SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 6, 2012
Bailiff: Justice Coats' Chambers

9:00 a.m.
EN BANC

Colorado State Capitol, Old Supreme Court Chambers

2012SA47 (1 HOUR)

Plaintiff-Appellant/Cross-Appellee:

Ralph L. Archuleta, as Trustee of the Ralph L. Archuleta Living Trust,

v.

Defendant-Appellee/Cross-Appellant:

Theodore D. Gomez.

For the Plaintiff-Appellant/Cross-Appellee Ralph L. Archuleta, as Trustee of the Ralph L. Archuleta Living Trust:
Max I Exline
MAX I EXLINE ATTORNEY

For the Defendant-Appellee/Cross-Appellant Theodore D. Gomez:
Henry D Worley
WORLEY LAW FIRM, LLC

Appeal from the District Court, 2006CW92
Docketed: February 10, 2012
At Issue: September 6, 2012

ISSUE(S):

Whether the trial court erred in finding adverse possession as to two of Archuleta's ditch rights and in denying injunctive relief where it was not shown the rights were continuously consumptively used by Gomez for the applicable time period.

Whether the trial court erred in failing to grant mandatory injunctive relief requiring Gomez to restore the path of the Manzanares Ditch No. 2 to Archuleta's property.

Whether the trial court was precluded by 59(j) from finding the Defendant was the prevailing party and awarding costs, and if not precluded, whether the trial court erred in finding the Defendant was the prevailing party and awarding costs.

Wether the trial court's denial of Gomez's motion for an award of part of his attorney fees was arbitrary or capricious.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 6, 2012
Bailiff: Justice Coats' Chambers

10:00 a.m.
EN BANC

Colorado State Capitol, Old Supreme Court Chambers

2010SC747 (30 MINUTES)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Spencer Klinton Smith.

For the Petitioner The People of the State of Colorado:
Corelle M. Spettigue, Assistant Attorney General
Office of the Attorney General

For the Respondent Spencer Klinton Smith:
Dayna Vise, Deputy Public Defender
Sean Christopher Thomson, Deputy Public Defender
Office of the Public Defender

Certiorari to the Colorado Court of Appeals, 2008CA2071
Docketed: October 29, 2010
At Issue: June 5, 2012

ISSUE(S):

Whether the court of appeals erred in holding that the defendant was entitled to have the jail component of his sentence to probation reduced by the period of his presentence confinement, and whether it erred in ordering modification of the defendant's mittimus rather than permitting the trial court to resentence him.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 6, 2012
Bailiff: Justice Coats' Chambers

10:30 a.m.
EN BANC

Colorado State Capitol, Old Supreme Court Chambers

2011SC496 (1 HOUR)

Petitioners:

Charles Reed Cagle; Joe D. Kinlaw; Heartland Energy of Colorado, LLC; Steve Ziemke; Brandon Davis; John Schiffner; Joel Held; Martin Harper; HEI Resources, Inc., f/k/a Heartland Energy, Inc.; Heartland Energy Development Corp.; Reed Petroleum, LLC; D. Deerman Ltd.; and R&J Associates, Inc.;

v.

Respondents:

Mathers Family Trust, William H. Mathers, Myra M. Mathers, Thomas E. Carpenter Trust, Margaret M. Carpenter Trust, Robert Hall, and Gianpaolo Callioni.

For the Petitioners Charles Reed Cagle, Heartland Energy of Colorado, LLC, HEI Resources, Inc., f/k/a Heartland Energy, Inc., Reed Petroleum, LLC, and R&J Associates, Inc.,:
Paul Howard Schwartz
Andrew R Shoemaker
SHOEMAKER GHISELLI & SCHWARTZ, LLC

For the Petitioners Joe D. Kinlaw and D. Deerman Ltd.:
Otto K Hilbert
ROBINSON WATERS & O'DORISIO PC

For the Petitioner Steve Ziemke:
Jeffrey S George
HOGAN LOVELLS US LLP

For the Petitioner Brandon Davis:
George Douglas Kreye
A Thomas Tenenbaum
THE TENENBAUM LAW FIRM

For the Petitioner John Schiffner:
Otto K Hilbert
ROBINSON WATERS & O'DORISIO PC

For the Petitioner Joel Held:
Thomas P Johnson
DAVIS GRAHAM & STUBBS LLP
and
Sara Pappas Bellamy

