

2018SC621 (1 HOUR)

**Petitioners:**

John Doe 1, John Doe 2, John Doe 3, John Doe 4, John Doe 5, John Doe 6, John Doe 7, John Doe 8, and John Doe 9,

v.

**Respondents:**

Colorado Department of Public Health And Environment; Jill Hunsaker Ryan in her official capacity as Executive Director of the Department of Public Health and Environment; and Natalie Riggins, in her official capacity as State Registrar and Director of Medical Marijuana Registry; and Colorado Medical Board.

**For the Petitioners:**

Carmen Nicole Decker  
Christopher Todd Drake  
Kari Mackercher Hershey  
HERSHEY DECKER PLLC

**For the Respondents Colorado Department of Public Health And Environment, Jill Hunsaker Ryan in her official capacity as Executive Director of the Department of Public Health and Environment and Natalie Riggins, in her official capacity as State Registrar and Director of Medical Marijuana Registry:**

Brian Neal Morrow  
Corelle M Spettigue  
Jennifer Lee Weaver  
Eric R Olson  
Michael David McMaster  
OFFICE OF THE ATTORNEY GENERAL

**For Amicus Curiae Colo Dept of Agriculture**

Billy Lee Seiber  
OFFICE OF THE ATTORNEY GENERAL

**For Amicus Curiae Colo Dept of Corrections**

James Xavier Quinn  
OFFICE OF THE ATTORNEY GENERAL

**For Amicus Curiae Colo Dept of Education; Colo Dept. of Higher Education**

Julie Cooper Tolleson  
OFFICE OF THE ATTORNEY GENERAL

**For Amicus Curiae Colo Dept of Health Care Policy and Financing**

W. Eric Kuhn  
OFFICE OF THE ATTORNEY GENERAL

SUPREME COURT, STATE OF COLORADO  
Oral Argument: Tuesday, September 17, 2019  
Bailliff: Chambers of Chief Justice Coats

9:00 a.m.  
EN BANC

**For Amicus Curiae Colo Dept of Higher Education**

Julie Cooper Tolleson  
OFFICE OF THE ATTORNEY GENERAL  
and

Jessica Chavez Salazar  
OFFICE OF THE GENERAL COUNSEL COLOR

**For Amicus Curiae Colo Dept of Human Services**

Jessica Diane Perrill  
COLORADO DEPARTMENT OF LAW

**For Amicus Curiae Colo Dept of Local Affairs**

Evan P Brennan  
COLORADO DEPARTMENT OF LAW

**For Amicus Curiae Colo Dept of Military and  
Veterans Affairs**

Grant Thomas Sullivan  
COLORADO DEPARTMENT OF LAW

**For Amicus Curiae Colo Dept of National Resources**

John Edward Matter  
COLORADO ATTORNEY GENERALS OFFICE

**For Amicus Curiae Colo Dept of Public Safety**

Ingrid Carlson Barrier  
OFFICE OF THE ATTORNEY GENERAL

**For Amicus Curiae Colo Dept of Regulatory  
Agencies**

Natalie Lucas Powell  
STATE OF COLORADO OFFICE OF THE ATT

**For Amicus Curiae Colo Dept of Revenue**

Claudia Brett Goldin  
and  
John Alan Call  
COLORADO DEPT. OF LAW REVENUE UTIL

**For Amicus Curiae Colo Dept of State**

Grant Thomas Sullivan  
COLORADO DEPARTMENT OF LAW

**For Amicus Curiae Colo Dept of Transportation**

Kathryn E Young  
OFFICE OF THE ATTORNEY GENERAL

SUPREME COURT, STATE OF COLORADO  
Oral Argument: Tuesday, September 17, 2019  
Bailliff: Chambers of Chief Justice Coats

9:00 a.m.  
EN BANC

**For Amicus Curiae Colo Dept of the Treasury**

Grant Thomas Sullivan  
COLORADO DEPARTMENT OF LAW

**For Amicus Curiae Colorado Dept of Labor and  
Employment**

Emmy Ashmus Langley  
Leeann Morrill  
OFFICE OF THE ATTORNEY GENERAL  
and  
David Daniel Powell  
OGLETREE DEAKINS NASH SMOAK STEWAR

**For Amicus Curiae Colorado Dept of Personnel and  
Administration**

John August Lizza  
COLORADO ATTORNEY GENERAL OFFICE

**For Amicus Curiae Colorado Municipal League**

Laurel Witt  
COLORADO MUNICIPAL LEAGUE

Certiorari to the Colorado Court of Appeals, 2016CA2011  
Docketed: September 4, 2018  
At Issue: July 10, 2019

ISSUE(S):

Whether the court of appeals correctly held that an entire state agency'here, the Colorado Department of Public Health and Environment'cannot be a 'state public body' under the Colorado Open Meetings Law.

