

<p>COURT OF APPEALS, STATE OF COLORADO 2 East 14th Avenue Denver, CO 80203</p>	<p>DATE FILED: February 3, 2020 2:42 PM FILING ID: 6092248BAA2CF CASE NUMBER: 2020CA216</p>
<p>Appeal District Court, City and County of Denver, Colorado The Honorable Robert L. McGahey, Jr. Case No: 2019CV32714</p>	
<p>Plaintiff-Appellant: ELIZABETH MORIN, v. Defendant-Appellee: ISS FACILITY SERVICES, INC., and CITY AND COUNTY OF DENVER.</p>	<p>▲ COURT USE ONLY ▲</p>
<p>Attorney for Plaintiff-Appellant: Todd F. Bovo BOVO LAW, LLC 650 S. Cherry Street, #1400 Denver, CO 80246 Tele: (303) 333-4686 Fax: (303) 595-5334 Email: todd@bovolaw.com Attorney Registration No.: 38691</p>	<p>Case Number:</p>
<p style="text-align: center;">NOTICE OF APPEAL</p>	

Appellant, by and through her attorney, Bovo Law, LLC, submits this Notice of Appeal.

I. NATURE OF CASE

The underlying case is a personal injury action that arose out of an incident when Appellant Elizabeth Morin, while walking on the west side of level five of the Denver International Airport, fell on an unmarked water hazard, left by the Appellees, and suffered injuries. Appellant asserted claims against the Appellees for; premises liability, negligence, negligent hiring, and negligent supervision.

The last day of the Appellant's statute of limitations fell on a Saturday, July 13, 2019. Appellant filed her Complaint on the first full business day after July 13, 2019, which was Monday, July 15, 2019. The Appellees' filed a motion to dismiss for failure to file within the statute of limitations. The District Court, in noting that the circumstances here present an extremely close call, granted Appellees' motion to dismiss. Further, the District Court found that Appellant did not lack substantial justification in choosing to maintain the lawsuit, rather than voluntarily dismissing it, awarded attorney fees and costs in its final order, as mandated pursuant to C.R.S. § 13-17-201.

a. Nature Of The Controversy

Whether a complaint, whose claims' statute of limitations ended on a Saturday, may be filed on the first full business day after a court is closed on the Saturday, and still be within the statute of limitations, as intended pursuant to C.R.S. § 24-11-110.

b. Order Being Appealed

The judgment being appealed is the Final Order granting Defendants' Motion for Attorney Fees and Bill of Costs, on December 20, 2019, for the Order granting Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Colo. R. Civ. P. 12(B)(5) and Request for Oral Argument, on October 29, 2019, by the Honorable Judge Robert L. McGahey, Jr., Denver District Judge. The final orders are issued by a Colorado District Court and subject to appellate court's jurisdiction pursuant to C.R.S. § 13-4-102(1).

c. All Issues Resolved

All issues related to the claims for relief have been resolved with the Final Order granting Defendants' Motion for Attorney Fees and Bill of Costs on December 20, 2019. The Order granting Defendants' Motion to Dismiss Plaintiff's

Complaint Pursuant to Colo. R. Civ. P. 12(B)(5) and Request for Oral Argument, on October 29, 2019 dismissed all claims with prejudice.

d. Order Final

The judgment is final and the decision constitutes final court action on all claims for relief subject to judicial review in accordance with C.R.C.P. 54(b).

e. Date Of Order

The date the Order was entered is December 20, 2019.

f. Extensions

No extensions were granted to file motions for post-trial relief.

g. Motions for Post-Trial Relief

No motions for post-trial relief have been filed.

h. Motions for Post-Trial Relief Denied

No motions for post-trial relief have been filed.

i. Extensions for Notice of Appeal

No extensions were granted to file the Notice of Appeal.

II. ISSUES TO BE RAISED ON APPEAL

- a. Whether a complaint, whose claims' statute of limitations ended on a Saturday, may be filed on the first full business day after a court is closed on the Saturday, and still be within the statute of limitations, as intended pursuant to C.R.S. § 24-11-110.

III. TRANSCRIPT NOT NECESSARY

No transcripts are necessary, as no oral hearings have been conducted.

IV. MAGISTRATE

Orders on review were issued by a Denver District Judge.

V. COUNSEL

Counsel for Appellant:

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VI. APPENDIX

The following documents have been attached to this notice:

- a. Order Re: Defendants' Motion to Dismiss Plaintiff's Complaint
Pursuant to Colo. R. Civ. P. 12(B)(5) and Request for Oral Argument,
October 29, 2019.
- b. Order Re: Defendants' Motion for Attorney Fees and Bill of Costs,
December 20, 2019.

DATED: February 3, 2020.

Respectfully Submitted,



Todd F. Bovo, #38691
Attorney for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2020, I served a true and correct copy of the above and foregoing NOTICE OF APPEAL (with attachments) on the following via ICESS and U.S. Mail:

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Judge Robert L. McGahey, Jr.
Denver District Judge
Courtroom: 414
District Court, City and County of Denver, Colorado
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s/ Mark D. Smith
Mark D. Smith