For the Petitioner Martin Harper:
Mark E Haynes
IRELAND STAPLETON PRYOR & PASCOE

For the Petitioner Heartland Energy Development Corp.:
A Thomas Tenenbaum
George Douglas Kreye
THE TENENBAUM LAW FIRM

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 6, 2012
Bailiff: Justice Coats' Chambers

10:30 a.m.
EN BANC

For the Respondents Mathers Family Trust, William H. Mathers, Myra M. Mathers, Thomas E. Carpenter Trust, Margaret M. Carpenter Trust, Robert Hall, and Gianpaolo Callioni:
Irving Gregg Johnson
and
John R Paddock
Marta May Jucha
and
Elizabeth Craigmile Moran
PRYOR,JOHNSON,CARNEY,KARR,NIXON, PC

For Amicus Curiae North American Securities Administrators Association, Inc.
Donald E Lake
and
Thomas Drew Leland
LATHROP & GAGE, LLP

For Amicus Curiae The Colorado Securities Commissioner
Alexander Craig Reinhardt, Assistant Solicitor General
Russell Brent Klein, First Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2010CA93
Docketed: July 18, 2011
At Issue: February 13, 2012

ISSUE(S):

Whether Colorado public policy or the anti-waiver provision of the Colorado Securities Act, C.R.S. section 11-51-604(11), voids forum selection clauses in securities contracts.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Tuesday, November 6, 2012
Bailiff: Justice Coats' Chambers

1:30 p.m.
EN BANC

Colorado State Capitol, Old Supreme Court Chambers

2012SA96 (1 HOUR)

Plaintiffs:

Rodney Asmussen and Linda Asmussen, Husband and Wife, For Themselves and As Representatives of a Class of Similarly Situated Persons,

v.

Defendant:

United States.

For the Plaintiffs Rodney Asmussen and Linda Asmussen, Husband and Wife, For Themselves and As Representatives of a Class of Similarly Situated Persons:
Elizabeth G. McCulley
BAKERSTERCHI COWDEN& RICE, LLC
and
James Espy Dallner
Phillip S Lorenzo
LATHROP AND GAGE. LLP

For the Defendant United States:
Nicholas Andrew Dimascio
U.S. DEPT. OF JUSTICE, ENVIRONMENT

For Amicus Curiae Colleen L. Nealy, Steven J. Nealy and Vic Leffler & Sons, Inc.
Douglas Scott Widlund
BUTCHER & WIDLUND, LLC

Docketed: April 2, 2012
At Issue: August 6, 2012

ISSUE(S):

When a railroad obtains an easement for a railroad right-of-way through deed or condemnation, does Colorado law presume that, if the railroad later abandons the easement, the landowners on each side of the railroad right-of-way at the time of abandonment own the land from their respective property lines abutting the right-of-way to the centerline of the right-of-way?

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

9:00 a.m.
EN BANC

2011SC355 (46 MINUTES)

Petitioner:

Susan Levy,

v.

Respondent:

American Family Mutual Insurance Company.

For the Petitioner Susan Levy:
Gregory Chernushin
GREGORY CHERNUSHIN, P.C.

For the Respondent American Family Mutual Insurance Company:
Anthony Allingham Johnson
JONES, WATERS, GEISLINGER & SEYMOUR

For Amicus Curiae Colorado Civil Justice League
Jessica Elise Yates
and
Lee Allen Mickus
SNELL & WILMER LLP

For Amicus Curiae The Colorado Trial Lawyers Association
Nelson Andrew Waneka
and
Bradley Aaron Levin
ROBERTS LEVIN ROSENBERG, PC

Certiorari to the Colorado Court of Appeals, 2009CA2451
Docketed: May 23, 2011
At Issue: February 1, 2012

ISSUE(S):

Whether Colorado's collateral source doctrine permits the setoff of previously paid medical expense insurance benefits from a subsequent award of uninsured/underinsured motorist benefits.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

9:45 a.m.
EN BANC

2011SC349 (46 MINUTES)

Petitioner:

Constance Gouge Richardson,

v.

Respondent:

American Family Mutual Insurance Company.

For the Petitioner Constance Gouge Richardson:
Gregory Chernushin
GREGORY CHERNUSHIN, P.C.

