

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
**MONDAY, JULY 22, 2024**

"Slip opinions" are the opinions delivered by the Supreme Court Justices and are subject to modification, rehearing, withdrawal, or clerical corrections. Modifications to previously posted opinions will be linked to the case number in the petition for rehearing section the day the changes are announced. Click on the public domain citation to view the opinion in pdf format.

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**PETITIONS FOR REHEARING**

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[2024 CO 43M](#)

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**Supreme Court Case No. 22SA317**

*Appeal from the District Court*

District Court, Water Division 5, Case No. 13CW3077

Honorable James Berkley Boyd, Water Judge

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Concerning the Application of United States of America; City and County of Denver, acting by and through its Board of Water Commissioners; City of Colorado Springs, acting through its enterprise Colorado Springs Utilities; Colorado River Water Conservation District; Northern Colorado Water Conservancy District; Middle Park Water Conservancy District; Grand Valley Water Users Association; Orchard Mesa Irrigation District; Grand Valley Irrigation Company; Palisade Irrigation District; and Climax Molybdenum Company for a Determination of Water Rights in Summit, Grand, Garfield, Eagle, Pitkin, Routt, Gunnison, Rio Blanco, and Mesa Counties, Colorado.

**Applicants-Appellees:**

United States of America; City and County of Denver, acting by and through its Board of Water Commissioners; City of Colorado Springs, acting through its enterprise Colorado Springs Utilities; Colorado River Water Conservation District; Northern Colorado Water Conservancy District; Middle Park Water Conservancy District; Orchard Mesa Irrigation District; Grand Valley Water Users Association; Grand Valley Irrigation Company; Palisade Irrigation District; and Climax Molybdenum Company,

v.

**Opposer-Appellant:**

City of Golden,

**Opposers-Appellees:**

Ute Water Conservancy District; Grand County Board of Commissioners; City of Aurora; Clinton Ditch and Reservoir Company; Eagle River Water and Sanitation District; Upper Eagle Regional Water Authority; Eagle Park Reservoir Company; Summit County Board of Commissioners; Public Service Company of Colorado; Town of Gypsum; Chimney Rock Ranch, LLC; and Snake River Water District,

and

**Appellee Pursuant to C.A.R. 1(e):**

James Heath, in his capacity as the Division Engineer for Water Division No. 5.

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**Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.**

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2024 CO 46

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**Supreme Court Case No. 22SC293**  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 20CA2088

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**Petitioner/Cross-Respondent:**

City of Aspen, a municipal corporation,

v.

**Respondent/Cross-Petitioner:**

Burlingame Ranch II Condominium Owners Association, Inc., a nonprofit corporation.

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Petition for Rehearing DENIED. EN BANC.

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**RULE CHANGE**

[RULE CHANGE 2024\(12\)](#)

COLORADO RULES OF CIVIL PROCEDURE

Rule 84

**Amended and Adopted by the Court, En Banc, June 28, 2024, effective immediately.**

**ORIGINAL PROCEEDING**

[24SA193](#)

In Re People in the interest of J.D.

Show Cause order issued on July 8, 2024

GRANTED PETITIONS FOR WRIT OF CERTIORARI

**No. 24SC34, Court of Appeals Case No. 22CA2054**

**Petitioner:**

Erin O'Connell,

v.

**Respondents:**

Woodland Park School District; Woodland Park School District Board of Education; Chris Austin, in his official capacity as Board Member; Gary Brovetto, in his official capacity as Board Member; David Illingworth II, in his official capacity as Board Member; Suzanne Patterson, in her official capacity as Board Member; and David Rusterholtz, in his official capacity as Board Member.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the judicially created cure doctrine allowing public bodies to “cure” prior violations of Colorado’s Open Meetings Law (COML) contravenes COML’s plain meaning and longstanding precedent.

Whether expanding the judicially created cure doctrine to apply to intentional violations of statutory notice requirements for the purpose of addressing a controversial issue outside the public eye contravenes the plain language and intent behind COML and this court’s mandates regarding its interpretation.

Whether the court of appeals erred by expanding the judicially created cure doctrine to permit formal actions under section 24-6-402(8), C.R.S. (2023), to be reinstated retroactive to the date of the original violation and thereby preclude an award of prevailing-party attorney fees under section 24-6-402(9), C.R.S. 2023, to the plaintiff who successfully proved the original violation.

DENIED AS TO ALL OTHER ISSUES.

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**No. 24SC51, Court of Appeals Case No. 22CA1934**

**Petitioner/Cross-Respondent:**

The Sentinel Colorado,

v.

**Respondent/Cross-Petitioner:**

Kadee Rodriguez, City Clerk, in her official capacity as Records Custodian for City of Aurora.

Petition and Cross-Petition for Writ of Certiorari GRANTED. EN BANC.

