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ADVANCE SHEET HEADNOTE

May 28, 2019

2019 CO 39

No. 18SC186, *Town of Breckenridge v. Egencia, LLC*.

By operation of law, the decision of the court of appeals case no. 16CA1901 (Colo. App. Jan. 25, 2018) is affirmed by an equally divided court. *See* C.A.R. 35(b).

The Supreme Court of the State of Colorado
2 East 14th Avenue • Denver, Colorado 80203

2019 CO 39

Supreme Court Case No. 18SC186
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. **16CA1901**

Petitioner:

Town of Breckenridge,

v.

Respondents:

Egencia, LLC; Expedia, Inc.; Hotels.com GP, LLC; Hotwire, Inc.; Internetwork Publishing Corporation d/b/a Lodging.com; Lowestfare.com, Inc.; Orbitz, Inc.; Orbitz, LLC; Priceline.com, Incorporated; Site59.com, LLC; Travelnow.com, LP; Travelport, Inc. f/k/a Cendant Travel Distribution Services Group, Inc.; Travelscape, LLC.; Travelweb, LLC.; and Trip Network, Inc. d/b/a Cheaptickets.com.

Affirmed by Operation of Law

en banc

May 28, 2019

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PER CURIAM.

JUSTICE HART does not participate.

¶1 Justice Boatright, Justice Hood and Justice Gabriel are of the opinion that the judgment of the court of appeals should be affirmed; whereas Chief Justice Coats, Justice Márquez, and Justice Samour are of the opinion that it should be reversed. Justice Hart does not participate.

¶2 Because the court is equally divided, the judgment of the court of appeals is affirmed by operation of law C.A.R. 35(b).