

2016SC599 (1 HOUR)

Petitioner:

Ann Hardegger,

v.

Respondents:

Daniel Clark and Cheryl Clark.

For the Petitioner:

Paul Matthew Grant
ROSE WALKER LLP

For the Respondents:

Victor F Boog
BOOG CRUSER P.C.

Certiorari to the Colorado Court of Appeals, 2015CA1370
Docketed: July 29, 2016
At Issue: April 17, 2017

ISSUE(S):

Whether the court of appeals mistakenly relied on the pre-petition conduct of a non-debtor entity to conclude that the petitioner's claim for contribution pursuant to 26 U.S.C. § 6672(d) was a claim subject to administration in the respondents' bankruptcy proceeding filed in October 2010.

Whether the court of appeals exceeded the scope of its review by concluding that the petitioner's claim for contribution pursuant to 11 U.S.C. § 6672(d) was discharged in the respondents' bankruptcy proceeding.

[REFRAMED] Whether the court of appeals erred in concluding that a claim for contribution pursuant to 26 U.S.C. § 6672 (d) that accrued when the petitioner paid a tax penalty under 26 U.S.C. § 6672(a) in December 2014 was a claim subject to administration in the respondents' bankruptcy proceeding filed in October 2010.

2016SC51 (30 MINUTES)

Petitioner:

OXY USA, Inc.,

v.

Respondents:

Colorado Board of Assessment Appeals and Mesa
County Board of Commissioners.

For the Petitioner:

Christina Finzel Gomez HOLLAND
HART LLP
and
Rachel Poe
Robert Alan Poe
THE POE LAW OFFICE LLC

For the Respondents:

Nathan A. Keever
DUFFORD WALDECK MILBURN

**For Amici Curiae Plateau Valley Fire District,
Plateau Valley Hospital, and Plateau Valley School
District 50:**

Jeffrey Stephen Hurd
BECKNER HURD LLC

Certiorari to the Colorado Court of Appeals, 2014CA1914
Docketed: January 21, 2016
At Issue: April 17, 2017

ISSUE(S):

Whether the court of appeals erred in holding that section 39-10-114(1)(a)(I)(A), C.R.S. (2015), which provides for abatements and refunds of property taxes that 'have been levied erroneously or illegally, whether due to erroneous valuation for assessment, . . . clerical error, or overvaluation,' does not apply to an overvaluation of oil and gas properties resulting from an inadvertent error in declaration schedules filed by the operator of the properties.

2016SC365 (1 HOUR)

Petitioner:

United States Welding Inc., a Colorado corporation,

v.

Respondents:

Advanced Circuits, Inc., a Colorado Corporation and
Buckeye Welding Supply Company, Inc., a Colorado
Corporation.

For the Petitioner:

Thomas Joseph Arckey
ARCKEY ASSOCIATES LLC

**For the Respondent Advanced Circuits, Inc., a
Colorado Corporation:**

John Andrew Logan
LAFF GORDON BENNETT LOGAN PC

**For the Respondent Buckeye Welding Supply
Company, Inc., a Colorado Corporation:**

James C Bull

Certiorari to the Colorado Court of Appeals, 2015CA331
Docketed: May 5, 2016
At Issue: April 17, 2017

ISSUE(S):

Whether, when a litigant prevails on all claims against an opponent, the law mandates it to be the prevailing party.

[REFRAMED] Whether the court of appeals erred in concluding that petitioner failed to mitigate damages by refusing to accept a settlement offer that would have compensated it for lost profits resulting from respondent's breach of contract where the settlement was offered before respondent actually breached.

2015SC912 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Stephen J. Ahuero.

For the Petitioner:

Kevin E. McReynolds
COLORADO ATTORNEY GENERALS OFFICE

For the Respondent:

Lynn C Hartfield
LAW OFFICE OF LYNN C. HARTFIELD LLC

Certiorari to the Colorado Court of Appeals, 2013CA453
Docketed: October 26, 2015
At Issue: April 17, 2017

ISSUE(S):

Whether the court of appeals erred by applying the right to counsel of choice factors from *People v. Brown*, 2014 CO 25, 322 P.3d 214, to reverse the denial of a continuance request that did not involve the right to counsel of choice.

