

2017SC350 (40 MINUTES)

**Petitioner:**

Colorado Custom Maid, LLC,

v.

**Respondents:**

Industrial Claim Appeals Office and Division of  
Unemployment Insurance.

**For the Petitioner:**

James Abrams  
JAMES ABRAMS LLC

**For the Respondents:**

Krista Marie Maher  
Glenn E Roper  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2016CA75  
Docketed: May 18, 2017  
At Issue: August 14, 2018

ISSUE(S):

Whether the Court of Appeals erred in finding that, for the purpose of assessing unemployment tax premiums under the Colorado Employment Security Act, individuals (cleaners) who performed cleaning services in private homes were employees of the referral service, Colorado Custom Maid, which linked them with clients who are homeowners seeking cleaning services.

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2017SC120 (30 MINUTES)

**Petitioner:**

Crystal Lynn Johnson,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner Crystal Lynn Johnson:**

John Byram Plimpton  
COLORADO OFFICE STATE OF THE PUBLIC

**For the Respondent The People of the State of Colorado:**

Carmen Moraleda  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2014CA71

Docketed: February 10, 2017

At Issue: August 14, 2018

ISSUE(S):

[REFRAMED] Whether the trial court's definitions of hesitation to act lowered the prosecution's burden of proof in violation of due process.

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\*\*\*15 minute break\*\*\*

2017SC200 (1 HOUR)

**Petitioner:**

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

v.

**Respondents:**

Dami Hospitality, LLC. and Industrial Claim Appeals  
Office.

**For the Petitioner:**

John T Lee  
Emmy Ashmus Langley  
OFFICE OF THE ATTORNEY GENERAL

**For the Respondent Dami Hospitality, LLC:**

Caroline R Kert  
FELDMANN NAGEL MARGULIS, LLC  
and  
Melissa Paige Orgel  
Daniel T Goodwin  
LAW OFFICES OF DANIEL T. GOODWIN

**For Amicus Curiae Independence Institute**

David B Kopel  
INDEPENDENCE INSTITUTE

Certiorari to the Colorado Court of Appeals, 2016CA249  
Docketed: March 23, 2017  
At Issue: August 14, 2018

ISSUE(S):

[REFRAMED] Whether the court of appeals applied the correct test to determine the constitutionality of a civil fine.

[REFRAMED] Whether the court of appeals reasonably concluded that the fine at issue violated the Eighth Amendment.

[REFRAMED] Whether the protections of the Excessive Fines Clause of the Eighth Amendment apply to corporations.

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2017SC297 (1 HOUR)

**Petitioners:**

Colorado Oil and Gas Conservation Commission,  
Colorado Petroleum Association, and American  
Petroleum Institute,

v.

**Respondents:**

Xiuhtezcatl Martinez; Itzcuahtli Roske-Martinez; Sonora  
Binkley; Aerielle Deering; Trinity Carter; Jamirah  
DuHamel; and Emma Bray, minors appearing by and  
through their legal guardians Tamara Roske, Bindi  
Brinkley, Eleni Deering, Jasmine Jones, Robin Ruston,  
and Diana Bray.

**For the Petitioner Colorado Oil and Gas  
Conservation Commission:**

Marian Camille Larsen  
John Edward Matter  
Kyle William Davenport  
Frederick Richard Yarger  
OFFICE OF THE COLORADO ATTORNEY GEN

**For the Petitioner Colorado Petroleum Association  
and American Petroleum Institute:**

Matthew Kallop Tieslau  
GREENBERG TRAURIG, LLP  
and  
Jennifer Lynn Bieber  
Dale Ratliff  
Jessica Adler Black Livingston  
Catherine E. Stetson  
HOGAN LOVELLS US LLP  
and  
Richard Carl Kaufman  
Julie A Rosen  
RYLEY CARLOCK APPLEWHITE

**For the Respondents:**

Katherine Lynn Toan Merlin  
LAW OFFICES OF KATHERINE L.T. MERL  
and  
James Leftwich  
MINDDRIVE LEGAL SERVICES LLC  
and  
Julia Olson  
WILD EARTH ADVOCATES

**For Amici Curiae 350 Colorado; Be the Change; Broomfield CleanAir and Water; Broomfield Moms Active Community; Biological Diversity; Citizens for Huerfano County; Citizens for a Healthy Community; Clean Energy Action; Colorado Rising; Earth Guardians; Eco-Justice Ministries; Erie Protectors; Front Range Residents for Environment; Loretto Earth Network; North Range Concerned Citizens; Northern Colorado Community Rights Network; Our Health, Our Future, Our Longmont; Protect Our Loveland; Safety and Health; Transition Fort Collins; and Wall of Women Colorado.**

