
ANNOUNCEMENTS
Colorado Court of Appeals
October 10, 2013

Court of Appeals No. 12CA1182

Michael Francis Maxsween,

Plaintiff-Appellant,

v.

Roger Werholtz, Interim Executive Director of the Colorado Department of Corrections; and Anthony Young, Chair of the Colorado Parole Board,

Defendants-Appellees.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(f)

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2013.