

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: October 12, 2018
Original Proceeding Garfield County District Court, 2016CV30240	
In Re:	
Plaintiffs: Marion J. Wells, as personal representative of the Estate of Wayne E. Wells and Ruth Thompson, v.	Supreme Court Case No: 2018SA166
Defendant: Public Service Company of Colorado d/b/a Xcel Energy, v.	
3rd Party Defendants: Marion J. Wells, LLC; Holy Cross Electric Association, Inc.; and Walter B. Lemon.	
ORDER OF COURT	

Upon further consideration of the above cause, and now being sufficiently advised in the premises, we conclude that the petition for relief pursuant to C.A.R. 21 is premature and that we issued the Rule to Show Cause improvidently. Therefore, the original proceeding before this Court is DISMISSED. The case is remanded to the district court with instructions to hold a hearing, which respondent acknowledges is required pursuant to

§ 38-5-106, C.R.S. (2018), *see* Answer Brief at p. 18 n.4. “At such hearing . . . , the court shall hear and dispose of all objections that are raised . . . concerning the motion for immediate possession, the legal sufficiency of the petition, or the regularity of the proceedings in any other respect.”

§ 38-5-106.

BY THE COURT, EN BANC, OCTOBER 12, 2018.