Whether the court of appeals correctly held that the Department's referral of a physician to the Colorado Medical Board for possible investigation is not a 'final agency action' subject to judicial review under the Colorado Administrative Procedure Act.

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2018SC330 (30 MINUTES)

**Petitioner:**

Colorado Medical Board,

v.

**Respondent:**

Scott Storm McLaughlin, MD.

**For the Petitioner:**

Ashley Elizabeth Moller  
Sierra Renee Ward  
COLORADO DEPARTMENT OF LAW  
and  
Eric Holden Maxfield  
MAXFIELD GUNNING, LLP

**For the Respondent:**

Carmen Nicole Decker  
HERSHEY DECKER DRAKE

Certiorari to the Colorado Court of Appeals, 2017CA73

Docketed: May 3, 2018

At Issue: July 10, 2019

ISSUE(S):

Whether an agency investigative subpoena can have a lawfully authorized purpose even if the investigation was prompted by a complaint from a different agency under a referral policy that violated the Open Meetings Law or Administrative Procedure Act.

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2018SC331 (30 MINUTES)

**Petitioner:**

James Boland, M.D.,

v.

**Respondent:**

Colorado Medical Board.

**For the Petitione:**

Carmen Nicole Decker  
HERSHEY DECKER DRAKE

**For the Respondent:**

Ashley Elizabeth Moller  
Russell Brent Klein  
Sierra Renee Ward  
COLORADO DEPARTMENT OF LAW  
and  
Eric Holden Maxfield  
MAXFIELD GUNNING, LLP

Certiorari to the Colorado Court of Appeals, 2016CA1269  
Docketed: May 3, 2018  
At Issue: July 10, 2019

ISSUE(S):

[REFRAMED] Whether an agency investigative subpoena can have a lawfully authorized purpose even if the investigation was prompted by a complaint from a different agency under a referral policy that violated the Open Meetings Law or Administrative Procedure Act.

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2017SC339 (1 HOUR)

**Petitioner:**

Homaidan Al Turki,

v.

**Respondent:**

The People of the State of Colorado.

**For the Petitioner:**

Shannon Wells Stevenson  
Chad David Williams  
DAVIS GRAHAM STUBBS LLP

**For the Respondent:**

Majid Yazdi  
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2014CA245  
Docketed: May 15, 2017  
At Issue: July 10, 2019

ISSUE(S):

Whether, pursuant to section 18-1.3-406, C.R.S. (2017), the district court may modify to probation the sentence of a defendant convicted of a sex offense, after the defendant has spent 119 days in prison, and where the defendant demonstrates 'exceptional,' 'unusual and extenuating circumstances.'

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2018SC436 (1 HOUR)

**In re the Parental Responsibilities Concerning**

**Child:**

W. C.,

**and Concerning**

**Petitioner:**

Kimberly Ann Nanke,

**and**

**Respondent:**

Winston Harold Conkling.

**For the Petitioner:**

Langdon Jon Jorgensen  
ROBINSON WATERS ODORISIO PC

**For the Respondent:**

Anne Whalen Gill  
GILL LEDBETTER LLP

**For Amicus Curiae American Academy of  
Matrimonial Lawyers, Colorado Chapter:**

Patricia Ann Cooper  
LASS MOSES RAMP COOPER LLC  
and  
Ronald D Litvak  
LITVAK LITVAK MEHRTENS AND CARLTON  
and  
Jordan M Fox  
SHERMAN HOWARD LLC

**For Amicus Curiae Colorado Bar Association, Family  
Law Section:**

Nathan McKinley James Dowell  
HINDS AND HINDS FAMILY LAW P.C.  
and  
Robin Lutz Beattie  
POLIDORI FRANKLIN MONAHAN BEATTIE  
and  
Courtney Eileen Radtke McConomy  
SHERR PUTTMANN AKINS LAMB PC

Certiorari to the Colorado Court of Appeals, 2016CA1863  
Docketed: June 14, 2018  
At Issue: July 10, 2019

ISSUE(S):

Whether the court of appeals erred in determining that a district court retains continuing jurisdiction to review and decide motions to modify parental responsibilities brought under Colorado's Uniform Dissolution of Marriage Act ('UDMA') while the trial court's prior orders regarding the same matter are on appeal.

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2018SC225 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Brooke E. Rojas.

**For the Petitioner:**

Kevin E McReynolds  
COLORADO ATTORNEY GENERALS OFFICE

**For the Respondent:**

Rachel K Mercer  
OFFICE OF THE COLORADO STATE PUBLIC

Certiorari to the Colorado Court of Appeals, 2015CA126  
Docketed: April 2, 2018  
At Issue: July 10, 2019

ISSUE(S):

Whether the court of appeals erred by concluding section 26-2-305 of the Public Assistance Act created an independent criminal offense for food stamp theft that abrogated the State's authority to prosecute under the general theft statute.

