

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, DECEMBER 12, 2022**

"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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**[2022 CO 55](#)**

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**Supreme Court Case No. 22SC213**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 21CA346

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**Petitioner:**

The People of the State of Colorado,

**In the Interest of Minor Child: E.B.,**

and

E.B.

v.

**Respondent:**

R.B.

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**Judgment Reversed**

*en banc*

**JUSTICE HOOD** delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE GABRIEL, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

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[2022 CO 56](#)

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**Supreme Court Case No. 20SC865**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 19CA1360

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**Petitioner:**

James Woo,

v.

**Respondents:**

El Paso County Sheriff's Office and Fourth Judicial District Attorney's Office.

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**Judgment Affirmed**  
*en banc*

**JUSTICE SAMOUR** delivered the Opinion of the Court, in which **CHIEF JUSTICE BOATRIGHT, JUSTICE MÁRQUEZ, JUSTICE HOOD, JUSTICE GABRIEL, JUSTICE HART,** and **JUSTICE BERKENKOTTER** joined.

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**PETITIONS FOR REHEARING**

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**2022 CO 51**

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**Supreme Court Case No. 22SC86**  
*Certiorari to the Colorado Court of Appeals*  
**Court of Appeals Case No. 20CA1724**

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**Petitioners:**

R.W. and H.W.,

v.

**Respondent:**

The People of the State of Colorado.

**In the Interest of Minor Child:**

E.W.

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Petition for Rehearing DENIED. EN BANC.

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**RULE CHANGE**

[RULE CHANGE 2022\(16\)](#)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO  
Rule 227

**Amended and Adopted by the Court, En Banc, November 22, 2022, effective  
December 1, 2022.**

**ORIGINAL PROCEEDINGS**

[22SA383](#) In Re People v. Saville, Alan  
Order to Show Cause issued December 5, 2022

[22SA384](#) In Re People v. Platteel, Evan  
Order to Show Cause issued December 5, 2022

[22SA874](#) In Re People v. Kelley, Noelle  
Order to Show Cause issued December 5, 2022

[22SA388](#) In Re People v. Maez, Christopher  
Order to Show Cause issued December 7, 2022

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**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 21SC930, Court of Appeals Case No. 20CA298**

**Petitioners:**

Killmer, Lane & Newman LLP, Mari Newman, and Towards Justice,  
v.

**Respondents:**

BKP, Inc., Ella Bliss Beauty Bar, L.L.C., Ella Bliss Beauty Bar 2, L.L.C., and Ella Bliss  
Beauty Bar 3, L.L.C.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the common law litigation privilege for party-generated publicity in pending class action litigation excludes situations in which the identities of class members are ascertainable through discovery.

DENIED AS TO ALL OTHER ISSUES.

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**No. 22SC119, Court of Appeals Case No. 20CA1780**

**Petitioners/Cross-Respondents:**

The State of Colorado, Mark Warsewa, and Linda Joseph,  
v.

**Respondent/Cross-Petitioner:**

Roger Hill.

Petition for Writ of Certiorari filed by The State of Colorado is GRANTED. The Petition for Writ of Certiorari filed by Mark Warsewa and Linda Joseph is DENIED. Cross-Petition for Writ of Certiorari DENIED. EN BANC.

Whether an individual has standing to seek a declaratory judgment that a river segment was navigable for title at statehood and belongs to the State.

DENIED AS TO ALL OTHER ISSUES.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
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**No. 22SC399, Court of Appeals Case No. 20CA1694**

**Petitioner:**

Karyn Gregory,

v.

**Respondent:**

Safeco Insurance Company of America.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the notice-prejudice rule applies to homeowner's property and casualty insurance policies.

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 21SC721, Court of Appeals Case No. 20CA1616**

**In re the Marriage of**

**Petitioner:**

Ross A. Swick,

and

**Respondent:**

Julie A. Swick.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC152, Court of Appeals Case No. 19CA108**

**Petitioner:**

Daniel Estrada Miranda,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC234, Court of Appeals Case No. 20CA1417**

**Petitioner:**

Nancy J. Martinez,

v.

**Respondent:**

Marc L. Schatten.

