

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
January 12, 2017*

“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**

[2017COA1](#)

Court of Appeals No. [13CA2117](#)  
Boulder County District Court No. 12CR76  
Honorable Roxanne Bailin, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Juvenal Onel Garcia,

Defendant-Appellant.

JUDGMENT AND SENTENCES AFFIRMED  
AND CASE REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Dunn and Ashby, JJ., concur

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[2017COA2](#)

Court of Appeals No. [15CA0965](#)  
City and County of Denver District Court No. 13CV34640  
Honorable Catherine A. Lemon, Judge

Denver Classroom Teachers Association,

Plaintiff-Appellee and Cross-Appellant,

v.

School District No. 1 in the County of Denver and State of Colorado; and Board  
of Education of School District No. 1 in the County of Denver and State of  
Colorado,

Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE BOORAS  
Terry and Berger, JJ., concur

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[2017COA3](#)

Court of Appeals No. [15CA1494](#)  
City and County of Denver District Court No. 15CV30222  
Honorable Andrew P. McCallin, Judge

Belinda A. Begley & Robert K. Hirsch Revocable Trust, Robert K. Hirsch, and  
Belinda A. Begley,

Plaintiffs-Appellants,

v.

Myrtle Ireson, Virginia Hoeckele, Andrew J. Gibbs, and GibbsYoung LLC,

Defendants-Appellees.

JUDGMENT REVERSED

Division I  
Opinion by JUDGE ASHBY  
Taubman and Dunn, JJ., concur

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[2017COA4](#)

Court of Appeals Nos. [15CA1661](#) & [16CA0148](#)

Weld County District Court No. 14PR30370

Honorable James F. Hartmann, Judge

In re the Estate of Edward J. Fritzler, deceased.

Steven Fritzler,

Appellant and Cross-Appellee,

v.

Cheryl Mitchell, Personal Representative of the Estate of Edward J. Fritzler,

Appellee and Cross-Appellant.

-----AND-----

Weld County District Court No. 14PR30370

Honorable James F. Hartmann, Judge

In re the Estate of Edward J. Fritzler, deceased.

Steven Fritzler,

Petitioner-Appellee,

v.

Cheryl Mitchell, Personal Representative of the Estate of Edward J. Fritzler,

Respondent-Appellant.

JUDGMENT AND ORDERS AFFIRMED

Division I

Opinion by JUDGE ASHBY

Taubman and Casebolt\*, JJ., concur

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[2017COA5](#)

Court of Appeals No. [15CA1663](#)

City and County of Denver Probate Court No. 15PR30332

Honorable Elizabeth D. Leith, Judge

Honorable Ruben M. Hernandez, Magistrate

In the Interest of L.B., a Child,

In the Interest of L.B., a Child,

Edite Dusalijeva,

Petitioner-Appellant,

and

Mara B. Blumberg and Wallace L. White,

Petitioners-Appellees,

and Concerning Dace Carlin and Dane Carlin,

Appellees.

ORDERS AFFIRMED

Division IV

Opinion by JUDGE J. JONES  
Graham and Miller, JJ., concur

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[2017COA6](#)

Court of Appeals No. [15CA2037](#)  
City and County of Denver District Court No. 15CV32100  
Honorable Elizabeth A. Starrs, Judge

Neill Smith and Bliss Bishop,

Plaintiffs-Appellants,

v.

State Farm Mutual Automobile Insurance Company, an Illinois corporation,  
Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE DUNN  
Taubman and Ashby, JJ., concur

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[2017COA7](#)

Court of Appeals No. [16CA0167](#)  
El Paso County District Court No. 15CV30945  
Honorable Edward S. Colt, Judge

Donna Kovac,

Plaintiff-Appellant,

v.

Farmers Insurance Exchange,  
Defendant-Appellee.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Dunn and Ashby, JJ., concur

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[2017COA8](#)

Court of Appeals No. [16CA0289](#)

El Paso County District Court No. 15JV871

Honorable Timothy J. Schutz, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of N.S., a Child,

and Concerning N.S.,

Respondent-Appellant.

JUDGMENT AFFIRMED

Division II

Opinion by JUDGE FURMAN  
Román and Dunn, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 13CA0298  
Arapahoe County District Court No. 11CR27  
Honorable Carlos A. Samour, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Theodore Israel Madrid,

Defendant-Appellant.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUDGE WEBB  
Hawthorne and Navarro, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 13CA1937  
City and County of Denver District Court No. 11CR2068  
Honorable John W. Madden IV, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ignacio Jimenez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE BERGER  
Terry, J., concurs  
Booras, J., dissents

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 14CA1137  
El Paso County District Court No. 11CR3670  
Honorable Gregory R. Werner, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Tranquilino Padilla,

Defendant-Appellant.