Whether the adequacy of defense counsel's pretrial investigation is properly addressed on direct appeal where counsel made no specific record and represented his readiness to proceed.

Whether "actual prejudice" from the denial of a continuance can be presumed from the existence of other potential evidence without regard to whether the continuance would have revealed it.

2016SC184 (1 HOUR)

Petitioners:

City of Arvada ex rel. and Arvada Police Department,

v.

Respondent:

Denver Health and Hospital Authority.

For the Petitioners:

Christopher Kevin Daly
and
Roberto Ramirez
CITY OF ARVADA
and
David Robert Demuro
VAUGHAN DEMURO

For the Respondent:

Jeffrey Charles Staudenmayer
RUEGSEGGER SIMONS SMITH STERN LLC

For Amicus Curiae City and County of Denver:

Tracy Anne Davis
Thomas Shaun Sullivan
Joshua L. Roberts
DENVER CITY ATTORNEYS OFFICE

For Amici Curiae City of Black Hawk, City of Northglenn, Town of Hudson, Town of Mountain View, Town of Parker:

Hilary Mogue Graham
Corey Yaron Hoffmann
HOFFMANN PARKER WILSON CARBERRY PC

For Amicus Curiae Colorado Hospital Association:

Bennet L Cohen
POLSINELLI PC

For Amicus Curiae Colorado Intergovernmental Risk Sharing Agency:

Jennifer Kemp
COLORADO DEPARTMENT OF LAW
Eric Ziporin
SENER GOLDFARB RICE LLC

Certiorari to the Colorado Court of Appeals,
2015CA164 Docketed: March 10, 2016
At Issue: April 17, 2017

ISSUE(S):

Whether the court of appeals erred in failing to follow Colorado Supreme Court law that a claim for unjust enrichment could lie in tort and is thereby governed by the Colorado Governmental Immunity Act.

Whether the court of appeals erred by creating a civil private right of action, in the Code of Criminal Procedure, benefitting medical providers against governmental entities, where no mention of any civil remedy against governments exists.

2016SC134 (44 MINUTES)

Petitioners:

Khalil Laleh, Leila Tabrizi, and Ali Laleh,

v.

Respondents:

Gary C. Johnson and Gary C. Johnson and Associates,
LLC.

For the Petitioner Khalil Laleh:

Larry Steven Jacobs
EVANS CASE LLP
and
Charles J Kimball
KIMBALL NESPOR PC

For the Petitioner Leila Tabrizi:

Douglas Cannon Fogler
DOUGLAS FOGLER ATTORNEY AT LAW
and
Leonard Berenato
LEONARD BERENATO ATTORNEY

For the Petitioner Ali Laleh:

David L Worstell
WORSTELL AND ASSOCIATES LAW OFFICES

For the Respondents:

Scott Storer Evans
EVANS MCFARLAND LLC
and
Michael Jeffrey Norton
THOMAS N. SCHEFFEL ASSOCIATES P.C.

Certiorari to the Colorado Court of Appeals, 2014CA2033
Docketed: February 24, 2016
At Issue: April 25, 2017

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in affirming the trial court's order directing the parties to pay for collection-related costs and fees incurred by a court appointed expert and special master after the case was dismissed.

2015SC596 (44 MINUTES)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Gilbert Arturo Naranjo.

For the Petitioner The People of the State of Colorado:

John T. Lee
OFFICE OF THE ATTORNEY GENERAL

For the Respondent Gilbert Arturo Naranjo:

Joseph Paul Hough
COLORADO STATE PUBLIC DEFENDERS OFF

Certiorari to the Colorado Court of Appeals, 2013CA1063

Docketed: July 16, 2015

At Issue: April 25, 2017

ISSUE(S):

Whether the court of appeals erred in reversing the defendant's menacing convictions because he did not receive an instruction on the lesser non included offense of disorderly conduct.

2015SC714 (1 HOUR)

Petitioner/Cross-Respondent:

Ervin Isom,

v.

Respondent/Cross-Petitioner:

The People of the State of Colorado.

