

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, SEPTEMBER 26, 2016**

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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**

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

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**[2016 CO 60](#)**

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**[Supreme Court Case No. 16SA114](#)**

*Original Proceeding Pursuant to C.A.R. 21*  
Pueblo County District Court Case No. 15CV30317  
Honorable Jill Mattoon, Judge

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**In Re**

**Plaintiff:**

Christine Griffith, individually and as personal representative of the Estate of Antonio Jimenez, Jr.,

v.

**Defendants:**

SSC Pueblo Belmont Operation Company LLC d/b/a Belmont Lodge Health Care Center; SavaSeniorCare Administrative Services; SavaSeniorCare Consulting LLC; SSC Disbursement Company LLC; SSC Special Holdings LLC; SavaSeniorCare LLC; SVCare Holdings LLC; Canyon Sudar Partners LLC; Special Holdings Parent Holdco LLC; Proto Equity Holdings LLC; Terpax Inc.; Michael Dunn, in his capacity as Administrator of Belmont Lodge Health Care Center; and Cynthia Kovalcik, in her capacity as Administrator of Belmont Lodge Health Care Center.

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**Rule Made Absolute**

*en banc*

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

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**The Supreme Court of the State of Colorado**  
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[2016 CO 61](#)

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[Supreme Court Case No. 16SA124](#)

*Original Proceeding Pursuant to C.A.R. 21*  
El Paso County District Court Case No. 15CV31423  
Honorable Thomas Kelly Kane, Judge

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**In Re**

**Plaintiff:**

Khalid Meeks, as Attorney-in-Fact of Gera Meeks,

v.

**Defendants:**

SSC Colorado Springs Colonial Columns Operating Company, LLC, d/b/a Colonial Columns Nursing Center; SavaSeniorCare Administrative Services, LLC; SavaSeniorCare Consulting LLC; SSC Disbursement Company LLC; Colorado Holdco LLC; SSC Equity Holdings LLC; SavaSeniorCare LLC; Master Tenant Parent Holdco LLC; Proto Equity Holdings LLC; Terpax Inc.; and Micky Belinski, in his capacity as Administrator of Colonial Columns Nursing Home.

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**Rule Made Absolute**

*en banc*

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

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

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[2016 CO 62](#)

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[Supreme Court Case No. 16SA75](#)

*Original Proceeding Pursuant to C.A.R. 21*  
Jefferson County District Court Case No. 15CV31797  
Honorable Christopher J. Munch, Judge

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**In Re**

**Petitioner:**

Department of Transportation, State of Colorado,

v.

**Respondents:**

Amerco Real Estate Company, a Nevada corporation; Wells Fargo Foothill, Inc., a California corporation; Wells Fargo Bank, National Association, a United States bank; U-Haul Co. of Colorado; Merrill Lynch Commercial Finance Corporation, a Delaware corporation; Public Service Company of Colorado, a Colorado corporation; Margaret Chapman, Public Trustee of Jefferson County; and Tim Kaufman, Treasurer of Jefferson County.

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**Rule Made Absolute**

*en banc*

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

**JUSTICE GABRIEL** concurs in the judgment, and **CHIEF JUSTICE RICE** and **JUSTICE HOOD** join in the concurrence in the judgment.

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[2016 CO 63](#)

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[Supreme Court Case No. 15SC136](#)

*Certiorari to the District Court*

Mesa County District Court Case No. 14CV4106

Honorable Brian J. Flynn, Judge

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**Petitioner/Cross-Respondent:**

The People of the State of Colorado,

v.

**Respondent/Cross-Petitioner:**

Gregory K. Hoskin.

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**Judgment Reversed**

*en banc*

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

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

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[2016 CO 64](#)

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[Supreme Court Case No. 14SC77](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 12CA1568

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**Petitioner/Cross-Respondent:**

Pulte Home Corporation, Inc., a Michigan corporation,

v.

**Respondent/Cross-Petitioner:**

Countryside Community Association, Inc., a Colorado nonprofit corporation.

