

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, NOVEMBER 3, 2014**

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"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**

NONE

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**PETITIONS FOR REHEARING**

NONE

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**GRANTED ORIGINAL PROCEEDINGS PURSUANT TO C.A.R. 21**

NONE

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**PETITIONS FOR WRIT OF CERTIORARI**

No. 13SC714

Court of Appeals Case No. 10CA2295

**Petitioner:**

Paul T. Diperrì,

v.

**Respondent:**

The People of the State of Colorado.

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

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**CASE ANNOUNCEMENTS  
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No. 13SC718  
Court of Appeals Case No. 10CA422

**Petitioner:**

Ruben Sotelo-Sianez,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC731  
Court of Appeals Case No. 09CA1583

**Petitioner:**

John Andrew Hancock,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC782  
Adams County Court Case No. 13CV30744

**Petitioner:**

Randall Carrillo,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 13SC908  
Court of Appeals Case No. 12CA149

**Petitioner:**

Michael Shannon Espinoza,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 13SC953  
Court of Appeals Case No. 09CA1801

**Petitioner:**

Cari Marie Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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MONDAY, NOVEMBER 3, 2014**

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No. 14SC1  
Court of Appeals Case No. 12CA1878

**Petitioners:**

Ramona Martinez and Stevens Law Offices,  
v.

**Respondents:**

Mintz Law Firm, LLC, and Eric Krajewski, Esq.

Petition for Writ of Certiorari GRANTED. EN BANC.  
JUSTICE MÁRQUEZ and JUSTICE HOOD do not participate.

Summary of Issues:

[REFRAMED] Whether a client is personally liable to a discharged attorney for the reasonable value of services rendered under a contingency fee agreement when a successor attorney received the full contingency fee.

Whether the court of appeals erred by reversing the trial court's denial of respondent's motion to compel arbitration and its award of attorney's fees and costs to petitioner.

Whether the court of appeals erred by failing to address the appellees' arguments that the arbitration clause was inapplicable because the contingent fee agreement was unenforceable and void for failure to comply with C.R.C.P. 23.3.

DENIED AS TO ALL OTHER ISSUES.

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**CASE ANNOUNCEMENTS  
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MONDAY, NOVEMBER 3, 2014**

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No. 14SC59  
Court of Appeals Case No. 11CA618

**Petitioner:**

Arthur Nathan Valdez,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC75  
Court of Appeals Case No. 12CA308

**Petitioner:**

Oloyea Donald Wallin,  
v.

**Respondent:**

The People of the State of Colorado.

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

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No. 14SC87  
Court of Appeals Case No. 11CA1826

**Petitioner:**

Angelica Smith,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC99  
Court of Appeals Case No. 11CA1430

**Petitioner:**

American Family Mutual Insurance Company,  
v.

**Respondent:**

Jennifer Hansen.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

[REFRAMED] Whether the court of appeals impermissibly relied upon extrinsic evidence to conclude that the respondent's insurance policy was ambiguous.

[REFRAMED] Whether the court of appeals erred in perceiving a factual issue with regard to the reasonableness of the insurer's initial denial of the insured's claim, despite its assumption that the insurer's coverage position was "fairly debatable."

[REFRAMED] Whether the respondent may recover under section 10-3-1116, C.R.S. (2014), despite the jury's determination that the amount of the claim for which payment was unreasonably delayed or denied was "0."

[REFRAMED] Whether section 10-3-1116, C.R.S. (2014), authorizes an insured whose claim has been unreasonably delayed or denied to bring an action to recover two times the covered benefit in addition to the covered benefit itself.

DENIED AS TO ALL OTHER ISSUES.

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No. 14SC100  
Court of Appeals Case No. 11CA1651

**Petitioner:**

Gilberto Colmenero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC132  
Court of Appeals Case No. 12CA2515

**Petitioners:**

David A. Holly and Lori A. Holly,

v.

**Respondent:**

Cherry Creek Springs Homeowner's Association, Inc.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC142  
Court of Appeals Case No. 12CA688

**Petitioner:**

Michael Boetger,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC148  
Court of Appeals Case No. 11CA421

**Petitioner:**

Javay Anthony Lynch,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC167  
Court of Appeals Case No. 11CA2361

**Petitioner:**

Eric Jay Castro,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC175  
Court of Appeals Case No. 10CA730

**Petitioner:**

Freddie A. Diaz,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC176  
Court of Appeals Case No. 12CA719

**Petitioner:**

Menda K. Warne,  
v.