Whether The Sentinel Colorado (“the Sentinel”), which is owned by Aurora Media Group, LLC, and operated by the Aurora Sentinel Community Media, a Colorado 501(c)(3) corporation, is a “citizen” for the purposes of section 24-6-402(9)(b), C.R.S. (2023), of the Colorado Open Meetings Law (“COML” or “OML”).

Whether the court of appeals erred in finding that a general description of the discussion of an executive session in a later public City Council agenda packet constituted a waiver of the entire attorney-client privilege and the executive-session privilege by the public body.

DENIED AS TO ALL OTHER ISSUES.

#### **HELD PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC789, Fisher v. People**

**Held pending 22SC738, *Sellers v. People*; 23SC328, *Ward v. People*; and 23SC381, *McDonald v. People***

**No. 24SC17, Stidham v. People**

**Held pending 23SC328, *Ward v. People*; and 23SC381, *McDonald v. People***

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC759, District Court Case No. 22CV30486**

**Petitioner:**

Odessa Rae Kirkedahl,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC823, Court of Appeals Case No. 22CA1119**

**Petitioner/Cross-Respondent:**

Mark Reaman, in his capacity as editor of the Crested Butte News,

v.

**Respondent/Cross-Petitioner:**

Andrew Brookhart, in his official capacity as the executive director and custodian of records of the Gunnison County Library District.

Petition and Cross-Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT would grant as to the following issues:

Whether the Colorado court of appeals erred as a matter of law when it concluded that individuals who submitted Request for Reconsideration Forms to a library meet the definition of a “user” of a library “service” as defined in section 24-72-204(3)(a)(VII), C.R.S. (2023), and section 24-90-119, C.R.S (2023).

Whether the Colorado court of appeals erred as a matter of law in holding that identifying information of a person who submits a Request for Reconsideration Form to a library must be redacted from the form if it is produced under section 24-72-204(3)(a)(VII), C.R.S. (2023), because the member of the public qualifies as a library “user,” as such term is employed in that statute and section 24-90-119, C.R.S. (2023).

Whether the court of appeals erred as a matter of law in applying the rules of statutory construction by ignoring the plain meaning of and legislative intent for section 24-72-204(3)(a)(VII), C.R.S. (2023), and section 24-90-119, C.R.S. (2023), and instead construed these statutes in a manner that engrafts an overly broad, impracticable, and absurd construction that the Colorado General Assembly could not have intended.

**No. 23SC827, Court of Appeals Case No. 21CA1364**

**Petitioner:**

The People of the State of Colorado,  
v.

**Respondent:**

Cedar L. Mortenson.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE SAMOUR would grant as the following issue:

Whether the court of appeals erred by discarding an implicit jury verdict on a lesser included offense when it vacated a greater offense based on insufficient evidence.

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**No. 23SC842, Court of Appeals Case No. 22CA790**

**Petitioners:**

Steeland, LLC, and Jaida McKeever,  
v.

**Respondents:**

Faith Tolle and Grace Aragon.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC904, Court of Appeals Case No. 21CA1286**

**Petitioners:**

Contrada, Inc., a Colorado corporation; 333 Trust; and Marilena P. Marzano, a/k/a  
Elena Marzano, Marilena Piras, and Elena Piras;  
v.

**Respondent:**

Thomas Wengh.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC914, Court of Appeals Case No. 21CA1871**

In re the Marriage of

**Petitioner:**

Jennifer Emmi,  
and

**Respondent:**

Donald Emmi.

Petition for Writ of Certiorari DENIED. EN BANC.



**No. 23SC915, Court of Appeals Case No. 22CA1823**

**Petitioners:**

Rose Anne M. Guire; Jimmy R. Guire II, individually and as member; Corina Renee; TMR38, LLC; TMR40, LLC; TMR41, LLC; TMR43, LLC; TMR44, LLC; TMR45, LLC; Meadows Ranch, LLC; GW38 Irrevocable Trust; GW39 Irrevocable Trust; GW40 Irrevocable Trust; GW41 Irrevocable Trust; GW43 Irrevocable Trust; GW46 Irrevocable Trust; GW620 Irrevocable Trust; and Tsawhawbitts Meadows Ranch Trust;

v.

**Respondents:**

Tax Credit Connection, Inc., a Colorado corporation; Ariel D. Steele; Randal D. Bjerke; Konrad L. Krauland; Steven M. Thibodeaux; and Marc I. Katz.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC916, Court of Appeals Case No. 22CA1950**

**For the Adoption of U.C.R., a Child,**

**Petitioner:**

R.C.,

v.

**Respondent:**

J.D.R.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC917, Court of Appeals Case No. 22CA1283**

**Petitioner:**

Jason Huffer,

v.

**Respondents:**

RR NYE, LLC; Tyler Fey; Daniel Higgenbotham; Angela Jensen; Christian Reicheneder; Shane Reilly; Lisa Loving-Martellini; and Robert Martellini.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC961, Court of Appeals Case No. 23CA284**

**Petitioner:**

TinaMarie Castillo, RN,

v.