For the Petitioner/Cross-Respondent Ervin Isom:

Antony Mark Noble
THE NOBLE LAW FIRM LLC

**For the Respondent/Cross-Petitioner The People of
the State of Colorado:**

Wendy J Ritz
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2013CA1305
Docketed: August 27, 2015
At Issue: April 17, 2017

ISSUE(S):

Whether section 18-3-412(2), C.R.S. (2014) and section 18-1.3-1004(1)(c), C.R.S. (2014) authorize a court to sentence an habitual sex offender against children to an indeterminate prison sentence with a lower term of up to six times the maximum in the presumptive range if the court finds extraordinary aggravating circumstances under section 18-1.3-401, C.R.S. (2014)

Whether the court of appeals erred in reading the habitual sex offender against children sentencing provisions to: create a sentencing range for the lower term of the indeterminate sentence of three times the maximum of the presumptive range to six times the presumptive maximum; and require a finding of extraordinary aggravating circumstances before a trial court may impose a sentence with a lower term greater than three times the maximum of the presumptive range.

2016SC377 (1 HOUR)

Petitioner:

Colorado Union of Taxpayers Foundation,

v.

Respondents:

City of Aspen; Steve Skadron; Adam Frisch; Art Daily;
Ann Mullins; and Bert Myrin, all in their official capacities
as members of the Aspen City Council.

For the Petitioner :

Steven James Lechner
MOUNTAIN STATES LEGAL FOUNDATION

For the Respondents:

Andrea Skaidrite Bryan
CITY OF ASPEN
and
James R True
JAMES R TRUE

**For Amicus Curiae Colorado Municipal
League:**

Martina Hinojosa
BUTLER SNOW LLP

For Amicus Curiae TABOR Foundation:

Rebecca R Sopkin

Certiorari to the Colorado Court of Appeals,
2014CA1869 Docketed: May 12, 2016
At Issue: April 17, 2017

ISSUE(S):

What standard of review a court should apply when deciding whether the levying of a charge by a local government, without voter approval, violates TABOR.

Whether Aspen's levying of a \$0.20 charge on every disposable paper bag provided by a grocer, which was imposed for the primary purpose of affecting customers' behavior and to fund services available to all Aspen residents, is a tax subject to TABOR.

2016SA224 (44 MINUTES)

In Re:

2015-2016 Jefferson County Grand Jury.

For the Petitioners:

Sean McDermott
MCDERMOTT STUART WARD LLP
John Richilano
RICHILANO SHEA LLC
Keyonyu O'Connell
KEYONYU O'CONNELL ATTY AT LAW

For the Respondents:

Donna Reed
Lisa Scanga
1st J.D. DIST. ATTY. OFFICE.

For Amicus Curiae Colorado Bar Association:

Marcy Geoffrey Glenn
HOLLAND HART LLP
and
John W Dunn
LAW OFFICES OF JOHN W. DUNN LLC

For Amicus Curiae Colorado Defense Lawyers Association:

Megan Rose Garnett
John Roger Mann
John M Palmeri
GORDON REES LLP

For Amicus Curiae Colorado District Attorney Counsel:

Thomas R Raynes
Timothy J Lane
COLORADO DISTRICT ATTORNEYS COUNCIL

For Amicus Curiae Colorado Trial Lawyers Association:

Rachel A Bellis
Norman R Mueller
HADDON MORGAN AND FOREMAN PC

Original Proceeding, District Court, Jefferson County, 2015CR2
Docketed: July 29, 2016
At Issue: April 17, 2017

ISSUE(S):

Whether the trial court erred when it found that the crime-fraud exception to attorney-client privilege applied to all of the documents sought in a grand jury subpoena without first conducting an individualized in camera review.

Whether the trial court erred when it refused to require disclosure of wire intercept applications, authorizations, and orders under Colorado's wiretap disclosure statute, section 16 15 102(9), C.R.S. (2016), on the grounds that the statute does not apply to grand jury proceedings.

2015SC374 (44 MINUTES)

Petitioner:

Karla Pineda-Liberato,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Tracy C Renner Deputy Public Defender
Office of the Public Defender

For the Respondent :

Matthew Shone Holman
ATTORNEY GENERALS OFFICE

Certiorari to the Colorado Court of Appeals, 2014CA286

Docketed: May 6, 2015

At Issue: April 17, 2017

ISSUE(S):

Whether a trial court has the authority to continue to collect restitution, costs, and fees when a defendant has completed a deferred judgment and sentence.

