

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**  
**MONDAY, JANUARY 13, 2025**

"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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**OPINION**

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**Supreme Court Case No. 24SA46**

*Appeal from the District Court*

District Court, City and County of Denver, Case No. 22CV30911

Honorable Andrew J. Luxen, Judge

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**Petitioner-Appellant:**

Holcim U.S. Inc.,

v.

**Respondents-Appellees:**

Colorado Public Utilities Commission, Eric Blank, Megan M. Gilman, and John Gavan,

and

**Intervenors-Appellees:**

Black Hills Colorado Electric LLC and Office of the Utility Consumer Advocate.

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**Judgment Affirmed**

*en banc*

**JUSTICE GABRIEL** delivered the Opinion of the Court, in which **CHIEF JUSTICE MÁRQUEZ, JUSTICE BOATRIGHT, JUSTICE HOOD, JUSTICE HART, JUSTICE SAMOUR,** and **JUSTICE BERKENKOTTER** joined.

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## **RULE CHANGE**

Rule Changes 2025(01) and 2025(02) have been issued and are accessible [here](#).

### **RULE CHANGE 2025(01)**

COLORADO RULES OF CIVIL PROCEDURE

Chapter 25 Colorado Rules of County Court Civil Procedure

Rule 304

**Amended and Adopted by the Court, En Banc, January 9, 2025, effective immediately.**

**Justice Boatright did not participate.**

### **RULE CHANGE 2025(02)**

THE COLORADO APPELLATE RULES

Rules 3.1, 3.4, 8.1, 9, 25, 27, 30, 39.1, 52, 53

**Amended and Adopted by the Court, En Banc, January 9, 2025, effective immediately.**

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

No. 24SC339, *People v. Rizo*

Held pending 23SC168, *Tennyson v. People*; 23SC775, *Snow v. People*

No. 24SC387, *Gardner v. People*

Held pending 23SC168, *Tennyson v. People*; 23SC775, *Snow v. People*

GRANTED PETITIONS FOR WRIT OF CERTIORARI

**No. 24SC456, Court of Appeals Case No. 23CA449**

**Petitioner:**

Jonah Energy LLC,

v.

**Respondents:**

Riggs Oil & Gas Corporation; Gasconade Oil Co.; Helm Energy, LLC; McLish Resources, L.P., LLLP; W. Clifton Arbuckle Trust Dated 1/1/1996; Los Feliz Oil Company, LLC; Samis Oil Company, Inc.; MKB Energy, L.L.C.; Westar Oil & Gas, Inc.; JJB Energy Ventures, LC; Callaway Oil, L.L.C.; Anadarko Partners II, L.P.; Cartel Petroleum, Inc.; Castlebay Energy LLC; Coyote Energy LLC; S.N.S. Oil & Gas Properties, Inc.; Winchester Energy, LLC; El Dorado Corporation; and Ridgeview Exploration, Inc.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the division erred in adopting a “hard line” approach to “excusable neglect” under C.A.R. 4(a)(4), despite acknowledging that excusable neglect requires an equitable balancing test under other rules.

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**No. 24SC788, Court of Appeals Case No. 24CA253**

**In re the Parental Responsibilities Concerning Children:**

K.M.S., M.D.S., and R.E.S.,  
and Concerning

**Petitioners:**

Suzanne Nicolas and August Nicolas,  
and

**Respondents:**

Jayne Mecque Sullivan and Daniel Francis Sullivan.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether parents of a deceased father or mother have standing to seek “grandparent” visitation of children adopted by two new parents.

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 23SC436, Court of Appeals Case No. 21CA249**

**Petitioner:**

Joshua Elliot Wingfield,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC484, Court of Appeals Case No. 22CA379**

**Petitioner:**

Steve Galvez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC602, Court of Appeals Case No. 22CA1362**

**Petitioner:**

Todd O'Conner Mayes,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC682, Court of Appeals Case No. 22CA1906**

**Petitioner:**

David A. Relaford,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC789, Court of Appeals Case No. 22CA1426**

**Petitioner:**

Michael John Fisher,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 23SC799, Court of Appeals Case No. 20CA2068**

**Petitioner:**

Paul Anthony Rios,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC17, Court of Appeals Case No. 22CA780**

**Petitioner:**

Afrow Spade Stidham,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC116, Court of Appeals Case No. 22CA1740**

**Petitioner:**

Lloyd Neal,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC219, Court of Appeals Case No. 22CA2080**

**Petitioner:**

Henry L. Solano, District Attorney for the Third Judicial District, in his official capacity and on behalf of the Third Judicial District Attorney's Office,

v.

**Respondents:**

Max Vezzani, in his official capacity as Huerfano County Commissioner, Gerald Cisneros, in his official capacity as Huerfano County Commissioner, and Ray Garcia, in his official capacity as Huerfano County Commissioner.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC225, Court of Appeals Case No. 21CA1670**

**Petitioner:**

Lavone Bonnie Barron,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC275, Boulder County District Court Case No. 23CV30837**

**Petitioner:**

David Bodah,

v.

**Respondent:**

30pearl, LLLP.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC278, Court of Appeals Case No. 22CA1872**

**Petitioner:**

Louis Joseph Espinosa, Jr.,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC296, Court of Appeals Case No. 22CA1463**

**Petitioner:**

Jesse Lee Wilkinson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC320, Court of Appeals Case No. 22CA414**

**Petitioner:**

Stanley Paul Jurgevich,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC398, Court of Appeals Case No. 23CA1538**

**Petitioner:**

Raymond Edward Moore,

v.

