
2010SC143 (1 HOUR)

Petitioners:

Michael Weinstein; Kenneth Major; Manymajors Management, Inc.; and Business Mechanics, Inc.;

v.

Respondent:

Colborne Foodbotics, LLC.

For the Petitioners Michael Weinstein, Kenneth Major, Manymajors Management, Inc., and Business Mechanics, Inc.:

Heidi C Potter
Giovanni M Ruscitti
and
John Peter Storti
BERG HILL GREENLEAF & RUSCITTI, LLP

For the Respondent Colborne Foodbotics, LLC:

Andrew M Rosen
Graham Emerson Fuller
STONE ROSEN & FULLER, PC

Certiorari to the Colorado Court of Appeals, 2009CA724
Docketed: March 4, 2010
At Issue: January 14, 2011

ISSUE(S):

Whether the creditors of a limited liability company ('LLC') have standing to sue individual members of the LLC who have allegedly received an unlawful distribution under section 7-80-606, C.R.S. (2009), the Colorado Limited Liability Company Act ('LLC Act').

Whether the court of appeals erred in extending the limited common law fiduciary duty which directors of insolvent corporations owe to an insolvent corporation's creditors to managers of LLCs.

2011SC733 (30 MINUTES)

Petitioner:

Joshua Dooly,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner Joshua Dooly:

Antony Mark Noble
and
Victor T. Owens

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

John D Seidel
Office of the Attorney General

For Amicus Curiae Colorado Criminal Defense Bar

Alison Lee Ruttenberg
and
Terrence Dennis Burke

Certiorari to the Colorado Court of Appeals, 2010CA1751
Docketed: October 11, 2011
At Issue: November 2, 2012

ISSUE(S):

Whether the Court of Appeals erred by finding that the district court was not required to follow the procedures outlined in Crim. P. 35(c) for considering the merits of a postconviction motion when granting a motion to dismiss under 12(a).

2011SC289 (1 HOUR)

Petitioner/Cross-Respondent:

The People of the State of Colorado,

v.

Respondent/Cross-Petitioner:

Marshall Adam Walker.

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

Joseph G. Michaels, Assistant Attorney General
Office of the Attorney General

For the Respondent/Cross-Petitioner Marshall Adam Walker:

Elizabeth F Griffin, Deputy Public Defender
Office of the Public Defender

Certiorari to the Colorado Court of Appeals, 2007CA1572
Docketed: April 29, 2011
At Issue: November 23, 2012

ISSUE(S):

Whether determinate sentences must be imposed on the exploitation counts because section 18-1.3-1004(4)(a)(II), C.R.S., was not charged or because there was no jury trial waiver.

Whether a trial court's advisement on a defendant's right to waive a jury trial that fails to comply with Crim. P. 23(a)(5)(II) constitutes plain error requiring remand for a postconviction evidentiary hearing.

2011SC441 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Eric Lamont Brown.

For the Petitioner The People of the State of Colorado:

Deborah Farlow Pearson, Senior Deputy District Attorney
and
Daniel Howard May, District Attorney
FOURTH JUDICIAL DISTRICT ATTORNEY'S OFFICE

For the Respondent Eric Lamont Brown:

Jenifer Elizabeth Stinson
STINSON LAW OFFICE

Certiorari to the Colorado Court of Appeals, 2006CA1751
Docketed: June 27, 2011
At Issue: October 22, 2012

ISSUE(S):

Whether the court of appeals erred by not remanding the case to the trial court to allow the prosecution the opportunity to establish facts relevant to the newly imposed requirements.

Whether the court of appeals erred in finding that the trial court abused its discretion by denying the defendant's motion to continue the jury trial.

Whether the court of appeals erred in finding that the trial court violated the defendant's Sixth Amendment right to counsel by relying upon only one factor -- the efficient administration of justice -- for its ruling denying the defendant's motion to continue the jury trial.

2011SC597 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Neil Roggow.

For the Petitioner The People of the State of Colorado:

Katharine Jackson Gillespie, Assistant Attorney General
Office of the Attorney General

For the Respondent Neil Roggow:

Jonathan S Willett
LAW OFFICES OF JONATHAN S WILLETT

Certiorari to the Colorado Court of Appeals, 2009CA1719
Docketed: August 24, 2011
At Issue: October 23, 2012

ISSUE(S):

Whether the court of appeals erred in holding that a position of trust does not exist where a defendant voluntarily assumes responsibility for the victim, but instead required direct evidence that the parent gave specific permission to or charged the defendant with the supervision and welfare of the victim.

2011SC899 (1 HOUR)

Petitioners:

Lynda S. Gibbons; Brent Wilson; and Gibbons-White, Inc., a Colorado corporation;

v.

Respondents:

Gregory T. Ludlow, S. Reid Ludlow, and Jean E. Cowles.

For the Petitioners Lynda S. Gibbons, Brent Wilson, and Gibbons-White, Inc., a Colorado corporation:

Bernadette Jane Wasilik
Cherami Ball Costigan
Kenneth Lee Levinson
BALABAN LEVINSON & COSTIGAN, PC

For the Respondent Gregory T. Ludlow, S. Reid Ludlow, and Jean E. Cowles:

Paul Douglas Cooper
Jeremy Love Swift
COOPER & CLOUGH, P.C.
and
John Francis Hensley
HENSLEY & KENNEDY, P.C.

Certiorari to the Colorado Court of Appeals, 2010CA1719
Docketed: December 7, 2011
At Issue: October 30, 2012

ISSUE(S):

Whether a licensed professional can be liable for damages to a seller of real estate when, through the alleged negligence of the professional, the seller sells his property for less than its appraised value, in the absence of proof or any buyer willing to pay that higher amount.

2011SC900 (1 HOUR)

Petitioner:

Gary Bastian,

v.

Respondent:

EMJ Corporation.

For the Petitioner Gary Bastian:

Robert William Hutchinson
HUTCHINSON LAW FIRM, LLC
and
Donald Francis D'Antuono
SCHNELL & D'ANTUONO

For the Respondent EMJ Corporation:

Alan Epstein
HALL & EVANS LLC

Certiorari to the Colorado Court of Appeals, 2010CA1493
Docketed: December 8, 2011
At Issue: November 2, 2012

ISSUE(S):

Whether the court of appeals erred in holding that a trial court abused its discretion by treating an entry of default as a default judgment for the purposes of setting it aside, where the trial court found that the defaulting party did not establish excusable neglect pursuant to C.R.C.P. 60(b) and the defaulting party raised only perfunctory defenses.

Whether the court of appeals erred by applying an insufficiently deferential standard of review to a trial court's denial of a motion to set aside an entry of default.
