

ANNOUNCEMENTS
Colorado Court of Appeals
December 12, 2024

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PUBLISHED OPINIONS

[2024COA125](#)

Court of Appeals No. [22CA2219](#)
Summit County District Court No. 19CV30037
Honorable Karen A. Romeo, Judge

Frisco Lot 3 LLC, a Colorado limited liability company; Frisco Lot 4 LLC, a Colorado limited liability company; and the Jeffery W. Sandri Revocable Trust,

Plaintiffs-Appellants and Cross-Appellees,

v.

Giberson Limited Partnership, LLLP, a Colorado limited liability limited partnership; Giberson Preserve Homeowners Association, Inc., a Colorado nonprofit corporation; Mark Timberlake, Board Member; Chad G. Asarch, Board Member; and Gary Giberson, Board Member,

Defendants-Appellees and Cross-Appellants,

and

Gary Giberson; Gloria Giberson; Daniel J. Ferrari; and Colorado Open Lands, a Colorado nonprofit organization, f/k/a Continental Divide Land Trust,

Defendants-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE KUHN
Gomez and Richman*, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA1646
El Paso County District Court No. 08CR595
Honorable Deborah J. Grohs, Judge
Honorable Larry E. Schwartz, Judge
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Theodore William Griffin III,

Defendant-Appellant.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE WELLING
Yun and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 21CA2042
El Paso County District Court No. 18CR793
Honorable Deborah J. Grohs, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Antoinette Michelle Grubb,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Yun and Berger*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0111
Arapahoe County District Court No. 21CR2035
Honorable Ben L. Leutwyler III, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Adrien Jabrie Ramsey,

Defendant-Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Tow and Schutz, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0411
City and County of Denver District Court No. 14CR5504
Honorable Eric M. Johnson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Gregory Ray Jones,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Dunn and Taubman*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0650
City and County of Denver Probate Court No. 12PR406
Honorable Elizabeth D. Leith, Judge

In the Matter of the Estate of Erika Pozsonyi, deceased.

Mark Denison,

Appellant,

v.

Melissa R. Schwartz, Special Administrator, and Anthony Pozsonyi,

Appellees.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GROVE
Freyre and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0747
City and County of Broomfield District Court No. 18CR116
Honorable Sharon Holbrook, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Lee McMillian,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE LIPINSKY
J. Jones and Sullivan, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1218
Eagle County District Court No. 19CV30164
Honorable Paul R. Dunkelman, Judge

Thomas Golec, Mara Lynn Looney, Mark K. Nicholson, Andrew H. Soliday,
Laurie A. Soliday, Andrew A. Soliday, and Jeanne M. Wicks,

Plaintiffs-Appellees and Cross-Appellants,

v.

Todd H. Boring and Chrystie Carter,

Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Yun and Berger*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals Nos. 23CA1404 & 23CA2199
City and County of Denver Probate Court No. 20PR420
Honorable Elizabeth D. Leith, Judge

In the Matter of the Estate of Joseph T. Gallegos, deceased.

Joanne Cdebaca, as Personal Representative, Heir and Beneficiary,

Appellant,

v.

Richard Gallegos,

Appellee.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
ORDER VACATED, AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE GROVE
Freyre and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1724
City and County of Denver District Court No. 02CR185
Honorable Christine C. Antoun, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ned Pace, Jr.,

Defendant-Appellant.

ORDER AFFIRMED

Division IV
Opinion by JUSTICE MARTINEZ*
Harris and Yun, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1768
Saguache County District Court No. 22CV30021
Honorable Christopher J. Munch, Judge

Luis Farinas,

Plaintiff-Appellee,

v.

712 Mayor Patricia, LLC, a Colorado limited liability company,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE KUHN
Harris and Yun, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1898
Eagle County District Court No. 23CV30037
Honorable Paul R. Dunkelman, Judge

JKHP, LLC,

Petitioner-Appellant,

v.

Thomas M. Whipple; NBH Bank; W. Ryland Gardner, III; Teak J. Simonton, in
her official capacity as County Treasurer of Eagle County,

Respondents-Appellees.

ORDER AFFIRMED AND CASE REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE FREYRE
Grove and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2050
Gunnison County District Court No. 22DR30026
Honorable J. Steven Patrick, Judge

In re the Marriage of

Wendy Kathleen Collins,

Appellee,

and

John Michael Collins,

Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE PAWAR
Tow and Schutz, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2077
Logan County District Court No. 22CV46
Honorable Stephanie M.G. Gagliano, Judge

Keith Clayton Brooks, Jr.,

Plaintiff-Appellant,

v.

Executive Director of the Colorado Department of Corrections, and
Warden of Sterling Correctional Facility,

Defendants-Appellees.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Dunn and Hawthorne*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2094
Weld County District Court No. 21CV30550
Honorable Shannon D. Lyons, Judge

Elite Storage Holdings, LLC, a Colorado limited liability company,

Plaintiff-Appellant,

v.