**Respondent:**

Bill J. Hall.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of Issues:

[REFRAMED] Whether a motion to dismiss for failure to state a claim under C.R.C.P. 12(b)(5) should be evaluated according to the “plausible on its face” standard governing the adequacy of complaints in federal courts, as articulated by the United States Supreme Court in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and Ashcroft v. Iqbal, 556 U.S. 662 (2009), or according to the “no set of facts” standard previously articulated by this court in partial reliance upon its understanding of pre-Twombly/Iqbal federal case law.

[REFRAMED] Whether the complaint should be dismissed for failure to state a claim for relief under the Twombly/Iqbal “plausible on its face” standard.

DENIED AS TO ALL OTHER ISSUES.

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**CASE ANNOUNCEMENTS  
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No. 14SC204  
Court of Appeals Case No. 11CA1556

**Petitioner:**

Kraig Allen Massey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC205  
Court of Appeals Case No. 10CA1350

**Petitioner:**

Daniel Jesse Roybal,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC216  
Douglas County Court Case No. 12CV2705

**Petitioner:**

Daniel Scott Chavez-Rey,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC222  
Court of Appeals Case No. 11CA963

**Petitioner:**

Richard Charles Norton,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC227  
Court of Appeals Case No. 12CA2656

**Petitioner:**

Edward Allen, a/k/a/ Edward A. Clutts,  
v.

**Respondents:**

Warden of Sterling Correctional Facility and Executive Director of CDOC.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC249  
Court of Appeals Case No. 12CA728

**Petitioner:**

William Alan Maunz,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari Pursuant to C.A.R. 50 DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC336  
El Paso County Court Case No. 13CV31050

**Petitioner:**

Rigo Garcia,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC348  
Court of Appeals Case Nos. 13CA1179 & 13CA1180

**Petitioner:**

Jonathan Flores,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC355  
Court of Appeals Case No. 13CA194

**Petitioner:**

Donald A. Penrod,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC358  
Court of Appeals Case No. 13CA73

**Petitioner:**

R. Kirk McDonald,  
v.

**Respondent:**

Fox Run Meadows PUD.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC360  
Court of Appeals Case No. 13CA637

**Petitioner:**

Nathan Patrick Diver,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC362  
Court of Appeals Case No. 10CA2299

**Petitioner:**

Sean Christopher Smith,  
v.

**Respondent:**

The People of the State of Colorado.

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

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No. 14SC366  
Court of Appeals Case No. 11CA1864

**Petitioner:**

Barbara Ann Nelson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC367  
Court of Appeals Case No. 11CA2594

**Petitioner:**

Tyler James Groce,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC369  
Court of Appeals Case No. 13CA357

**Petitioner:**

Joseph Phillip Diaz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC371  
Court of Appeals Case No. 12CA2139

**Petitioner:**

Lisa Dawn Strauch,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC372  
Court of Appeals Case No. 11CA2370

**Petitioner:**

Samuel Wederski,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC375  
Court of Appeals Case No. 12CA2179

**Petitioner:**

Bernard J. Malburg,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC376  
Court of Appeals Case No. 11CA457

**Petitioner:**

Dean Carbajal,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC397  
Court of Appeals Case No. 12CA1245

**Petitioner:**

Ryan Derrick Martin,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC398  
Court of Appeals Case No. 12CA10

**Petitioner:**

Adawnous Donnil Henry,  
v.

**Respondent:**

The People of the State of Colorado.

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

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**CASE ANNOUNCEMENTS  
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No. 14SC399  
Court of Appeals Case No. 12CA109

**Petitioner:**

Jesse Zachary,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC404  
Court of Appeals Case No. 12CA122

**Petitioner:**

Zachery Marco Montoya,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC410  
Court of Appeals Case No. 11CA2363

**Petitioner:**

Jose Ramiro Paez,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC412  
Court of Appeals Case No. 11CA425

**Petitioner:**

Bill Allen Maldonado, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC417  
Court of Appeals Case No. 12CA1224

**Petitioner:**

Eldridge Lee Griffin,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC438  
Court of Appeals Case No. 12CA2534

**Petitioner:**

Tommy Teran,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**CASE ANNOUNCEMENTS  
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No. 14SC795  
Court of Appeals Case No. 14CA432

**Petitioner:**

K. B.,

v.

**Respondent:**

The People of the State of Colorado,  
In the Interest of Minor Children: K. B. and K. B.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC802  
Court of Appeals Case No. 14CA189

**Petitioner:**

M. L.,

v.

**Respondent:**

The People of the State of Colorado,  
In the Interest of Minor Children: S. G., M. G., and J. G.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 14SC803  
Court of Appeals Case No. 14CA522

**Petitioner:**

C. D.,

v.

**Respondent:**

The People of the State of Colorado,  
and

**Intervenors:**

C. S. and V. S.,

In the Interest of Minor Child: M. D.

Petition for Writ of Certiorari DENIED. EN BANC.

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