Kyle James Tisdell  
WESTERN ENVIRONMENTAL LAW CENTER

**For Amicus Curiae Alliance of Nurses for Healthy Environments**

Joel Minor  
Michael Stephen Freeman  
EARTHJUSTICE

**For Amicus Curiae Associated Governments of Northwest Colorado**

Julia Eva Rhine  
BROWNSTEIN HYATT FARBER SCHRECK LLP

**For Amicus Curiae Board of County Commissioners of Adams County**

Heidi Michelle Miller  
ADAMS COUNTY ATTORNEYS OFFICE  
and  
Jeffery Philip Robbins  
GOLDMAN ROBBINS NICHOLSON MACK P.C

**For Amicus Curiae Board of County Commissioners of Gunnison County, Colorado**

Matthew Rhodes Hoyt  
David Mark Baumgarten  
GUNNISON COUNTY ATTORNEYS OFFICE

**For Amicus Curiae Board of County Commissioners of the County of Boulder, State of Colorado**

Catherine R Ruhland  
Katherine Ann Burke  
David Evan Hughes  
BOULDER COUNTY ATTORNEYS OFFICE

**For Amicus Curiae City and County of Broomfield**

Patricia Wonsiewicz Gilbert  
BROOMFIELD CITY AND COUNTY ATTORNEY

**For Amicus Curiae City of Boulder**

Thomas Aquinas Carr  
BOULDER CITY ATTORNEY

**For Amicus Curiae City of Commerce City**

Robert Devere Sheesley  
ROBERT D. SHEESLEY

**For Amicus Curiae City of Fort Collins**

Carrie Mineart Daggett  
FT COLLINS CITY ATTYS OFC

**For Amicus Curiae City of Lafayette**

David Scott Williamson  
WILLIAMSON HAYASHI LLC

**For Amicus Curiae City of Longmont**

Daniel Evan Kramer  
CITY ATTORNEYS OFFICE CITY OF LONGM

**For Amicus Curiae City of Louisville**

Samuel J Light  
LIGHT KELLY PC

**For Amicus Curiae City of Westminster**

David Robert Frankel  
WESTMINSTER CITY ATTORNEYS OFFICE

**For Amicus Curiae Colorado Alliance of Mineral and  
Royalty Owners**

Cynthia Lane Bargell  
VISANI BARGELL LLC

**For Amicus Curiae Colorado Farm Bureau**

Julia Eva Rhine  
BROWNSTEIN HYATT FARBER SCHRECK LLP

**For Amicus Curiae Colorado League of Women  
Voters**

Angelique Layton  
LAW OFFICES OF ANGELIQUE LAYTON AND

**For Amicus Curiae Colorado Oil and Gas  
Association**

Mark Mathews  
BROWNSTEIN HYATT FARBER SCHRECK LLP

SUPREME COURT, STATE OF COLORADO  
Oral Argument: Tuesday, October 16, 2018  
Bailliff:

1:30 p.m.  
EN BANC

**For Amici Curiae Colorado PTA, Together Against  
Neighborhood Drilling, Dr. Stephanie Malin, Stacia  
Ryder, Shirley Smithson, and Ulrike Webster:**

Rudy E Verner  
Megan Gutwein  
BERG HILL GREENLEAF RUSCITTI

**For Amici Curiae Conservation Colorado;  
Earthworks; Food and Water Watch, Wall of  
Women; Weld Air and Water:**

Timothy M Estep  
DEFENDERS OF WILDLIFE  
and  
Kevin J Lynch  
UNIVERSITY OF DENVER

**For Amicus Curiae Denver Metro Chamber of  
Commerce**

Julia Eva Rhine  
BROWNSTEIN HYATT FARBER SCHRECK LLP

**For Amicus Curiae Eagle County**

Bryan Robert Treu  
EAGLE COUNTY ATTNY OFFICE

**For Amicus Curiae League of Oil and Gas Imacted  
Coloradans**

Michael Lind Chiropolos  
CHIROPOLOS LAW

**For Amicus Curiae Mountain States Legal  
Foundation**

Cody James Wisniewski  
MOUNTAIN STATES LEGAL FOUNDATION

**For Amicus Curiae Northwest Colorado Council of Governments**

Victoria L Jarvis  
NWCCOG WATER QQ COMMITTEE

**For Amici Curiae Our Health Our Future Our Longmont; Sierra Club:**

Timothy M Estep  
DEFENDERS OF WILDLIFE  
and  
Kevin J Lynch  
UNIVERSITY OF DENVER

