

CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
TUESDAY, MAY 30, 2023

"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 case number to view the opinion in pdf format.

OPINIONS

[2023 CO 26](#)

Supreme Court Case No. 22SC798

C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 21CA1731
Jefferson County District Court Case No. 20CV31506
Honorable Lindsay L. VanGilder, Judge

Petitioners:

MJB Motels LLC; Samarah Investments LLC; Meek Enterprises LLC; Tosh Amir; MW Real Estate LLC; Palmetto Club Associates LLP; Winddrift Associates LLC; Sheridan LLC; Pickering LLC; 2220 Rand, LLC; FGS Retail & Commercial Operations LLC; Firestone Real Estate Leasing Company; Kong Real Estate Holdings LLC; SFCA LLC; Rocky Mountain School of Art Inc; Schreivogel Investments LLC; Baron Ventures LLC; 875 Tabor Street LLC; Garney Holding Co; Dean Carson Grape St LLC; Golden Automotive Group Holdings LLC; Public Service Employees Credit Union; MPSC Limited Liability; Marketplace at Ken Caryl LTD Liability Co; GEP Investments Inc; Sooper Credit Union; Sartorius Corporation; Texas Roadhouse Holdings LLC; TR Alkire LLC; DLDL LLC; Deep Sky Holdings LLC; Software Bisque Inc; Alma D Gianolini Grandchildrens Trust; BTP 10445 Town Center LLC; New World Ventures LLC; Lee Doud Inc; Fawcett Enterprises LLC; B C S Community Credit Union; 9797 West Colfax LLC; Lifeloc Technologies Inc; Robb Street LLC; Brettler Real Estate Inc; Mauldin 50 LLP; The Mountainview Group LLC; Kastin Company, LLC; Keystone Group LLC; Suman Properties LLC; Hill Industries LLC; Hill Real Estate Rental LLC; Buffalo Partners LP; Raeouf Mohammad; Tehrani Simin; Sautter Arvada School Property LLC; Vivian Fortress LLC; Carol Pack Living Trust; Simms LLC; Norton Frickey Family Partnership; Kim R Haarberg; North Bear Meadows LLC; 1600 Garrison Street LLC; 9201 West Colfax Avenue LLC; Braman Colorado European Imports Inc.; 6833 Joyce Street LLC; Maxson Holdings LLC; Denver Area Council Boy Scouts of America; Southwestern Investments LLC; MNR LLC; J&S Holdings LLC; Showme Mountain Investors LLC; DDK Properties LLC; Janey Blehm; Terry Blehm; Surkalo Harry Mtarri;

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Paul B Trost; Bear Land Holdings LLC; Ivarsson LLC; Stern Lawrence Holdings LLC; Parkview Place LLC; United Land Investments LLC; Partners Credit Union; Solera National Bank; 6350 AEF LLC; Semcken Commercial LLC; Garlock Pipeline Technologies Inc; 10639 Bradford LLC; Castle Court LLC; 430 Indiana LLC; Going Green LLC; Signature Assisted Living LP; FFT Holdings LLC; SCFT Holdings LLC; Westland LLC; Ralston Development Corporation; Premium Panels Inc; Associated Bodywork & Massage Professionals; Yukon Court Apartments Holding Company LLC; Terra Village Apartments Holding Company LLC; Wellington Resources LLC; 1150 Catamount LLC; 4240 Kipling LLC; Summit Commercial Properties I LLC; 150 Capital Drive LLC; Domenico Real Estate Partnership III LLP; Maxim United LLC; PWN 1 LLC; Tebo Superstore LLC; 15000 W Kendrick St LLC; Morton Properties LLC; Hennessey; CFC Investments LLC; 4301 Wadsworth LLC; Doris N Guernsey; Paul L Guernsey; Enger Enterprises LLC; Warren Family Funeral Homes Inc; LHI Group LLC; 55 West LLC; TF Holdings LLC; UGWUD Properties LLC; Clay & Imes Inc; Creekside West Partnership LLP; Cheryl Rogers; Aleksander Staninovski & Ivka Staninovski Trust; Bridgestone Company LLC; Vlade Sekulovski; Tome Nechovski Living Trust; LFP&JP JJC; El Rancho Colorado Restaurant LLC,

v.

Respondents:

County of Jefferson Board of Equalization and Scott Kersgaard, Jefferson County Assessor.