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2018SA244 (1 HOUR)

Concerning the Application for Water Rights of the Santa Maria Reservoir Company in the Rio Grande or its Tributaries

**Applicant-Appellee:**

Santa Maria Reservoir Company,

v.

**Opposer-Appellant:**

Jim Warner,

and

**Opposers-Appellees:**

Colorado Division of Parks and Wildlife, Colorado Water Conservation Board, Conejos Water Conservancy District, Costilla Ditch Company, Rio Grande Water Conservation District, and Richard H. Ramstetter,

and Concerning

**Appellees:**

Kevin Rein, State Engineer and Craig Cotton, Division Engineer, Water Division 3.

**For the Applicant-Appellee Santa Maria Reservoir Company:**

Katrina Fiscella  
William Arthur Paddock  
Mason Hamill Brown  
CARLSON HAMMOND PADDOCK LLC

**For the Opposer-Appellant Jim Warner:**

Richard Lynn Arnett  
BRIM, ROBINETT, CANTU & BRIM, P.C.  
and  
John Joseph Cyran  
CONFLUENCE WATER LAW

**For the Opposer-Appellee Colorado Division of Parks and Wildlife:**

Heather Annette Warren  
OFFICE OF THE ATTORNEY GENERAL

**For the Opposer-Appellee Colorado Water Conservation Board:**

Jennifer Lyn Mele  
OFFICE OF THE ATTORNEY GENERAL

**For the Opposer-Appellee Conejos Water Conservancy District:**

Richard John Mehren  
Jennifer M Dilalla  
MOSES WITTEMYER HARRISON AND WOODRU

**For the Opposer-Appellee Costilla Ditch Company:**

Erich Schwiesow  
ALAMOSA CITY ATTORNEY

**For the Opposer-Appellee Rio Grande Water Conservation District:**

David W Robbins  
Matthew A Montgomery  
Peter J Ampe  
HILL AND ROBBINS PC

**For the Opposer-Appellee Richard H. Ramstetter:**

Stephane Walter Atencio  
S.W. ATENCIO ASSOCIATES P.C.

**For the Appellee Craig Cotton, Division Engineer,  
Water Division 3:**

Paul Louis Benington  
OFFICE OF THE ATTORNEY GENERAL

Appeal from the District Court, , 2013CW3002  
Docketed: September 28, 2018  
At Issue: July 10, 2019

ISSUE(S):

Whether the Water Court for Water Division 3 erred as a matter of law in holding that over 50,000 acre-feet of storage rights for which appellee Santa Maria Reservoir Company (“SMRC”) sought a change of type and place of use were “imported water,” thus authorizing SMRC to fully consume previously unconsumed return flows without imposition of terms and conditions to prevent injury to appellant Jim Warner, whose water rights depend on such return flows: where the Water Court’s “imported water” analysis failed to consider the hydraulic connections between the return flows and San Luis Valley aquifers; where the water court failed to consider water court and supreme court precedent establishing these aquifers to be hydraulically connected to Valley water systems; and where the water court’s decision is inconsistent with the General Assembly’s recognition of the need to conjunctively manage surface and ground water so as to preserve the Valley’s water resources.

Whether the water court for Water Division 3 erred in holding that SMRC was not required to quantify the amount and location of its historic return flows so as to protect Mr. Warner and other Division 3 water users from injury, even if the water for which SMRC sought a change of water right was not “imported water,” where Colorado law unambiguously requires a quantification of historical consumptive use and maintenance of return flows.

Whether the water court for Water Division 3 erred in holding that SMRC was entitled to fees and costs for the expense of responding to Mr. Warner’s Motion for Reconsideration, where Mr. Warner’s challenge to the water court’s “imported water” holding is well grounded in facts and law.

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2018SC41 (1 HOUR)

**Petitioner:**

The People of the State of Colorado,

**In the Interest of**

**Respondent:**

J. D.

**For the Petitioner:**

Kevin E McReynolds  
COLORADO ATTORNEY GENERALS OFFICE

**For the Respondent:**

Tara Nicole Jorfald  
THE NOBLE LAW FIRM LLC

Certiorari to the Colorado Court of Appeals, 2016CA1379  
Docketed: January 16, 2018  
At Issue: July 10, 2019

ISSUE(S):

Whether the court of appeals erred by granting a juvenile magistrate jurisdictional authority to reconsider its order accepting a plea.

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Supreme Court, State of Colorado  
September 18, 2019  
Bailiff: Cheryl Stevens, Clerk of Court

3:30 p.m.

Public Hearing

Proposed changes to Rule 8.4 of The Colorado Rules of Professional Conduct