**For Amicus Curiae Physicians for Social Responsibility**

Michael Stephen Freeman  
Joel Minor  
EARTHJUSTICE

**For Amicus Curiae Pitkin County**

John Michael Ely  
PITKIN COUNTY ATTY OFFICE

**For Amicus Curiae San Miguel County**

Amy T Markwell  
SAN MIGUEL COUNTY ATTYS OFFICE

**For Amicus Curiae Summit County**

Jeffrey L Huntley  
SUMMIT COUNTY ATTORNEY

**For Amicus Curiae The Chamber of Commerce of the United States of America**

Daniel Desmond Domenico  
KITTREDGE LLC  
and  
Michael Lee Francisco  
STATECRAFT PLLC

**For Amici Curiae The Colorado Association of Commerce and Industry; The Independent Petroleum Association of America; The National Association of Manufacturers; The National Federal of Independent Business Small Business Legal Center:**

Ezekiel James Williams  
Carlos Ricardo Romo  
LEWIS BESS WILLIAMS & WEESE PC



**For Amicus Curiae Town of Erie**

Kendra L Carberry  
Evin Berg King  
HOFFMANN PARKER WILSON & CARBERRY

**For Amicus Curiae Town of Rangely, Colorado**

Julia Eva Rhine  
BROWNSTEIN HYATT FARBER SCHRECK LLP

**For Amicus Curiae Vital for Colorado**

Stephen Masciocchi  
HOLLAND HART LLP  
and  
Kimberly A Bruetsch  
Peter Terrence Moore  
ROBINSON WATERS ODORISIO PC

**For Amicus Curiae Wall of Women; Weld Air and  
Water:**

Timothy M Estep  
DEFENDERS OF WILDLIFE  
and  
Kevin J Lynch  
UNIVERSITY OF DENVER

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in determining that the Colorado Oil and Gas Commission misinterpreted section 34-60-102(1)(a)(I), C.R.S. as requiring a balance between oil and gas development and public health, safety, and welfare.

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2017SC312 (1 HOUR)

**Petitioners/Cross-Respondents:**

Patric J. Lehouillier and LeHouillier & Associates, P.C.,

v.

**Respondent/Cross-Petitioner:**

Della Gallegos.

**For the Petitioner/Cross-Respondents:**

Malcolm S Mead  
John Edwin Bolmer  
Andrew Puschel Reitman  
HALL EVANS LLC

**For the Respondent/Cross-Petitioner:**

Jason G Alleman  
Chad Patrick Hemmat  
Cameron Oren Hunter  
ANDERSON HEMMAT LLC  
and  
Ethan Andrew McQuinn  
THE DAN CAPLIS LAW FIRM LLC

**For Amicus Curiae Colorado Bar Association:**

Christopher Brian Little  
Michael Robert McCormick  
MONTGOMERY LITTLE SORAN PC  
and  
Christopher Thomas Carry  
NELSON MULLINS RILEY & SCARBOROUGH

**For Amicus Curiae Colorado Trial Lawyers Association:**

Thomas Dean Neville  
Michael Timothy Mihm  
OGBORN MIHM LLP  
and  
Mark Enger Saliman  
SALIMAN LAW LLC

Certiorari to the Colorado Court of Appeals, 2015CA724  
Docketed: May 4, 2017  
At Issue: August 14, 2018

ISSUE(S):

[REFRAMED] Whether respondent/cross-petitioner Della Gallegos failed to prove that the underlying judgment was collectible.

[REFRAMED] Whether the trial court's judgment should be affirmed because petitioner LeHouillier did not attempt to prove that the underlying judgment was not collectible.

[REFRAMED] Whether a plaintiff bringing a legal malpractice claim for damages predicated on a lost judgment in an underlying matter must establish that the judgment was collectible.

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2017SA220 (30 MINUTES)

**Plaintiff-Appellant:**

Sam A. Allen,

v.

**Defendants-Appellees:**

State of Colorado; Colorado Court of Appeals; Margaret V. Morton; Larry L. Stevens; and Mesa County Land Conservancy, Inc.;

and

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

Alan Martellaro, Division Engineer, Water Division 5.