For the Respondent American Family Mutual Insurance Company:
Anthony Allingham Johnson
JONES, WATERS, GEISLINGER & SEYMOUR

Certiorari to the Colorado Court of Appeals, 2009CA2668
Docketed: May 18, 2011
At Issue: February 1, 2012

ISSUE(S):

Whether Colorado's collateral source doctrine permits the setoff of previously paid medical expense insurance benefits from a subsequent award of uninsured/underinsured motorist benefits.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

10:30 a.m.
EN BANC

2011SA306 (1 HOUR)

Concerning the Application for Water Rights of Yellow Jacket Water Conservancy District in Rio Blanco County

Applicant-Appellant:

Yellow Jacket Water Conservancy District,

v.

Opposers-Appellees:

Joseph E. Livingston; Barbara J. Livingston; John D. Livingston; Joan P. Livingston; Virginia L. Bean; Ted Edmonds Revocable Trust; Ruth Longwell Edmonds Revocable Trust; C Lazy S Ranch, Inc.; David Y. Cogswell; Fawn Creek Ranch Company; Colorado Division of Wildlife; Wildlife Commission; Elk Creek Ranch Development, Inc.; Elk Creek Ranch Owner's Association; K/K Ranch LLC; Sleepy Cat Ranch LLC; Western Resource Advocates; Colorado Cattlemen's Agricultural Land Trust; Erin C. H. Light, in her official capacity as Division Engineer for Water Division 6; and Dick Wolfe, in his official capacity as State Engineer.

For the Applicant-Appellant Yellow Jacket Water Conservancy District:
Scott A Grosscup
Scott M Balcomb
BALCOMB & GREEN PC
and
Trina Kay Zagar-Brown
COOLEY ZAGAR-BROWN PC
and
Sarah Ann Klahn
Philip Ernest Lopez
WHITE & JANKOWSKI, LLP

For the Opposer-Appellees Joseph E. Livingston, Barbara J. Livingston, John D. Livingston, Joan P. Livingston, Virginia L. Bean, Ted Edmonds Revocable Trust, and Ruth Longwell Edmonds Revocable Trust:
Michael J Sawyer
and
Jeffrey Juergens Conklin
KARP NEU HANLON, P.C.

For the Opposer-Appellee C Lazy S Ranch, Inc.:
Stuart B Corbridge
VRANESH AND RAISCH, LLP

For the Opposer-Appellees David Y. Cogswell, and Fawn Creek Ranch Company:
Douglas M Sinor
and
Peggy E Montano
TROUT,RALEY,MONTANO,WITWER&FREEMAN

For the Opposer-Appellees Colorado Division of Wildlife, Wildlife Commission, Erin C. H. Light, in her official capacity as Division Engineer for Water Division 6, and Dick Wolfe, in his official capacity as State Engineer:
William Matthew Stenzel, Assistant Attorney General
and
John Joseph Cyran, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For the Opposer-Appellee Sleepy Cat Ranch LLC:
Barbara Lynn Clifton
BARBARA L. CLIFTON, P.C.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

10:30 a.m.
EN BANC

For the Opposer-Appellees Elk Creek Ranch Development, Inc., Elk Creek Ranch Owner's Association, and K/K Ranch LLC:
Glenn Edward Porzak
and
Karen Leigh Henderson
PORZAK, BROWNING & BUSHONG, LLP

For the Opposer-Appellee Western Resource Advocates:
Bartlett Phillip Miller
Robert Kortum Harris
WESTERN RESOURCE ADVOCATES

For the Opposer-Appellee Colorado Cattlemen's Agricultural Land Trust:
Harvey William Curtis
David L Kueter
HARVEY W. CURTIS & ASSOCIATES

For Amicus Curiae Upper Arkansas Water Conservancy District
Julianne M Woldridge
MACDOUGALL WOLDRIDGE & WORLEY, P.C.

Appeal from the District Court, 2009CW48
Docketed: October 24, 2011
At Issue: May 10, 2012

ISSUE(S):

Whether the Water Court erred in determining that the holdover status of certain Directors of the Yellow Jacket Water Conservancy District ("Yellow Jacket" or "District") invalidated the Water Court for Water Division No.6 ("Water Court") subject matter jurisdiction over the District's diligence applications and required dismissal of the applications despite the District's compliance with the statutory diligence standards under C.R.S. §§ 37-92-301(4)(a)(I) and 37-92-302(1)(a).

Whether the Water Court erred in determining the lawfulness of certain holdover Directors' authority to act on behalf of the District in their official capacity, in excess of the Water Court's jurisdiction and contrary to Colorado law.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

1:30 p.m.
EN BANC

2012SA199 (1 HOUR)

In Re:

Plaintiffs:

Stacy Warden and Chris Warden, Individually and as natural parents, guardians and legal representatives of Noah Warden, a Minor Child,

v.