**Respondent:**

4th Judicial District Attorney.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC446, Court of Appeals Case No. 23CA1589**

**Petitioner:**

Deborah Duncan Boyd,

v.

**Respondents:**

Marcie McMinimee, Personal Representative and Pamela Barrett.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC483, Delta County District Court Case No. 23CV20**

**Petitioner:**

Melissa Culotta,

v.

**Respondent:**

Lazaros Bountour.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC486, Court of Appeals Case No. 23CA815**

**Petitioner:**

Larry Eugene Fuller,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC528, Court of Appeals Case No. 23CA1645**

**Petitioner:**

Renee Sweet,

v.

**Respondent:**

Board of County Commissioners of the County of Douglas, Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC529, Court of Appeals Case No. 23CA417**

**Petitioner:**

Ivan Pantaleon,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC544, Court of Appeals Case No. 23CA2245**

**Petitioner:**

Kevin Atencio,

v.

**Respondents:**

County Workers Compensation Pool, Industrial Claims Appeals Office of the State of Colorado, and Rio Grande County.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC556, Court of Appeals Case No. 21CA1967**

**Petitioner:**

Karrar Noaman Al Khammasi,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC558, Court of Appeals Case No. 22CA474**

**Petitioner:**

Jeremy Paul Aguirre,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC560, Court of Appeals Case No. 23CA1034**

**Petitioners:**

Benjamin E. Davenport and Kirk A. Smith,

v.

**Respondents:**

Phillip A. Parrott and Campbell Killin Brittan & Ray, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC571, Court of Appeals Case No. 19CA2302**

**Petitioner:**

Michael Paul Lopez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC584, Court of Appeals Case No. 22CA149**

**Petitioner:**

Matthew Martin Strong Dalton,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC587, Adams County District Court Case No. 23CV30506**

**Petitioner:**

Michael Kiner,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC597, District Court, City and County of Denver Case No. 23CV33131**

**Petitioner:**

Jesus Lopez Barcnas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC608, Court of Appeals Case No. 22CA2148**

**Petitioner:**

Fred Joe Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC609, Court of Appeals Case No. 22CA508**

**Petitioner:**

Stephen D. Garcia,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC611, Court of Appeals Case No. 22CA472**

**Petitioner:**

Susan Cheryl Driggers,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC613, Court of Appeals Case No. 20CA764**

**Petitioner:**

James Clayton Johnson,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC623, Court of Appeals Case No. 22CA107**

**Petitioner:**

Daniel Acevedo,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC637, Court of Appeals Case No. 21CA1498**

**Petitioner:**

Mark Anthony Foster,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC638, Court of Appeals Case No. 22CA1055**

**Petitioner:**

Ramon K. Nero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC652, Court of Appeals Case No. 22CA464**

**Petitioner:**

Furkatjon A. Shukurov,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC659, Jefferson County District Court Case No. 24CV31**

**Petitioner:**

Laurie King,

v.

**Respondent:**

Roy Colman.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC663, Court of Appeals Case No. 22CA1506**

**Petitioner:**

James Andrew Dominguez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC669, El Paso County District Court Case No. 24CV30113**

**Petitioner:**

Brian Cook,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC671, Court of Appeals Case No. 22CA1806**

**Petitioner:**

Arthur Robert Young,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC672, Court of Appeals Case No. 23CA1529**

**Petitioner:**

Clifford Charles Galley, II,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC674, Court of Appeals Case No. 23CA334**

**Petitioner:**

Philipp Mendoza,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC676, Court of Appeals Case No. 22CA2200**

**Petitioner:**

Edward Joseph Razo,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC686, Court of Appeals Case No. 22CA1304**

**Petitioner:**

Modesto Hernandez Flores,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC688, Court of Appeals Case No. 24CA122**

**Petitioner:**

Lisa S. Montoya,

v.

**Respondent:**

State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC689, Court of Appeals Case No. 23CA2045**

**Petitioner:**

Miguel Angel Leon-Caballero,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC691, Elbert County District Court Case No. 24CV2**

**Petitioner:**

Jacob Bellinsky,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE BOATRRIGHT does not participate.

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**No. 24SC693, Mesa County District Court Case No. 23CV30423**

**Petitioner:**

Benjamin Manchee,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC697, Court of Appeals Case No. 24CA476**

**Petitioners:**

D.D. and A.G.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

K.D.

Petitions for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC731, Court of Appeals Case No. 24CA436**

**Petitioner:**

D.M.B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

S.M.J., C.M.F., and K.F.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC740, Court of Appeals Case No. 24CA360**

**Petitioner:**

M.B.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

A.S.N.,

and Concerning

K.M.P.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC743, Court of Appeals Case No. 24CA666**

**Petitioner:**

A.M.A.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

E.M.K.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC767, Court of Appeals Case No. 24CA522**

**Petitioner:**

K.P.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

J.R.,

and Concerning

A.R.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC768, Court of Appeals Case No. 24CA726**

**Petitioners:**

S.J.P. and G.T.N.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

Tyl.N. and Tyr.N.

Petitions for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC769, Court of Appeals Case No. 24CA764**

**Petitioner:**

B.W.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Children:**

J.L.W. and R.D.W.,

and Concerning

T.D.H.

Petition for Writ of Certiorari DENIED. EN BANC.

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**No. 24SC780, Court of Appeals Case No. 24CA686**

**Petitioner:**

R.G.,

v.

**Respondent:**

The People of the State of Colorado,

**In the Interest of Minor Child:**

I.G.

Petition for Writ of Certiorari DENIED. EN BANC.

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