**For the Plaintiff-Appellant Sam A. Allen:**

Nathan A Keever  
DUFFORD WALDECK MILBURN KROHN LLP

**For the Defendant-Appellees State of Colorado and Colorado Court of Appeals:**

Patrick Louis Sayas  
OFFICE OF THE ATTORNEY GENERAL

**For the Defendant-Appellees Margaret V. Morton and Larry L. Stevens:**

John Taylor Howe  
HOSKIN FARINA KAMPF PC

**For the Defendant-Appellee Mesa County Land Conservancy, Inc.:**

Josh Adam Marks  
Peter D Nichols  
BERG HILL GREENLEAF RUSCITTI LLP

**For the Appellee Pursuant to C.A.R. 1(e) Alan Martellaro, Division Engineer, Water Division 5:**

Paul Louis Benington  
OFFICE OF THE ATTORNEY GENERAL

Appeal from the District Court, , 2014CW3021  
Docketed: September 18, 2017  
At Issue: August 14, 2018

ISSUE(S):

Whether the water court has subject matter jurisdiction to determine this inverse condemnation action involving the judicial taking of mutual ditch shares.

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\*\*\*15 Minute Break\*\*\*

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2017SC33 (1 HOUR)

**Petitioners:**

State of Colorado, Colorado Department of Revenue and  
Executive Director of the Colorado Department of  
Revenue,

v.

**Respondents:**

John Medved and Debra Medved.

**For the Petitioners:**

Grant Thomas Sullivan  
Noah Clifton Patterson  
OFFICE OF THE ATTORNEY GENERAL

**For the Respondents:**

Christopher J Dawes  
Christopher T Groen  
Marsha Marie Piccone  
FOX ROTHSCHILD LLP

Certiorari to the Colorado Court of Appeals, 2015CA1514  
Docketed: January 12, 2017  
At Issue: August 14, 2018

ISSUE(S):

Whether the Department's regulation, 1 C.C.R. 201-2:39-22-522(3)(g)(iii), constitutes a reasonable statutory interpretation of section 39-22-522(7)(i), C.R.S. (2005) entitled to deference.

Whether the statute of limitations of a CE [conservation easement] donor applies to and binds the transferees of the resulting tax credit, as provided by section 39-22-522(7)(i), C.R.S. (2005).

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2017SC139 (1 HOUR)

**Petitioners:**

School District No. 1 in the County of Denver and State of Colorado and Board of Education of School District No. 1 in the County of Denver and State of Colorado.

v.

**Respondent:**

Denver Classroom Teachers Association,

**For the Respondent Denver Classroom Teachers Association:**

Sharyn E Dreyer  
COLORADO EDUCATION ASSOC

**For the Petitioners:**

Jonathan Patrick Fero  
Michael Brent Case  
SEMPLE, FARRINGTON, EVERALL & CASE,

Certiorari to the Colorado Court of Appeals, 2015CA965  
Docketed: February 23, 2017  
At Issue: August 14, 2018

ISSUE(S):

Whether the court of appeals improperly narrowed this Court's decision in *City and County of Denver v. Denver Firefighters Local No. 858*, 320 P.3d 354 (Colo. 2014), by failing to credit expansive management rights clauses and finding ambiguity where collective bargaining agreements did not expressly limit the authority to require teachers to complete ELA training as a job condition without additional compensation.

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Courts in The Community - Fossil Ridge High School

2015SC935 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

**v.**

**Respondent:**

Mikel Morehead.

**For the Petitioner The People of the State of Colorado:**

Elizabeth Fraser Rohrbough  
L Andrew Cooper  
COLORADO DEPARTMENT OF LAW

**For the Respondent Mikel Morehead:**

Meghan Margeva Morris  
COLORADO STATE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2012CA715

Docketed: November 5, 2015

At Issue: July 30, 2018

ISSUE(S):

Whether the court of appeals erred in concluding that, on remand, the trial court could not consider additional arguments regarding whether the exclusionary rule requires evidence to be suppressed.

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Courts in The Community - Fossil Ridge High School

2016SC158 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Simon Kibuugu.

**For the Petitioner The People of the State of  
Colorado:**

Rebecca Anne Adams  
OFFICE OF ATTORNEY GENERAL

**For the Respondent Simon Kibuugu:**

Brian Cox  
OFFICE OF THE STATE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2012CA1489

Docketed: March 3, 2016

At Issue: July 30, 2018

ISSUE(S):

Whether the court of appeals erred in concluding that testimony regarding the respondent's alcohol consumption was expert testimony, which could not be elicited under the guise of lay testimony.

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