**Respondent:**

Denver Health and Hospital Authority.

Petition for Writ of Certiorari DENIED. EN BANC.  
JUSTICE SAMOUR does not participate.

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**No. 24SC19, Court of Appeals Case No. 22CA1816**

**Petitioner:**

Alexander Benavidez,

v.

**Respondent:**

Toni Jon Lucero, D.D.S.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC23, Court of Appeals Case No. 22CA33**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Bradley Todd Clark.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC24, Court of Appeals Case No. 21CA1599**

**Petitioner:**

Shane M. Hotton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC39, Court of Appeals Case No. 22CA238**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

George Patrick Brown.

Petition for Writ of Certiorari DENIED. EN BANC.

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**24SC94, Court of Appeals Case No. 21CA1381**

**Petitioner:**

Timothy Paul Calderon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC96, Boulder County District Court Case No. 23CV132**

**Petitioner:**

Anasa Kajunju,

v.

**Respondent:**

Kent Zoutz.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC103, Court of Appeals Case No. 22CA343**

**Petitioner:**

Joe Anthony Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC111, Court of Appeals Case No. 22CA1389**

**Petitioner:**

Zachariah Dobler,

v.

**Respondents:**

Executive Director of the CDOC and Warden of Buena Vista Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC112, Court of Appeals Case No. 22CA1388**

**Petitioner:**

Zachariah Dobler,

v.

**Respondents:**

Executive Director of the CDOC and Warden of Buena Vista Correctional Facility.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC120, Court of Appeals Case No. 22CA1137**

**Petitioner:**

Timothy Ray Scott, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC124, Court of Appeals Case No. 22CA647**

**Petitioner:**

Bradley James Mitchell,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC125, Court of Appeals Case No. 22CA1093**

**Petitioner:**

Elest Carlos Marquez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC126, Court of Appeals Case No. 22CA1135**

**Petitioner:**

Robert Juan Gee,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC132, Jefferson County District Court Case No. 22CV30380**

**Petitioner:**

Ernest Joseph Tibbels,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC136, Court of Appeals Case No. 22CA1448**

In re the Parental Responsibilities Concerning B.J.W., a Child

**Petitioner:**

Sarah A. Ward,

and

**Respondent:**

Virginia Ward,

and Concerning

Robert J. Wade.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC137, Court of Appeals Case Nos. 21CA604 & 21CA704**

**Petitioner:**

Delano Marco Medina,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC162, Court of Appeals Case No. 22CA1064**

**Petitioner:**

John Edward Smith,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC166, Court of Appeals Case No. 21CA1858**

**Petitioner:**

Roxanne Rodriguez-Hernandez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC172, Court of Appeals Case No. 22CA196**

**Petitioner:**

Everett Miles Klomann,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC185, Court of Appeals Case No. 23CA1085**

**Petitioner:**

Patience Solanke,

v.

**Respondents:**

Apple Store 1683 Briargate Pkwy # 315, Colorado Springs, CO 80920; Regional Manager Kim; Store Managers Marada and Karen Nunez; Staff Tarik, Jakub and Chris; Apple, Inc. One Apple Park Way, Cupertino, CA 95014; Apple, Inc Call Center; and Jeremy Senior Apple Inc. Call Center Employee Mac Book Pro M1 Chip.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC195, Court of Appeals Case No. 22CA1529**

**Petitioner:**

Demetrio Junior Rivera,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC215, Court of Appeals Case No. 22CA2181**

**Petitioners:**

Board of Trustees of the Town of Del Norte and Town of Del Norte,

v.

**Respondent:**

Laura Anzalone, former Trustee of the Town of Del Norte.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC378, Court of Appeals Case No. 23CA1851**

The People of the State of Colorado in the interest of:

**Petitioners:**

The People of the State of Colorado and N.J.H-G., Jr.,

v.

**Respondent:**

N.J.G.

Petitions for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC395, Court of Appeals Case No. 23CA1961**

**Petitioner:**

V.P.T.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

V.R.T.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC396, Court of Appeals Case No. 23CA2224**

**Petitioner:**

L.F.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K.R.W.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC411, Court of Appeals Case No. 23CA2212**

**Petitioner:**

I.A.A.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

D.L.M.A.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC412, Court of Appeals Case No. 23CA1974**

**Petitioner:**

P.A.E.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

M.J.Y.,

and Concerning

M.J.Y.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC413, Court of Appeals Case No. 23CA1541**

**Petitioner:**

A.L.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

T.L. and L.L.,

and Concerning

J.L.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC414, Court of Appeals Case No. 23CA1539**

**Petitioner:**

T.C.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

T.C., Jr.,

and Concerning

L.N.P.

Petition for Writ of Certiorari DENIED. EN BANC.

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