

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced.

Click on the case number to view the opinion in pdf format.

**OPINIONS**

**Supreme Court of the State of Colorado**  
2 East 14<sup>th</sup> Avenue • Denver, Colorado 80203

---

**[2013 CO 18](#)**

---

**[Supreme Court Case No. 12SA236](#)**

*Interlocutory Appeal from the District Court*  
Arapahoe County District Court Case No. 10CR1831  
Honorable Valeria N. Spencer, Judge

---

**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Dimitry Pleshakov.

---

**Order Reversed**

*en banc*

---

**JUSTICE HOBBS** delivered the Opinion of the Court.

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

---

**Supreme Court of the State of Colorado**  
2 East 14<sup>th</sup> Avenue • Denver, Colorado 80203

---

---

[2013 CO 19](#)

---

---

[Supreme Court Case No. 12SA189](#)

*Original Proceeding Pursuant to C.A.R. 21*  
El Paso County District Court Case No. 10CR2496  
Honorable Victor I. Reyes, Judge

---

**In Re:**

**Plaintiff:**

The People of the State of Colorado,

v.

**Defendant:**

Bruce J. Nozolino.

---

**Rule Made Absolute**

*en banc*

---

**JUSTICE RICE** delivered the Opinion of the Court.

---

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

**PETITIONS FOR REHEARING**

NONE

---

**PETITIONS FOR WRIT OF CERTIORARI**

No. 12SC198  
Court of Appeals Case No. 11CA317

**Petitioner:**

Alva J. Hickerson,

v.

**Respondent:**

Thomas J. Vessels.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred in holding that the defense of laches is unavailable against a timely filed claim for collection of a promissory note, where the statute of limitations period was extended by the partial payment doctrine.

DENIED AS TO ALL OTHER ISSUES.

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

---

No. 12SC331  
Court of Appeals Case No. 11CA937

**Petitioners:**

James Bailey, Nancy Bailey, Rhonda Busch-Morgan, Ronald Morgan, Gary Galloway, Judith Galloway, John Gorton, Karla Gorton, Howard Dwight Sanders, Linda Sanders, Robert Cordova, Carolyn Cordova, Tim Fink, Bruce Albert Berner, Barbara Filippone, Summer Haeske, and Francis Leintz,

v.

**Respondents:**

Henry Thomas Willison; Linda Willison; William Thompson, individually; Patricia Thompson, individually; Valley Commercial Plaza VCP 1, LLC, d/b/a Valley Commercial Plaza; and Crystal Property Management.

Petition for Writ of Certiorari DENIED. EN BANC.

---

No. 12SC501  
Court of Appeals Case No. 11CA2331

**Petitioner:**

Industrial Claim Appeals Office,

v.

**Respondents:**

Softrock Geological Services, Inc., and Colorado Division of Employment and Training, n/k/a Colorado Division of Unemployment Insurance.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issue:

Whether the court of appeals erred by openly departing from longstanding court of appeals' precedent and holding that a worker's failure to provide similar services to others at the same time he is working for a putative employer does not automatically dispose of a claim that the worker is an independent contractor rather than an employee.

DENIED AS TO ALL OTHER ISSUES.

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

No. 12SC506  
Court of Appeals Case No. 11CA751

**Petitioner:**  
BNSF Railway Company,  
v.  
**Respondent:**  
Thomas F. McLaughlin.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE EID would grant as to the following issue:

Whether a defendant is entitled to an effective instruction on apportionment of damages when the plaintiff's preexisting condition was asymptomatic at the time of the incident.

---

No. 12SC512  
Court of Appeals Case No. 10CA1884

**Petitioner:**  
Daniel G. Ogden,  
v.  
**Respondent:**  
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

No. 12SC528  
Court of Appeals Case No. 10CA1045

**Petitioner:**  
Verne Clarence Haney,  
v.  
**Respondent:**  
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

---

No. 12SC632  
Court of Appeals Case No. 11CA1821

**Petitioner:**

Omar Duwaik,

v.

**Respondent:**

JPMorgan Chase Bank, NA.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE EID does not participate.

---

No. 12SC640  
Court of Appeals Case No. 11CA1778

**Petitioner:**

Deluxe Corporation,

v.

**Respondent:**

Kathleen Mutz.

Petition for Writ of Certiorari DENIED. EN BANC.

---

No. 12SC666  
Court of Appeals Case No. 11CA1526

**Petitioner:**

Patricia Grimm Rowe,

v.

**Respondent:**

Estate of Albert Grimm, by its Personal Representative, R.L. Steenrod.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

---

No. 12SC688  
Court of Appeals Case No. 11CA1602

**Petitioners:**

John D. Brewer and Veronica Brewer,  
v.

**Respondent:**

Transwest Freightliner, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

---

No. 12SC712  
Court of Appeals Case No. 12CA1060

**Petitioner:**

Steven Anthony Valles,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, MARCH 25, 2013**

---

No. 12SC911  
Court of Appeals Case No. 11CA2461

**Petitioner:**

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

**Respondents:**

Industrial Claim Appeals Office of the State of Colorado, and Division of Employment and  
Training, Employer Services-Integrity/Employer Audits.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

Whether the court of appeals erred in holding that 220 delivery drivers were petitioner's employees because they did not provide delivery services to others while they provided such services to petitioner.

Whether the court of appeals erred when it held that 220 delivery drivers were subject to petitioner's control and direction.

DENIED AS TO ALL OTHER ISSUES.

---