

*ANNOUNCEMENTS  
COLORADO COURT OF APPEALS  
November 5, 2020*

“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**

[2020COA153](#)

Court of Appeals No. [17CA2384](#)

Eagle County District Court No. 16CV30222

Honorable Russell H. Granger, Judge

Leonel Gomez, Francisco Gonzalez, Ebarardo Sanchez, and Nathan Abbott,

Plaintiffs-Appellees,

v.

JP Trucking, Inc.,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE FREYRE  
Dunn and Brown, JJ., concur

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[2020COA154](#)

Court of Appeals No. [19CA0328](#)  
Adams County District Court No. 17JV209  
Honorable Priscilla J. Loew, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.A. and E.A., Children,

and Concerning M.A. and J.A.,

Appellants.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VII  
Opinion by JUDGE TOW  
Navarro and Lipinsky, JJ., concur

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[2020COA155](#)

Court of Appeals No. [19CA0608](#)  
Adams County District Court No. 18CV30091  
Honorable Edward C. Moss, Judge

Tara Price, d/b/a Peak Billing,

Plaintiff-Appellee,

v.

Mountain Sleep Diagnostics, Inc.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE GROVE  
Furman and Berger, JJ., concur

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[2020COA156](#)

Court of Appeals No. [19CA0621](#)

City and County of Denver District Court No. 15CV32305

Honorable Ross B.H. Buchanan, Judge

TABOR Foundation, Colorado Union of Taxpayers Foundation, Rebecca R. Sopkin, and James S. Rankin,

Plaintiffs-Appellants and Cross-Appellees,

v.

Colorado Department of Health Care Policy and Financing; Colorado Healthcare Affordability and Sustainability Enterprise; Kim Bimestefer, in her official capacity as Executive Director of the Colorado Department of Health Care Policy and Financing; Colorado Department of the Treasury; Dave Young, in his official capacity as Colorado State Treasurer; and State of Colorado,

Defendants-Appellees and Cross-Appellants,

and

Colorado Hospital Association,

Intervenor-Appellee.

JUDGMENT AFFIRMED IN PART,  
REVERSED IN PART, AND VACATED IN PART

Division V  
Opinion by JUDGE BERGER  
J. Jones and Pawar, JJ., concur

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[2020COA157](#)

Court of Appeals No. [19CA1245](#)

City and County of Denver District Court No. 15CV30222

Honorable J. Eric Elliff, Judge

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

Plaintiffs-Appellants,

v.

Myrtle Ireson; Lisa Harris, as Special Administrator of the Estate of Virginia  
Hoeckele; Andrew J. Gibbs; and Gibbs-Young, LLC,

Defendants-Appellees.

JUDGMENT AFFIRMED, ORDER REVERSED,  
AND CASE REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE BROWN  
Dunn and Freyre, JJ., concur

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**UNPUBLISHED OPINIONS**

Court of Appeals No. 17CA1868  
Douglas County District Court No. 15CR861  
Honorable Shay K. Whitaker, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Candi Lashea Phipps,

Defendant-Appellant.

JUDGMENT VACATED

Division VI  
Opinion by JUDGE DUNN  
Freyre and Brown, JJ., concur

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

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Court of Appeals No. 18CA0570  
Routt County District Court No. 16CR112  
Honorable Shelley A. Hill, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Miguel Angel Diaz-Martinez,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV  
Opinion by JUDGE TERRY  
Richman and Johnson, JJ., concur

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

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Court of Appeals No. 18CA1000  
Mesa County District Court No. 16CR5354  
Honorable Brian J. Flynn, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Shilo Wayne Weidman,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division VI  
Opinion by JUDGE FREYRE  
Dunn and Brown, JJ., concur

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

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Court of Appeals No. 18CA1900  
Boulder County District Court No. 17CR2543  
Honorable Bruce Langer, Judge  
Honorable Andrew Hartman, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

David Meza,  
  
Defendant-Appellant.

JUDGMENT AND SENTENCE AFFIRMED

Division IV  
Opinion by JUDGE JOHNSON  
Terry and Richman, JJ., concur

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

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Court of Appeals No. 18CA1968  
City and County of Denver District Court No. 17CR9113  
Honorable Morris B. Hoffman, Judge  
Honorable Shelley I. Gilman, Judge

The People of the State of Colorado,

Plaintiff-Appellee

v.

Michael Z. Zenzen,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division V  
Opinion by JUDGE J. JONES  
Berger and Pawar, JJ., concur

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

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Court of Appeals No. 18CA2473  
Adams County District Court No. 16CV30155  
Honorable Robert W. Kiesnowski, Jr., Judge

Fidelity National Title Insurance Company and Colorado Investment Trust,  
LLC,

Plaintiffs-Appellees,

v.

Real Property Acquisition Initiatives LLC, a Colorado limited liability company,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE  
REMANDED WITH DIRECTIONS

Division VI  
Opinion by JUDGE FREYRE  
Dunn and Hawthorne\*, JJ., concur

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

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Court of Appeals No. 19CA0242  
Larimer County District Court No. 17CR490  
Honorable C. Michelle Brinegar, Judge

The People of the State of Colorado,  
  
Plaintiff-Appellee,

v.

Tyler Craig Davidson,  
  
Defendant-Appellant.

