

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, NOVEMBER 14, 2022**

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Click on the case number to view the opinion in pdf format.

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**OPINION**

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**[2022 CO 53](#)**

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**Supreme Court Case No. 22SA200**  
*Interlocutory Appeal from the District Court*  
Gunnison County District Court Case No. 21CR15  
Honorable J. Steven Patrick, Judge

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**Plaintiff-Appellant:**

The People of the State of Colorado,

v.

**Defendant-Appellee:**

Jorge Solis.

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**Order Reversed**

*en banc*

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

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**ACCEPTED C.A.R. 50 TRANSFERS OF JURISDICTION**

**22SC797, Hunter Douglas v. City and County of Broomfield Board of Equalization**

As to the following issues:

Whether the district court erred in concluding that the COVID-19 pandemic was not a “detrimental act[] of nature” and, therefore, not an “unusual condition” requiring revaluation of Taxpayers’ commercial real property under section 39-1-104(11)(b)(I), C.R.S. 2021.

Whether the district court erred in concluding that government-ordered business closures, occupancy limits, and other regulatory measures enacted in response to the COVID-19 pandemic were not “new regulations restricting . . . the use of land” and, therefore, not unusual conditions for purposes of section 39-1-104(11)(b)(I).

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**22SC798, MJB Motels v. Jefferson County Board of Equalization**

As to the following issues:

Whether the district court erred in concluding, as a matter of law, that the COVID-19 pandemic was not a detrimental act of nature as contemplated by C.R.S. § 39-1-104(11)(b)(I) and therefore not an “unusual condition” thereunder.

Whether the district court erred in concluding, as a matter of law, that the various regulations imposed by the Governor and Public Health authorities in response to the pandemic were not regulations restricting or increasing the use of land as contemplated by C.R.S. § 39-1 104(11)(b)(I) and therefore not an “unusual condition” thereunder.

Whether the district court erred in dismissing Taxpayers complaint on the basis of factual assumptions and speculation.

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**22SC799, *Educhildren v. County of Douglas Board of Equalization***

As to the following issues:

Whether the district court erred in concluding, as a matter of law, that under C.R.S. Section 39-1-104(11)(b)(I) defendants had the discretion, but were not obligated to revalue taxpayers' properties for tax year 2020 based upon unusual conditions occurring in 2020.

Whether the district court erred in concluding, as a matter of law, that under C.R.S. Section 39-1-104(11)(b)(I) any unusual condition that requires revaluation would have to arise during the base period for which the level of value was determined for the tax year in question.

Whether the district court erred in concluding, as a matter of law, that taxpayers' were not entitled to the remedies they sought because: a. Douglas was not required to perform a duty under C.R.S. Section 39-1-104(11)(b)(I) therefore Rule 106(a) relief (mandamus) was not available; b. The district court was not authorized to remand the case to the Douglas County Assessor for revaluation under C.R.S. Section 39-8-108 (de novo relief); and c. The taxpayers did not state a plausible claim for relief justifying declaratory judgment relief.

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**22SC800, Larimer County Board of Equalization v. 1303 Frontage**

As to the following issues:

Whether the District Court erred in concluding, as a matter of law, that under C.R.S. § 39-1-104(11)(b)(I) an assessor must take into consideration unusual conditions that occur after the assessment date of January 1, 2020, for a revaluation for the 2020 tax year.

Whether the District Court erred in concluding, as a matter of law, under C.R.S. § 39-1-104(11)(b)(I) property owners are not required to demonstrate that the alleged unusual conditions caused a diminution in value to their properties before triggering the duty of assessor to revalue such properties.

Whether the District Court erred in concluding, as a matter of law, the executive and public health orders issued by the State and County are “regulations of the use of land” and therefore an “unusual condition” pursuant to C.R.S. 39-1-104(11)(b).

Whether the District Court erred in concluding, as a matter of law, that a Plaintiff is not required to demonstrate the Assessor’s value for the subject properties was incorrect.

Whether the District Court erred in concluding, as a matter of law, that if an unusual condition does exist, the Plaintiff is not required to demonstrate that the unusual condition impacts the subject properties.

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*COLORADO SUPREME COURT CASE ANNOUNCEMENTS  
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**GRANTED PETITION FOR WRIT OF CERTIORARI**

**No. 22SC293, Court of Appeals Case No. 20CA2088**

**Petitioner/Cross-Respondent:**

City of Aspen, a municipal corporation,

v.

**Respondent/Cross-Petitioner:**

Burlingame Ranch II Condominium Owners Association, Inc., a nonprofit corporation.

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

[REFRAMED] Whether the court of appeals erred by applying the Economic Loss Rule (“ELR”) in its determination of whether a claim “could lie in tort” under the Colorado Governmental Immunity Act (“CGIA”), § 24-10-106, C.R.S. (2022).

DENIED AS TO ALL OTHER ISSUES.

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**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 22SC128, Court of Appeals Case No. 18CA1686**

**Petitioner/Cross-Respondent:**

The People of the State of Colorado,

v.

**Respondent/Cross-Petitioner:**

Steven Matthew Ramirez.

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

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**No. 22SC276, Court of Appeals Case No. 18CA1746**

**Petitioner:**

Joshua Aaron Misegadis,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC301, Court of Appeals Case No. 19CA1998**

**Petitioner:**

Linh Ngoc Tran,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 22SC377, Court of Appeals Case No. 19CA629**

**Petitioner:**

James Michael Lighthall,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issue:

Whether the trial court lacked statutory authority to sentence Lighthall to concurrent terms of both incarceration, under Colorado's Sex Offender Lifetime Supervision Act, and sex offender intensive supervision probation.

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**No. 22SC451, Boulder County District Court Case No. 21CV30556**

**Petitioner:**

Brendan McNamara,

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. 22SC479, Court of Appeals Case No. 20CA673**

**Petitioner:**

Kallie Lynn Pittman,

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. 22SC484, Court of Appeals Case No. 21CA1520**

**Petitioner:**

Barbara McGlothlen,

v.

**Respondents:**

Industrial Claim Appeals Office; Karman, Inc.; and Pinnacol Assurance.

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

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**No. 22SC488, Court of Appeals Case No. 18CA2147**

**Petitioner:**

Derrick Davis,

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. 22SC489, Court of Appeals Case No. 21CA2037**

**Petitioner:**

John Minen,

v.

**Respondent:**

Industrial Claim Appeals Office of the State of Colorado.

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

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**No. 22SC503, Court of Appeals Case No. 21CA359**

**Petitioner:**

William Montgomery,

v.

**Respondent:**

Walmart Stores, Inc.

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

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**No. 22SC504, Court of Appeals Case No. 19CA1035**

**Petitioner:**

Myra D. Tuttle,

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. 22SC510, Court of Appeals Case No. 19CA2339**

**Petitioner:**

Christopher David Self,

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. 22SC511, Court of Appeals Case No. 20CA1187**

**Petitioner:**

Scott Pack,

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. 22SC513, Court of Appeals Case No. 19CA13**

**Petitioner:**

Terry Joseph Lloyd,

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. 22SC786, Court of Appeals Case No. 22CA156**

**Petitioner:**

R.G.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K.G.

Petition for Writ of Certiorari DENIED. EN BANC.

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