ORDER REVERSED

Division VI  
Opinion by JUDGE VOGT\*  
Terry and Davidson\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 14CA1647  
Douglas County District Court No. 12CR451  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Chad Lee Shipley,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUDGE DAILEY  
J. Jones and Berger, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0252  
Mesa County District Court No. 12CR412  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Deone Marie Graham,

Defendant-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by CHIEF JUDGE LOEB  
Plank\* and Márquez\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0727  
Arapahoe County District Court No. 13CV758  
Honorable J. Mark Hannen, Judge

Michael A. Collins,

Plaintiff-Appellant,

v.

Apartment Management Consultants, LLC, and Smoky Hills Road Apartments,  
LLC,

Defendants-Appellees.

JUDGMENT AND ORDERS AFFIRMED

Division VII  
Opinion by JUDGE LICHTENSTEIN  
J. Jones and Casebolt\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0772  
Arapahoe County District Court No. 10CV170  
Honorable Michelle Ann Amico, Judge  
Honorable John L. Wheeler, Judge

Lamar Guthrie and Gail Guthrie,

Plaintiffs-Appellants,

v.

Highline Court Homeowners' Association and Western States Property Services,  
Inc.,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND CASE  
REMANDED WITH DIRECTIONS

Division I  
Opinion by JUDGE TAUBMAN  
Dunn and Ashby, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0811  
Douglas County District Court No. 10CR403  
Honorable Paul A. King, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas Phil Merchant,

Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division VI  
Opinion by JUDGE BERNARD  
Nieto\*, J., concurs  
Richman, J., concurs in part and dissents in part

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0908  
Douglas County District Court No. 99CR469  
Honorable Richard B. Caschette, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Joseph Jeffrey Roos,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE ROMÁN  
Booras and Fox, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0913  
Mesa County District Court No. 05CR534  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gary Thomas Clow,

Defendant-Appellant.

ORDER AFFIRMED

Division V  
Opinion by JUDGE BOORAS  
Román and Fox, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA0968  
City and County of Denver District Court No. 07CR4464  
Honorable William D. Robbins, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Leon Williams,

Defendant-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE WEBB  
Bernard and Davidson\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA1310  
Adams County District Court No. 11CR842  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael A. Mangino,

Defendant-Appellant.

SENTENCE AFFIRMED

Division V  
Opinion by JUDGE FOX  
Román and Booras, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA1315  
Adams County District Court No. 04CR3051  
Honorable Katherine R. Delgado, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

James Sardakowski,

Defendant-Appellant.

ORDERS AFFIRMED

Division II  
Opinion by JUDGE BERGER  
Dailey and Jones, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA1670  
Montrose County District Court No. 14DR30047  
Honorable Mary E. Deganhart, Judge

In re the Marriage of

Benjamin Cornell Nielsen,

Appellee,

and

Laura Jean Nielsen, n/k/a Laura Jean Patrone,

Appellant.

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

Division V  
Opinion by JUDGE LICHTENSTEIN  
Román and Sternberg\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA1705  
Las Animas County District Court No. 98CR171  
Honorable Leslie Jean Gerbracht, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Shawn P. Mullinex,

Defendant-Appellant.

ORDER AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE PLANK\*  
Loeb, C.J., and Márquez\*, J., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA1980  
City and County of Denver Juvenile Court No. 15JD137  
Honorable D. Brett Woods, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of T.M.,

Juvenile-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE DAVIDSON\*  
Webb and Bernard, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA0031  
El Paso County District Court No. 10DR5263  
Honorable Edward S. Colt, Judge

In re the Marriage of

Esther Shock,

Appellant,

and

Douglas Shock,

Appellee.

ORDER AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN  
Graham and Kapelke\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA0120  
Yuma County District Court No. 15CV30007  
Honorable Douglas R. Vannoy, Judge

Arlin Dressel,

Petitioner-Appellee,

v.

Colorado Department of Revenue and Eugene V. Tiell, Hearing Officer,

Respondents-Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH INSTRUCTIONS

Division VI  
Opinion by JUDGE VOGT\*  
Terry and Márquez\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA0332  
Douglas County District Court No. 14CV30390  
Honorable Shay Whitaker, Judge

Priest Construction, Inc.,

Plaintiff-Appellee,

v.