JUDGMENT AFFIRMED

Division II  
Opinion by JUSTICE MARTINEZ\*  
Fox and Gomez, JJ., concur

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

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Court of Appeals No. 19CA0818  
Pueblo County District Court No. 17CV30521  
Honorable Deborah R. Eyler, Judge

Mark Warzyniak,  
  
Plaintiff-Appellant and Cross-Appellee,

v.

Kasey N. Boggs,  
  
Defendant-Appellee and Cross-Appellant.

JUDGMENT AFFIRMED  
AND CROSS-APPEAL DISMISSED

Division V  
Opinion by JUDGE BERGER  
J. Jones and Pawar, JJ., concur

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

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Court of Appeals No. 19CA0851  
El Paso County District Court No. 17CV32064  
Honorable David A. Gilbert, Judge

John Kolodgy and Bo K. Kolodgy,  
Plaintiffs-Appellees,

v.

Mahmoud Atalla and Nesreen Sharaf,  
Defendants-Appellants.

JUDGMENT AFFIRMED

Division VII  
Opinion by JUDGE LIPINSKY  
Navarro and Tow, JJ., concur

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

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Court of Appeals No. 19CA0956  
El Paso County District Court No. 17DR30170  
Honorable David S. Prince, Judge

Melissa Polvi,  
Appellee and Cross Appellant,

v.

Brian Polvi,  
Appellant and Cross Appellee.

JUDGMENT AFFIRMED AND CASE  
REMANDED WITH DIRECTIONS

Division III  
Opinion by JUSTICE MARTINEZ\*  
Harris and Yun, JJ., concur

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

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Court of Appeals No. 19CA1024  
Weld County District Court No. 17CV30604  
Honorable Marcelo A. Kopcow, Judge

Charleton Jeffrey and Melinda Jeffrey,

Plaintiffs-Appellees,

v.

Svetlana V. Notary, Richard W. Daily, and Michael V. Makaroff,

Defendants-Appellants.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART

Division II  
Opinion by JUDGE FOX  
Gomez and Martinez\*, JJ., concur

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

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Court of Appeals No. 19CA1609  
El Paso County District Court No. 19CV67  
Honorable Larry E. Schwartz, Judge

David Garcia,

Plaintiff-Appellant,

v.

Mary Carlson and Dean Williams,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE GROVE  
Davidson\* and Taubman\*, JJ., concur

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

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Court of Appeals No. 19CA1698  
Chaffee County District Court No. 18CV41  
Honorable Patrick W. Murphy, Judge

Craig Robledo-Valdez,  
Plaintiff-Appellant,

v.

Executive Director of Colorado Department of Corrections and Warden of  
Buena Vista Prison,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III  
Opinion by JUDGE YUN  
Furman and Harris, JJ., concur

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

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Court of Appeals No. 20CA0536  
City and County of Denver Probate Court No. 20CV30001  
Honorable Elizabeth Leith, Judge

Sara Kahlene Hemmings,  
Petitioner-Appellee,

v.

Christopher Charles Fox,

Respondent-Appellant.

ORDER AFFIRMED

Division VII  
Opinion by JUDGE NAVARRO  
Tow and Lipinsky, JJ., concur

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

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Court of Appeals No. 20CA0616  
Jefferson County District Court No. 19JV40  
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,  
  
Appellee,

In the Interest of A.G.Q. and A.F.Q., Children,  
  
and Concerning J.Q.,

Appellant.

JUDGMENT AFFIRMED

Division I  
Opinion by JUDGE TAUBMAN\*  
Grove and Davidson\*, JJ., concur

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

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Court of Appeals No. 20CA0699  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 7785-2020

Hector R. Diaz,  
  
Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and CBRE Inc.,  
  
Respondents.

ORDER AFFIRMED

Division VI  
Opinion by JUDGE BROWN  
Dunn and Freyre, JJ., concur

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

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Court of Appeals No. 20CA1092  
Industrial Claim Appeals Office of the State of Colorado  
DD No. 10072-2020

Mary L. Jones,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Wheelz Bar & Grill,  
LLC,

Respondents.

ORDER AFFIRMED

Division III  
Opinion by JUDGE FURMAN  
Harris and Yun, 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**

Court of Appeals No. 18CA0240

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Lorenzo Cardenas-Villescas, Sr.,

Defendant-Appellant.

Opinion Modified and  
Petition for Rehearing DENIED

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

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Court of Appeals No. 18CA1471

Louise H. Ingalls, individually, and as surviving parent of Taft M. Conlin; and  
Stephen E. Conlin, individually, and as surviving parent of Taft M. Conlin,

Plaintiffs-Appellants,

v.

The Vail Corporation, a Colorado Corporation,

Defendant-Appellee.

Petition for Rehearing DENIED

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

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**MODIFIED OPINIONS**

[2020COA144M](#)

Court of Appeals No. [19CA0804](#)

City and County of Denver District Court No. 17CV33350

Honorable Stephen M. Munsinger, Judge

Gary W. Suydam and Lisa Linch-Suydam,

Plaintiffs-Appellees,

v.

LFI Fort Pierce, Inc.,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division VII

Opinion by JUDGE LIPINSKY

Navarro and Tow, JJ., concur

Opinion Modified

On the Court's Own Motion

Announced October 8, 2020

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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. 2019.