CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, NOVEMBER 12, 2019

"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

2019 CO 92

Supreme Court Case No. 18SC621
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 16CA2011

Petitioners:

John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 5, John Doe 6, John Doe 7, John Doe 8, and John Doe 9,

v.

Respondents:

Colorado Department of Public Health and Environment; Jill Hunsaker Ryan, in her official capacity as Executive Director of the Department of Public Health and Environment; Natalie Riggins, in her official capacity as State Registrar and Director of the Medical Marijuana Registry; and Colorado Medical Board.

Judgment Affirmed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

2019 CO 93

Supreme Court Case No. 18SC330
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA73

Petitioner:

Colorado Medical Board,

v.

Respondent:

Scott Storm McLaughlin, M.D.

Judgment Reversed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

2019 CO 94

Supreme Court Case No. 18SC331
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 16CA1269

Petitioner:

James Boland, M.D.,

v.

Respondent:

Colorado Medical Board.

Judgment Affirmed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.

ORIGINAL PROCEEDINGS

19SA186, In Re People v Garcia-Gonzalez, Valeria
Mesa County District Court, 18CR1357
Court order Issued November 7, 2019

CERTIFICATION OF QUESTION OF LAW

No. 19SA174, Gill, Joseph v. Waltz & Swift Transportation
United States District Court for the District of Colorado, 18CV00790-NRN
Reframed Questions Accepted November 7, 2019.

Does a plaintiff have standing to seek damages for personal injuries that were already paid by workers' compensation insurance, where the insurer has settled its subrogation claim directly with the tortfeasor-defendant?

May a plaintiff present evidence of his billed amount of medical expenses, where the tortfeasor-defendant has paid the same medical expenses by settling the worker's compensation insurer's subrogation claim?

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC546, Court of Appeals Case Nos. 18CA49 & 18CA760
Petitioner/Cross-Respondent:
William Scholle,
v.
Respondent/Cross-Petitioner:
Delta Air Lines, Inc.

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

[REFRAMED] Whether, in an action brought by an injured worker against a third-party tortfeasor, the collateral source rule as codified at 13-21-111.6, C.R.S. (2019), precludes admission of the amount of medical expenses paid by the plaintiff's workers' compensation insurer, where (1) amounts billed in excess of scheduled healthcare fees and rates allowed under the Workers' Compensation Act are unlawful, void, and unenforceable, and (2) the third-party defendant has already extinguished the workers' compensation insurer's subrogated interest in the medical expenses paid by settling the insurer's claim.

DENIED AS TO ALL OTHER ISSUES.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 19SC48, Court of Appeals Case Nos. 16CA2024 & 17CA1154
Petitioners:
Robert A. Lees and Louella Maxine Patterson,
v.
Respondent:
M. Tracy James.

Petitions for Writ of Certiorari DENIED. EN BANC.

No. 19SC150, Court of Appeals Case No. 15CA1305
Petitioner:
Jose Luis Martinez,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC229, Court of Appeals Case No. 17CA1741
Petitioners:
Nikolas Fogel and Burg, Simpson, Eldredge, Hersh, & Jardine, P.C.,
v.
Respondent:
David Weibel.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC285, Court of Appeals Case No. 15CA1849
Petitioner:
Amit Kapoor,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC385, Court of Appeals Case No. 18CA78
In re the Marriage of
Petitioner:
Santiago D. Ceja a/k/a Jim Ceja,
and
Respondent:
Carlena Ceja.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC412, Court of Appeals Case No. 15CA1800
Petitioner:
Richard Todd Lancaster,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC441, Court of Appeals Case No. 17CA1119
Petitioner:
Justin Levi Moore,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC462, Court of Appeals Case No. 16CA1994
Petitioner:
Bret Holden Gardner,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC547, Court of Appeals Case No. 17CA471
Petitioner:
Billy Edwin Reid,
v.
Respondent:
The People of the State of Colorado.

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

No. 19SC562, Court of Appeals Case No. 16CA2078
Petitioner:
David Patrick Hashman,
v.
Respondent:
The People of the State of Colorado.

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

No. 19SC567, Court of Appeals Case No. 16CA2197
Petitioner:
Bill J. Brooks,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC570, Larimer County District Court Case No. 19CV30244
Petitioner:
Allen Lawson,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC571, Court of Appeals Case No. 17CA1100
Petitioner:
Darrel Guice,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
CHIEF JUSTICE COATS and JUSTICE MÁRQUEZ do not participate.

No. 19SC575, Court of Appeals Case No. 17CA611
Petitioner:
Rodney Thomas,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.
JUSTICE MÁRQUEZ and JUSTICE GABRIEL do not participate.

No. 19SC580, Court of Appeals Case No. 17CA1882
Petitioner:
Robert D. Huery,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC583, Court of Appeals Case No. 17CA1273
Petitioner:
Jahmal Rasha Bynum,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC591, Court of Appeals Case No. 18CA716
Petitioners:
Erica Carter, f/k/a/ Erica Twining and Erica Schoneboom,
v.
Respondents:
McDivitt Law Firm P.C. and Durant Davidson, Esq.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC594, Court of Appeals Case No. 18CA242
Petitioner:
Nathaniel Davis,
v.
Respondent:
The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC730, Court of Appeals Case No. 18CA2224
Petitioner:
L. T.,
v.
Respondent:
The People of the State of Colorado,
In the Interest of
C. L. T.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC769, Court of Appeals Case No. 18CA1662
Petitioner:
P. H.,
v.
Respondent:
The People of the State of Colorado,
In the Interest of Minor Child:
P. T. H.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC770, Court of Appeals Case No. 18CA1446
Petitioner:
D. H.,
v.
Respondent:
The People of the State of Colorado,
In the Interest of Minor Child:
E. F.,
and Concerning
A. F.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 19SC771, Court of Appeals Case No. 19CA18
Petitioner:
T. D. F.,
v.
Respondent:
The People of the State of Colorado,
In the Interest of Minor Child:
N. J. F.

Petition for Writ of Certiorari DENIED. EN BANC.