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**Judgment Reversed in Part and Affirmed in Part**  
*en banc*

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

**JUSTICE COATS** concurs in part and concurs in the judgment, and **JUSTICE EID** and **JUSTICE MÁRQUEZ** join in the concurrence in part and concurrence in the judgment.

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**The Supreme Court of the State of Colorado**  
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[2016 CO 65](#)

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[Supreme Court Case No. 14SC431](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case Nos. 12CA2312 & 12CA2316

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**Petitioner:**

Ryan Ranch Community Association, Inc.,

v.

**Respondents:**

John E. Kelley, Kelly D. Kelley, Rick Zimmerman, and Lora Zimmerman.

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**Judgment Affirmed**  
*en banc*

**JUSTICE HOOD** delivered the Opinion of the Court.  
**JUSTICE COATS** joins in the majority and specially concurs, and **JUSTICE EID** and **JUSTICE MÁRQUEZ** join in the majority and the special concurrence.  
**JUSTICE BOATRIGHT** does not participate.

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

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[2016 CO 66](#)

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[Supreme Court Case No. 16SA133](#)

*Interlocutory Appeal from the District Court*  
Morgan County District Court Case No. 14CR245  
Honorable Douglas R. Vannoy, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Amadeo Chavez-Barragan.

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**Order Reversed**

*en banc*

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

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

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[2016 CO 67](#)

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[Supreme Court Case No. 14SC756](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 13CA1309

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**In re the Marriage of**  
**Petitioner:**  
William Michael Johnson,  
and  
**Respondent:**  
Carolyn S. Johnson.

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**Judgment Reversed**  
*en banc*

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**JUSTICE GABRIEL** delivered the Opinion of the Court.  
**JUSTICE MÁRQUEZ** does not participate.

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**PETITIONS FOR REHEARING**

**NONE**

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**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
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**PETITIONS FOR WRIT OF CERTIORARI**

No. 16SC61  
Court of Appeals Case No. 14CA145

**Petitioner:**

Leroy D. Fief,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE COATS would grant as to the following issue:

[REFRAMED] Whether the court of appeals erred when it affirmed the trial court's decision to deny the defendant's request for a jury instruction on the lesser included offense of reckless manslaughter.

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No. 16SC361  
Court of Appeals Case No. 15CA83

**Petitioners:**

Executive Director of the Colorado Department of Corrections and Warden for the Buena Vista Correctional Facility,  
v.

**Respondent:**

Raymond Lee Fetzer.

Petition for Writ of Certiorari GRANTED. EN BANC.

**Summary of the Issue:**

Whether the Colorado Department of Corrections' application of the "governing sentence" methodology to the calculation of respondent's parole eligibility date in light of his multiple concurrent sentences is proper.

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**CASE ANNOUNCEMENTS**  
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No. 16SC438  
Court of Appeals Case No. 13CA1922

**Petitioner:**

James Augustine Ortiz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC448  
Court of Appeals Case No. 15CA1869

**Petitioner:**

Align Corporation Limited,

v.

**Respondents:**

Allister Mark Boustred and Horizon Hobby, Inc.

Petition for Writ of Certiorari GRANTED. EN BANC.

Summary of the Issue:

Whether the court of appeals erred in finding that petitioner's national marketing, distribution, and other activities are sufficient "minimum contacts" to exercise specific jurisdiction in Colorado under World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980) and J. McIntyre Machinery, Ltd. v. Nicastro, 564 U.S. 873 (2011).

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**CASE ANNOUNCEMENTS  
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No. 16SC453  
Court of Appeals Case No. 15CA731

**Petitioner/Cross-Respondent:**

Pamela Jelaca,

v.

**Respondents/Cross-Petitioners:**

Lloyd Lambertson and Oasis Ranch, LLC, a Colorado limited liability company.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.

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No. 16SC506  
Adams County District Court Case No. 15CV32004

**Petitioner:**

Action Appliance, Inc.,

v.

**Respondent:**

Liberty Mutual Insurance.

Petition for Writ of Certiorari DENIED. EN BANC.

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