2016SC224 (44 MINUTES)

Petitioners:

Ravenstar, LLC, a Colorado Limited Liability Company;
The Chips, LLC, a Colorado Limited Liability Company;
Let-R-Buck, LLC, a Colorado Limited Liability Company;
A Rockin Place to Ski, LLC, a Colorado Limited Liability
Company; and Rockin OSHP, LLC, a Colorado Limited
Liability Company;

v.

Respondent:

One Ski Hill Place LLC, a Colorado Limited Liability
Company.

For the Petitioners:

Linda Lee McMillan
Douglas Allan Glover
GLOVER LAW OFFICE LLC

**For the Respondent One Ski Hill Place LLC, a
Colorado Limited Liability Company:**

Kerry Jean Lemonte
Jonathan George Pray
BROWNSTEIN HYATT FARBER SCHRECK LLP

Certiorari to the Colorado Court of Appeals, 2014CA2401
Docketed: March 24, 2016
At Issue: April 17, 2017

ISSUE(S):

[REFRAMED] Whether a liquidated damages clause is enforceable when the contract allows the injured party to choose between liquidated damages and actual damages.

2016SC448 (1 HOUR)

Petitioner:

Align Corporation Limited,

v.

Respondents:

Allister Mark Boustred and Horizon Hobby, Inc..

For the Petitioner Align Corporation Limited:

Christopher Robert Reeves
Richard Allen Waltz
WALTZREEVES

For the Respondent Allister Mark Boustred:

Deirdre Elizabeth Ostrowski
Melissa Anne Hailey
Michael O'Brien Keating
KEATING WAGNER POLIDORI FREE PC

For the Respondent Horizon Hobby, Inc.:

Kenneth H Lyman
Ryan L Winter
Conor Patrick Boyle
HALL EVANS LLC

For Amicus Curiae AIEG

Paul Joseph Komyatte
THE KOMYATTE LAW FIRM LLC

For Amicus Curiae Chamber of Commerce of United States of America

Michael Lee Francisco
FRANCISCO LAW
and
Daniel Desmond Domenico
KITTREDGE LLC

For Amicus Curiae Colorado Defense Lawyers Association

William Kirk Rounsborg
MCELROY DEUTSCH MULVANEY CARPENTER For

Amicus Curiae Colorado Trial Lawyers Association

Anne Marie Dieruf
THE GILBERT LAW GROUP P.C.

Certiorari to the Colorado Court of Appeals, 2015CA1869
Docketed: June 7, 2016
At Issue: April 17, 2017

ISSUE(S):

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).

2015SC462 (1 HOUR)

Petitioner:

Scott Gessler, individually and in his official capacity as Colorado Secretary of State,

v.

Respondents:

Dan Grossman; Sally H. Hopper; Bill Pinkham; Matt Smith; and Rosemary Marshall, in their official capacities as members of the Independent Ethics Commission, and the Independent Ethics Commission.

For the Petitioner Scott Gessler, individually and in his official capacity as Colorado Secretary of State:

Michael Lee Francisco Special Assistant Attorney General
FRANCISCO LAW
and
Michael Reid Davis
MRDLAW

For Respondents:

Russell Brent Klein Deputy Attorney General
Natalie Lucas Powell Assistant Attorney General
Office of the Attorney General

For Amicus Curiae Colorado Counties, Inc

Thomas John Lyons
Kelley Gwynn Shirk
HALL EVANS LLC

For Amicus Curiae Colorado Municipal League

Geoffrey Tyler Wilson
MURRAY DAHL KUECHENMEISTER RENAUD For

Amicus Curiae Ethics Watch

Luis Angel Toro
Margaret G. Perl
COLORADO ETHICS WATCH

Certiorari to the Colorado Court of Appeals,
2014CA670 Docketed: June 4, 2015
At Issue: April 17, 2017

ISSUE(S):

Whether the phrase 'other standards of conduct' in Colo. Const. art. XXIX, section (5)(1) is unconstitutionally vague.

Whether procedural due process requires pre-hearing notice to explain how laws are violated, or may notice simply list laws and reserve the right to add charges after the hearing.

Whether the Independent Ethics Commission has jurisdiction under the phrase 'any other standards of conduct' in Colo. Const. art. XXIX, section 5(1) to penalize any public employee for violating any Colorado law.