Dan Brennan, LLC, a Colorado limited liability company,

Defendant-Appellee.

JUDGMENT AFFIRMED AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE SCHUTZ
Tow and Pawar, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2182
San Miguel County District Court No. 23CV6
Honorable Keri A. Yoder, Judge

Kenneth Curfman,

Plaintiff-Appellant,

v.

Mariana L. Cantir,

Defendant-Appellee.

JUDGMENT AFFIRMED
AND APPEAL DISMISSED IN PART

Division V
Opinion by JUDGE GROVE
Freyre and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0068
Jefferson County District Court No. 93CR1905
Honorable Tamara S. Russell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Daniel Lucky Denny,

Defendant-Appellant.

ORDER AFFIRMED AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE SCHUTZ
Tow and Pawar, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0344
El Paso County District Court No. 22DR31669
Honorable Frances R. Johnson, Judge

In re the Marriage of

Matthew L. MacLaird,

Appellee,

and

Emma L. MacLaird,

Appellant.

APPEAL DISMISSED IN PART
AND ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
Gomez and Bernard*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0395
El Paso County District Court No. 24CV9
Honorable Gregory R. Werner, Judge

Jack Cole,

Plaintiff-Appellant,

v.

Days Inn,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE MOULTRIE
Welling and Brown, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0568
Adams County District Court No. 22JV30092
Honorable Emily Leiberman, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.E., B.E., and K.E., Children,

and Concerning J.E.,

Appellant,

and

A.S.,

Appellee.

JUDGEMENT AFFIRMED

Division V
Opinion by JUDGE FREYRE
Grove and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0625
Industrial Claim Appeals Office of the State of Colorado
DD No. 33034-2023

Zhuying Ou,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Division of
Unemployment Insurance Invalid Claims Team,

Respondents.

ORDER AFFIRMED

Division IV
Opinion by JUDGE HARRIS
Yun and Graham*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0678
Elbert County District Court No. 20CV30009
Honorable Theresa Slade, Judge

Lindsey Stoecklein and Chance Stoecklein,

Plaintiffs-Appellants,

v.

Fayette Farms, LLC,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE JOHNSON
Fox and Schock, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0918
Mesa County District Court No. 21JV247
Honorable Jeremy Chaffin, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.R., a Child,

and Concerning B.R.,

Appellant.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE GROVE
Freyre and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0975
El Paso County District Court No. 23JV30318
Honorable Lara Yoder Nafziger, Judge

The People of the State of Colorado,

Appellee,

In the Interest of S.M.M.C., a Child,

and Concerning A.C. and D.C.,

Appellants.

JUDGMENT AFFIRMED

Division VI
Opinion by JUDGE WELLING
Brown and Moultrie, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA1015
City and County of Denver Juvenile Court No. 21JV976
Honorable Elizabeth Strobel, Judge

The People of the State of Colorado,

Appellee,

In the Interest of E.A.L., a Child,

and Concerning R.H.K.,

Appellant.

JUDGMENT AFFIRMED

Division III
Opinion by JUDGE GOMEZ
Dunn and Bernard*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA1098
Industrial Claim Appeals Office of the State of Colorado
DD No. 8050-2024

Katzson Brothers, Inc.,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Patrick McLachlan,

Respondents.

ORDER SET ASIDE

Division I
Opinion by JUDGE SULLIVAN
J. Jones and Lipinsky, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA1319
Industrial Claim Appeals Office of the State of Colorado
DD No. 10260-2024

Jenifer Schaupeter,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado and Happy Paws
Veterinary Hospital, LLC,

Respondents.

ORDER AFFIRMED

Division V
Opinion by JUDGE LUM
Freyre and Grove, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA1700
Pueblo County District Court No. 22MH124
Honorable Timothy O'Shea, Judge

The People of the State of Colorado,

Petitioner-Appellee,

In the Interest of

M.R.,

Respondent-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE BERNARD*
Dunn and Gomez, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

PETITIONS FOR REHEARING

Court of Appeals No. 22CA0895

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Ha Xiong,

Defendant-Appellant.

Opinion Modified On the Court's Own Motion
and Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0434

Lianne Mercer; Jeremy Mercer; Karen Sublett; Barbara Snow; Ulteira Homes LLC, a Colorado LLC, d/b/a Courtyard at San Miguel and Yuma; Kevin Comesky; Marissa Comesky; William Snider; Ruth Snider; Sylvia Wulf; Tracy Schlotman; Sara Webb; Ethan Howard; Lauren Howard; Mack Mason; and Abdillahi Jama Buni,

Plaintiffs-Appellants,

v.

City of Colorado Springs, City Council,

Defendant-Appellee.

Opinion Modified On the Court's Own Motion
and Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

MODIFIED OPINIONS

Court of Appeals No. 22CA1264

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Paul W. Flynn,

Defendant-Appellant.

Opinion Modified
On the Court's Own Motion

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2023.