Tonya Kisch-Anderson, a/k/a Tonya Anderson, n/k/a Tonya Kisch, d/b/a  
Kisch Accounting, Inc.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE TERRY  
Davidson\* and Vogt\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA0761  
El Paso County District Court No. 15DR30419  
Honorable Scott A. Sells, Judge

In re the Parental Responsibilities Concerning F.W.S., a Child,  
and Concerning Peter William Schmid,

Appellant,

and

Jessica Noelle Porterfield,

Appellee.

ORDERS AFFIRMED

Division I  
Opinion by JUDGE GRAHAM  
Taubman and Kapelke\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA0856  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 31203-2010

Western Logistics, Inc., d/b/a Diligent Delivery Systems,  
Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of  
Unemployment Insurance, Employer Services – Integrity/Employer Audits,

Respondents.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE VOGT\*  
Terry and Davidson\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA1103  
Mesa County District Court No. 14JV417  
Honorable Valerie J. Robison, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Z.R., a Child,

and Concerning B.R.,

Respondent-Appellant.

JUDGMENT VACATED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE MÁRQUEZ\*  
Loeb, C.J., and Plank\*, J., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA1335  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 10275-2016

Sherry D. Booker,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Carepoint  
Healthcare, LLC,

Respondents.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE ASHBY  
Freyre and Casebolt\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA1642  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 9023-2016

Faysal M. Wako,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Southern Foods  
Group LP,

Respondents.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE FREYRE  
Ashby and Casebolt\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA1657  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 12089-2016

Marlin L. Stevens,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Sage Client 317B,  
LLC,

Respondents.

ORDER AFFIRMED

Division IV  
Opinion by JUDGE CASEBOLT\*  
Ashby and Freyre, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 16CA1783  
Pueblo County District Court No. 16MH275  
Honorable William D. Alexander, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of Jason Daniel Morton,

Respondent-Appellant.

ORDER AFFIRMED

Division III  
Opinion by JUDGE NAVARRO  
Webb and Casebolt\*, JJ., concur

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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

[2016COA176M](#)

Court of Appeals No. [14CA1321](#)

Hawg Tools, LLC,

Plaintiff-Appellee,

v.

Newsco International Energy Services, Inc.; Newsco International Energy Services USA, Inc.; Newsco Directional & Horizontal Services, Inc.; and Joe Ficken,

Defendants-Appellants.

Opinion Modified and  
Petitions\_ for Rehearing DENIED

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Court of Appeals No. 14CA2031

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Abigail Harriet Crawford,

Defendant-Appellant.

Petition for Rehearing DENIED

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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[2016COA180M](#)

Court of Appeals No. [14CA2127](#)

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Rollin Michael Oliver,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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[2016COA152M](#)

Court of Appeals No. [15CA0918](#)

City and County of Denver District Court No. 13CV32699

Honorable Catherine A. Lemon, Judge

Perfect Place, A Colorado limited liability company,

Plaintiff-Appellant and Cross-Appellee,

v.

R. Parker Semler,

Defendant-Appellee and Cross-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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Court of Appeals No. 15CA1093

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Francisco Barragan-Piedra,

Defendant-Appellant.

Petition for Rehearing DENIED

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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Court of Appeals No. 15CA1172  
Eagle County District Court No. 14CV30259  
Honorable Russell H. Granger, Judge

Staufer Commercial, LLC, a Colorado limited liability company; and  
Vail Village Inn, Inc., a Colorado corporation,

Plaintiffs-Appellees,

v.

Village Inn Plaza-Phase V Condominium Association, a Colorado nonprofit  
corporation; Richard L. Liebhaber; Steve Cady; VVI, LLC, a Colorado limited  
liability company; Karin Wagner Revocable Inter Vivos Trust; Meadow Drive  
Ventures, Inc.; Griffin Development, LLC, a Texas limited liability company;  
and Potamus Bean, LLC, a Texas limited liability company,

Defendants-Appellants.

Petition for Rehearing DENIED

**NOT PUBLISHED PURSUANT TO C.A.R. 35(e)**

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**MODIFIED OPINIONS**

[2016COA189M](#)

Court of Appeals No. [15CA0598](#)

City and County of Denver District Court No. 14CV33637

Honorable R. Michael Mullins, Judge

Wendy Jane Stone,

Plaintiff-Appellant,

v.

Life Time Fitness, Inc., a Minnesota corporation doing business in the State of Colorado, d/b/a Life Time Fitness; Life Time Fitness Foundation; and LTF Club Operations Company, Inc.,

Defendants-Appellees.

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

Division I  
Opinion by JUDGE MILLER  
Taubman and Fox, JJ., concur

Opinion Modified  
On the Court's Own Motion

Announced December 29, 2016

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\*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2016.