Defendants:

Exempla, Inc. d/b/a Exempla Healthcare; Exempla Good Samaritan Center L.L.C.; Camille Calderwood, M.D.; Jennifer Dillon, R.N.; and Jessica Jenks, R.N..

For the Plaintiffs Stacy Warden and Chris Warden, Individually and as natural parents, guardians and legal representatives of Noah Warden, a Minor Child:
Beth Lee Krulewitch
BETH L KRULEWITCH PC
and
Eric Louis Steiner
Daniel Paul Gerash
GERASH STEINER, PC

For the Defendants Exempla, Inc. d/b/a Exempla Healthcare, Exempla Good Samaritan Center L.L.C., and Jessica Jenks, R.N.:
Catherine Christina O'Brien
KENNEDY CHILDS PC

For the Defendant Camille Calderwood, M.D.:
John L Conklin
MARTIN CONKLIN, P.C.
and
Elizabeth Craigmile Moran
PRYOR,JOHNSON,CARNEY,KARR,
NIXON, PC

For the Defendant Jennifer Dillon, R.N.:
Kevin Joseph Kuhn
WHEELER TRIGG O'DONNELL, LLP

Original Proceeding, District Court, Boulder County, 2010CV517
Docketed: June 25, 2012
At Issue: September 10, 2012

ISSUE(S):

On July 2, 2012, the Court issued an order to show cause why the trial court's ruling striking three of the petitioners expert witnesses should not be vacated.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

2:30 p.m.
EN BANC

2012SA13 (1 HOUR)

Plaintiffs-Appellees:

Pawnee Well Users, Inc.; The Harmony Ditch Company; City of Boulder; Centennial Water and Sanitation District; Natural Soda, Inc.; Purgatoire River Water Conservancy District; City of Sterling; William S. Vance, Jr.; Elizabeth S. Vance; James G. Fitzgerald; Mary Theresa Fitzgerald; San Juan Citizen's Alliance; Oil and Gas Accountability Project; Vista Pacifica, LLC; Dale Bell; Simon Land & Cattle Co.; James Benesch; Diane Benesch; Mike Meschke; LLH Operations, LLLP; Sheryl Cantalano; and Earthworks Oil and Gas Accountability;

and

Plaintiffs-Intervenors:

David C. Black; Lallie Lee Black; Margaret Kral; Bruce Baizel; Lucy Baizel; Jim Jefferson; Big Stick Ditch Company; Colonel Alfred Wagstaff & Association, LLC; and Huntington Ranches, LLC;

v.

Defendant-Appellant:

Dick Wolfe, in his capacity as Colorado State Engineer,

and

Defendant-Intervenor-Appellant:

Southern Ute Indian Tribe,

and

Defendants-Intervenors-Appellants:

BP America Production Company; XTO Energy Inc.; ConocoPhillips Company; Chevron U.S.A., Inc. and its Affiliates Chevron Midcontinent, L.P.; Four Star Oil & Gas Company; Samson Resources Company; Energen Resources Corporation; Colorado Oil and Gas Association; and Colorado Petroleum Association;

and

Defendants-Intervenors-Appellees:

El Paso E&P Company, L.P.; Anadarko Petroleum Corporation; EOG Resources, Inc.; K. P. Kauffman Company, Inc.; Petroleum Development Corporation;

For the Defendant-Intervenor-Appellant Southern Ute Indian Tribe:
Adam T Reeves
MAYNES BRADFORD SHIPPS & SHEFTEL
and
Scott Bowne McElroy
Mary Catherine Condon
MCELROY MEYER WALKER & CONDON, PC

For the Defendant-Intervenor-Appellants XTO Energy Inc. and ConocoPhillips Company::
William H Caile
Christopher Langhorne Thorne
HOLLAND & HART LLP

For the Defendant-Intervenor-Appellants Chevron U. S.A., Inc. and its Affiliates Chevron Midcontinent, L.P., and Four Star Oil & Gas Company:
Nick Andrew Swartzendruber
Scott M Campbell
POULSON ODELL & PETERSON, LLC

For the Defendant-Intervenor-Appellant Colorado Petroleum Association:
John Paul Seman

For the Defendant-Intervenor-Appellant BP America Production Company:
Steven Edward Marlin
Zach C Miller
DAVIS GRAHAM & STUBBS LLP

