

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, JUNE 3, 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.

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**OPINIONS**

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**[2019 CO 44](#)**

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**[Supreme Court Case No. 15SC1095](#)**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 11CA1795

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**Petitioner:**

David Lewis McCoy,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Affirmed**  
*en banc*

**JUSTICE GABRIEL** delivered the Opinion of the Court.  
**JUSTICE SAMOUR** concurs in the judgment only and **CHIEF JUSTICE COATS** and **JUSTICE BOATRIGHT** join in the concurrence in the judgment only.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2019 CO 45**

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**Supreme Court Case No. 15SC180**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 11CA2084

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**Petitioner:**

Bob Junior Maestas,

v.

**Respondent:**

The People of the State of Colorado.

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**Judgment Reversed**

*en banc*

**JUSTICE GABRIEL** delivered the Opinion of the Court.  
**JUSTICE SAMOUR** concurs in the judgment only and **CHIEF JUSTICE COATS** and  
**JUSTICE BOATRIGHT** join in the concurrence in the judgment only.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2019 CO 46**

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**Supreme Court Case No. 18SA266**

*Appeal from the District Court*

Pueblo County District Court, Water Division 2, Case No. 17CW3033

Honorable Larry C. Schwartz, Water Judge

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**Plaintiffs-Appellees:**

Thomas Klun and Joseph Klun, Jr.

v.

**Defendant-Appellant:**

Michael Klun,

and Concerning,

**Appellee Pursuant to C.A.R. 1(e):**

Bill Tyner, Division Engineer, Water Division 2.

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**Order Reversed**

*en banc*

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

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**2019 CO 47**

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**Supreme Court Case No. 17SC200**

*Certiorari to the Colorado Court of Appeals*  
Colorado Court of Appeals Case No. 16CA249

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**Petitioner:**

Colorado Department of Labor and Employment, Division of Workers' Compensation,

v.

**Respondents:**

Dami Hospitality, LLC; and Industrial Claim Appeals Office.

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**Judgment Reversed**

*en banc*

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

**JUSTICE SAMOUR** concurs in part and dissents in part.

**JUSTICE HOOD** does not participate.

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**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

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**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 18SC793, Court of Appeals Case No. 17CA1663**

**Petitioner:**

Forest View Company and Raymond Decker,

v.

**Respondent:**

Town of Monument, a statutory municipality of the State of Colorado.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals was in error interpreting the Colorado Supreme Court's decision in *Smith v. Clifton Sanitation District*, 300 P.2d 548 (1956), that a restrictive covenant proscribing certain uses of property is not a compensable property interest in the context of an eminent domain case, and in the process created a significant exception to the takings clause of the Colorado Constitution, Article II, Section 15.

DENIED AS TO ALL OTHER ISSUES.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 18SC747, Court of Appeals Case No. 17CA1336**

**Petitioner:**

Boulder & White Rock Ditch & Reservoir Company,  
v.

**Respondents:**

Niall O'Toole, Mary Anne Carroll, Renala Condominium Association, Inc., and Thomas J. McWilliams.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC797, Court of Appeals Case No. 16CA1983**

**Petitioners:**

Robert J. Hopp & Associates, LLC; The Hopp Law Firm, LLC; National Title, LLC,  
d/b/a Horizon National Title insurance, LLC; First National Title Residential, LLC;  
Safehaus Holdings Group, LLC; and Robert J. Hopp;

v.

**Respondents:**

State of Colorado, ex rel. Philip J. Weiser, Attorney General for the State of Colorado  
and Julie Ann Meade, Administrator, Uniform Consumer Credit Code.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 18SC803, Court of Appeals Case No. 16CA1744**

**Petitioner:**

Antonio Marcus Arbogast,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 18SC921, Court of Appeals Case No. 16CA1212**

**Petitioner:**

Kyle Steven Graff,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC26, Court of Appeals Case No. 15CA1758**

**Petitioner:**

Emmanuel G. Robles,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC67, Court of Appeals Case No. 15CA1782**

**Petitioner:**

William Lee Cody,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC72, Court of Appeals Case No. 16CA156**

**Petitioner:**

Romiello Rodriguez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC84, Court of Appeals Case No. 17CA156**

**Petitioners:**

Dyan Frances Parker and Timothy Peterson,

v.

**Respondent:**

Bank of New York Mellon, f/k/a Bank of New York, as Trustee, on behalf of the Holders of the Alternative Loan Trust 2007-16cb Mortgage Pass Through Certificates, Series 2007-16cb, Its Successors and Assigns.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC111, Court of Appeals Case No. 14CA2474**

**Petitioner:**

Chuck Montoya,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC129, Court of Appeals Case No. 16CA1547**

**Petitioner:**

Jose Muniz,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC133, Court of Appeals Case No. 16CA808**

**Petitioner:**

Ronald L. Webster,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC141, Court of Appeals Case No. 17CA1590**

**Petitioner:**

Ruben G. Aragon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC159, Court of Appeals Case No. 17CA1062**

**Petitioner:**

Juan Agustin,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC167, Court of Appeals Case No. 18CA402**

**Petitioner:**

Ernest Seadin,

v.

**Respondent:**

Rick Raemisch, Executive Director of the Colorado Department of Corrections.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

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**No. 19SC187, Court of Appeals Case No. 17CA2252**

**Petitioner:**

Veryl Bruce Scaife,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

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**No. 19SC307, Court of Appeals Case No. 18CA651**

**Petitioner:**

P. A. G. III,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A. L. G.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 19SC315, Court of Appeals Case No. 18CA63**

**Petitioner:**

D. F.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

J. M.; D. F., Jr.; and S. F.;

and Concerning

S. M.

Petition for Writ of Certiorari DENIED. EN BANC.

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