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

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**No. 22SC244, Court of Appeals Case No. 19CA2314**

**Petitioner:**

Austin Matthew O'Day,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC290, Court of Appeals Case No. 20CA1451**

**Petitioner:**

Michael Stovall,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC305, Court of Appeals Case No. 18CA1609**

**Petitioner:**

Roger Jay Kadell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC355, Court of Appeals Case No. 18CA1685**

**Petitioner:**

Anthony Patrick Mesa,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC389, Court of Appeals Case No. 21CA122**

**Petitioner:**

Christopher Edward Butler,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC400, Court of Appeals Case No. 18CA1951**

**Petitioner:**

Cody Frank Nelson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BERKENKOTTER does not participate.

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**No. 22SC401, Court of Appeals Case No. 20CA1823**

**In re the Parental Responsibilities Concerning Children:**

E.K.G. and P.W.G.,

**and Concerning**

**Petitioner:**

Heather Renee Hartung,

and

**Respondents:**

Thaddeus Goessman, Sheryl Goessman, and Brett Goessman.

Petition for Writ of Certiorari DENIED. EN BANC.



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**No. 22SC404, El Paso County District Court Case No. 21CV30865**

**Petitioner:**

Elizabeth Hopkins,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC405, Court of Appeals Case No. 21CA150**

**Petitioners:**

Covenant Testing Technologies LLC and Michael Woody,

v.

**Respondent:**

Quinton Barber.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC410, Court of Appeals Case No. 20CA2106**

**Petitioner:**

Murphy Creek Metropolitan District No. 3,

v.

**Respondents:**

Murphy Creek Development Company, Inc., a Colorado corporation; and  
Murphy Creek, LLC, a Wyoming limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC420, Court of Appeals Case No. 19CA1381**

**Petitioner:**

Shane Erik Garrett,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC425, Court of Appeals Case No. 20CA1589**

**Petitioner:**

Nature's Gallery Estate, LLC, a Colorado limited liability company,  
v.

**Respondent:**

4700 South Forest Street, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR and JUSTICE BERKENKOTTER would grant as to the following issue:

Whether a plat that expressly dedicates streets that are subsequently developed and maintained by a city creates public streets, rather than private easement rights.

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**No. 22SC428, Court of Appeals Case No. 19CA2086**

**Petitioner:**

Joaquin Perez,  
v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC429, Court of Appeals Case No. 19CA2337**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

John Anthony Ortiz.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as to the following issue:

Whether this Court should adopt the federal equal protection standard from *United States v. Batchelder*, 442 U.S. 114 (1979), when addressing whether a defendant's punishment for a more serious offense violates equal protection principles under the Colorado Constitution when the same conduct also constitutes an offense with a lesser penalty.

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**No. 22SC462, Court of Appeals Case No. 18CA1073**

**Petitioner:**

Jordan Taggart Lemarinel,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT does not participate.

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**No. 22SC464, Court of Appeals Case No. 21CA366**

**Petitioners:**

Murphy Creek Development, Inc., a Colorado corporation; and

Murphy Creek, LLC, a Wyoming limited liability company,

v.

**Respondent:**

Murphy Creek Metropolitan District No. 3, a quasi-municipal corporation and political subdivision of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC487, Court of Appeals Case No. 22CA324**

**Petitioner:**

Janet E. Black, as legal guardian and personal representative of Ericka V. Black., an adult with a disability,

v.

**Respondents:**

MKBS, LLC d/b/a Metro Transportation Planning and Solution Group and Jesus Manual Ortiz.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC647, Court of Appeals Case No. 22CA302**

**Petitioners:**

Dale Knipp and Noah Seis,

v.

**Respondent:**

Tri County Health Department.

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

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**No. 22SC779, Court of Appeals Case No. 21CA1821**

**Petitioner:**

S.B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

J.L.C.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC825, Court of Appeals Case No. 21CA2085**

**Petitioner:**

A.W.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

W.W.,

**and Concerning**

R.B.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC826, Court of Appeals Case No. 22CA189**

**Petitioner:**

M.R.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.S.R.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC827, Court of Appeals Case No. 21CA2059**

**Petitioner:**

A.D.O.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

D.L.S. and E.T.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC843, Court of Appeals Case No. 21CA2082**

**Petitioner:**

R.M.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

D.W.

Petition for Writ of Certiorari DENIED. EN BANC.

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