For the Plaintiff-Appellees William S. Vance, Jr., Elizabeth S. Vance, James G. Fitzgerald, Mary Theresa Fitzgerald, San Juan Citizen's Alliance, and Oil and Gas Accountability Project:
Sarah Ann Klahn
Alan E Curtis
WHITE & JANKOWSKI, LLP

For the Defendant-Intervenor-Appellants Samson Resources Company, Energen Resources Corporation, Colorado Oil and Gas Association:
Karen Leather Spaulding
Kenneth A Wonstolen
BEATTY & WOZNIAK, PC

For the Defendant-Appellant Dick Wolfe, in his capacity as Colorado State Engineer:
John Joseph Cyran, First Assistant Attorney General
Peter Charles Johnson, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

SUPREME COURT, STATE OF COLORADO
Oral Argument: Wednesday, November 7, 2012
Bailiff: Justice Eid's Chambers

2:30 p.m.
EN BANC

Appeal from the District Court, 2010CW89
Docketed: January 12, 2012
At Issue: July 30, 2012

For the Plaintiff-Appellees Pawnee Well Users, Inc., The Harmony Ditch Company, City of Boulder, Centennial Water and Sanitation District, and Natural Soda, Inc.:
Eric Ryan Potyondy
Timothy Ray Buchanan
Veronica A Sperling
BUCHANAN AND SPERLING, P.C

For the Plaintiff-Appellee Purgatoire River Water Conservancy District:
Julianne M Woldridge
MACDOUGALL WOLDRIDGE & WORLEY, P.C.

For the Plaintiff-Appellees Vista Pacifica, LLC, Dale Bell, Simon Land & Cattle Co., James Benesch, Diane Benesch, Mike Meschke, LLH Operations, LLLP, Sheryl Cantalano, Earthworks Oil and Gas Accountability, David C. Black, Lallie Lee Black, Margaret Kral, Bruce Baizel, Lucy Baizel, Jim Jefferson, Big Stick Ditch Company, Colonel Alfred Wagstaff & Association, LLC, Huntington Ranches, LLC, :
Amy Nadine Huff
HUFF WATER & LAND LAW, LLC

For the Defendant-Intervenor-Appellee Gunnison Energy Corporation:
Wayne F Forman
Bret A Fox
BROWNSTEIN HYATT FARBER SCHRECK

ISSUE(S):
Whether the Water Court applied an incorrect legal standard in invalidating a rule delineating the location of tributary and nontributary ground water both inside and outside the Southern Ute Indian Reservation, on the basis that prior to promulgating such a rule the State Engineer must obtain a judicial determination as to the extent of the State's jurisdiction over nontributary ground water within Reservation boundaries.

Whether the Water Court erred as a matter of law in invalidating a rule delineating the location of tributary and nontributary ground water outside of and within the Southern Ute Reservation, where there is no dispute that circumstances exist where the rule may be validly applied.

Whether the State Engineer may promulgate a technical rule delineating nontributary ground water both within and outside the Southern Ute Indian Tribe Reservation (the “Reservation”), when the General Assembly delegated such rulemaking authority to the State Engineer under section 37-90-137(7)(c) of the Colorado Ground Water Management Act, and the Southern Ute Indian Tribe (the “Tribe”) voluntarily participated in the rulemaking proceedings and expressly consented to the delineation in question.

Whether the State Engineer must establish the extent of his authority over nontributary ground water on the Southern Ute Indian Reservation before he may promulgate a technical rule delineating nontributary ground water on the Reservation when the General Assembly delegated such rulemaking authority to the State Engineer under section 37-90-137(7)(c) of the Colorado Ground Water Management Act and the Southern Ute Indian Tribe voluntarily participated in the rulemaking proceedings, and expressly consented to the delineation in question.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, November 8, 2012
Bailiff: Justice Márquez' Chambers

9:00 a.m.
EN BANC

2011SC494 (1 HOUR)

Petitioner:

Northstar Project Management, Inc., a Colorado corporation,

v.

Respondent:

DLR Group Inc., a Colorado corporation.

For the Petitioner Northstar Project Management, Inc., a Colorado corporation:
Walter Harriman Sargent
WALTER H SARGENT PC

For the Respondent DLR Group Inc., a Colorado corporation:
Alan C. Friedberg
BERG HILL GREENLEAF & RUSCITTI LLP
and
Keith A Harvat
David S Houghton
LIEBEN, WHITTED, HOUGHTON, SLOWIACZ
and
Cecil Eugene Morris
Michael Turner Field
PENDLETON WILSON HENNESSEY & CROW P

Certiorari to the Colorado Court of Appeals, 2010CA1057
Docketed: July 18, 2011
At Issue: June 15, 2012

ISSUE(S):

Whether the court of appeals erred when it interpreted C.A.R. 10(b) to require that the appellee designate portions of the trial record not designated by the appellant in a sufficiency of the evidence case, and, as a result of this interpretation, whether the court of appeals erred when it: (1) found that the evidence was insufficient to support the jury's damages award, and (2) described the ensuing reduction of the plaintiff's damages in terms of an 'award' in favor of the defendant.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, November 8, 2012
Bailiff: Justice Márquez' Chambers

10:00 a.m.
EN BANC

2011SA312 (30 MINUTES)

Petitioner-Appellant:

Mile High Cab, Inc.,

v.

Respondent-Appellee:

Colorado Public Utilities Commission,

and

Intervenors:

SuperShuttle International Denver, Inc.; Colorado Cab Company, LLC d/b/a Denver Yellow Cab and/or Boulder Yellow Cab and/or Boulder SuperShuttle and/or Boulder Airporter and/or Boulder Airport Shuttle and/or Boulder Express Shuttle; and MKBS, LLC d/b/a Metro Taxi and/or South Suburban Taxi.

For the Petitioner-Appellant Mile High Cab, Inc.:
Robert J. McNamara
Dana Berliner
INSTITUTE FOR JUSTICE
and
Thomas David Russell
UNIVERSITY OF DENVER COLLEGE OF LAW

For the Respondent-Appellee Colorado Public Utilities Commission:
Mariya Yakovlevna Cassin, Assistant Attorney General
OFFICE OF THE ATTORNEY GENERAL

For the Intervenors SuperShuttle International Denver, Inc., Colorado Cab Company, LLC d/b/a Denver Yellow Cab and/or Boulder Yellow Cab and/or Boulder SuperShuttle and/or Boulder Airporter and/or Boulder Airport Shuttle and/or Boulder Express Shuttle:
Mark Townsend Valentine
Richard Lee Fanyo
and
Richard Louis Corbetta
DUFFORD & BROWN, P. C.

For the Intervenor MKBS, LLC d/b/a Metro Taxi and/or South Suburban Taxi:
Christopher Michael Gorman
and
Robert Ward Harris
HARRIS, KARSTAEDT, JAMISON & POWERS

Appeal from the District Court, Denver District Court, 2011CV1840
Docketed: October 27, 2011
At Issue: May 29, 2012

ISSUE(S):

Whether the trial court erred in upholding the Public Utilities Commission's refusal to issue Appellant, Mile High Cab, Inc., a certificate to operate a new taxicab business in Denver, Colorado, under C.R.S. § 40-10.1-203.

SUPREME COURT, STATE OF COLORADO
Oral Argument: Thursday, November 8, 2012
Bailiff: Justice Márquez' Chambers

10:30 a.m.
EN BANC

2011SC536 (1 HOUR)

Petitioners:

Jamie Webb, Jeffrey Hermanson, and Michaleen Jerominus,

v.

Respondent:

City of Black Hawk.

For the Petitioners Jamie Webb, Jeffrey Hermanson, Michaleen Jerominus, :
Andrew R Shoemaker
Paul Howard Schwartz
SHOEMAKER GHISELLI & SCHWARTZ, LLC

For the Respondent City of Black Hawk:
Corey Yaron Hoffmann
and
Jefferson H Parker
HAYES PHILLIPS HOFFMANN & CARBERRY

For Amicus Curiae Colorado Municipal League
Rachel Lee Allen
COLORADO MUNICIPAL LEAGUE
and
Loyal Eldredge Leavenworth
LOYAL E. LEAVENWORTH, P.C.
and
Mary Elizabeth Geiger
SHERRY A CALOIA, LLC

Certiorari to the District Court, 11CV17
Docketed: July 29, 2011
At Issue: March 15, 2012

ISSUE(S):

Whether banning bicycling on the only route connecting Central City to the Peak-to-Peak Highway is a reasonable exercise of Black Hawk's police power.

Whether legislation is rationally related to a legitimate governmental interest, and thus a reasonable exercise of police power, when the evidence on which the legislation is based does not address that governmental interest.

Whether municipalities may ban bicycling on local streets absent a suitable nearby alternative bicycling route.