Order Affirmed

en banc

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

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Supreme Court Case No. 22SC797
C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 22CA695
Broomfield County District Court Case No. 20CV30366
Honorable Sean Finn, Judge

Petitioners:

Hunter Douglas Inc.; Hunter Douglas Window Fashions Inc.; Auto Owners Insurance Company; Cutler Properties LLP; Rathlin Island Investment LLC; Auyeung Shun Yau; Rangeview Tech Center LLC; Patrick Tash Edu. Group Inc.; Wonderland Brewing CO LLC; AEW LT Broomfield Town Centre LLC; Dobico LLC; AWE Property Management LLC; JNT LLC; and BN Investments LLC,

v.

Respondents:

City and County of Broomfield Board of Equalization (BOE); and Jay Yamashita (replacing former Assessor Sandy Herbison), City and County of Broomfield Assessor.

Order Affirmed
en banc

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

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Supreme Court Case No. 22SC800
C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 21CA1191
Larimer County District Court Case No. 20CV30613
Honorable Daniel McDonald, Judge

Petitioners:

Larimer County Board of Equalization (BOE) and Larimer County Assessor, Bob Overbeck,

v.

Respondents:

1303 Frontage Holdings LLC; 1411 East Magnolia Street LLC; 1497 E Eisenhower LLC; 3470 Holdings LLC; 3760 E 15th LLC; 3985 Lincoln LLC; 3BM LLC; 4103 S Mason Street LLC; 4211 S Mason Street LLC; 790 Eisenhower LLC; Adams Bank and Trust; Advance Tank and Construction Co; Allen Marion T Jr Revocable Trust; Alteo Ltd; Apropro Inc; Associates Investments LLC; Associates South; Baretta Investments LLC; Boeing Drive Investments LLC; Bohlender Funeral Chapel Inc; BS Holdings Inc; Byrd Drive LLC; Canvas Credit Union; Caribou Chalet Inc; Cascade Falls Property Group LLC; CF Hospitality Inc; Citizen Printing Co; Cortina Real Estate LLC; Crashway Limited Liability Co; D and N Houska Family LLC; Early Education Enterprises LLC; Edge Air Inc; Ensign Properties LLC; First Interstate Bank of Ft Collins C/O; First National Bank of Omaha; First National Bank C/O First National Bank of Omaha; First Natl Bank In Ft Collins C/O First National Bank of Omaha; Flatirons Hospitality LLC; Fraley Holding Company LLC; Gateway Medical Services LLC; GEA LLC; Glacier Lodge L P; Granite Trust and Faith LLC; Graves Avenue Plaza LLC; Greenlee Investments LLLP; Hana Dul Inc; Harmony Suites LLC; Hogan Family Partnership LLLP C/O First National Bank of Omaha; Horsetooth Associates LLP (.50); Horsetooth Investors LLLP; K and H Family Properties LLC; Kauffman Investments LLC; Kauffman Rentals Inc; Kira Enterprises LLC; Kropp Frederick L/Pamela J; Lasar Properties LLC; Mackenzie Properties LLC; MBR Investments LLC; Next Generation Properties of Nebraska LLC; Nordhagen Land Company LLC; Pizza Ranch RE1 LLC; Poche Linda/Richard M; Poudre Valley Cooperative Assn Inc; Precision Technology LLC; Quickert Properties LLC; Racquette Hanger LLC; Raise the Roof LLC; RMVFNB LLC; Sachanandani Hari and 6701 Marketplace Drive LLC; Saddlenotch LLC (.50) Mesa Partners LLC (.50); Shelhill Investments LLC; Silvertip Realty LLC; Springer Investment Group LLC; SRP Enterprises LLC; Stockton LLC; SUH Property Inc; Texas Roadhouse Holdings LLC; Timberline Associates; United Land Investments LLC; V and S Partnership; Wagner Equipment Co; Walker

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Manufacturing Co; Weisser R James, Robert W and Poudre Valley Air Inc; Wellington Resources LLC; Wiege Michael W Terri G; Willco V Development LLLP; Willco VI Development LLLP; Willco VII Development LLLP; Willco XII Development LLLP; and Zephyr Grafix Inc.

Order Reversed
en banc

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

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Supreme Court Case No. 22SC799

C.A.R. 50 Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 21CA1253
Douglas County District Court Case No. 20CV30909
Honorable Jeffrey K. Holmes, Judge

Petitioners:

Educhildren LLC; HW Lee Group LLC; Pembrookshire Investment LLC; Brett A Norden Irrevocable Trust; Bradley S. Norden Irrevocable Trust; Meridian Kings LLC; James S Thomas Separate Property Revocable Trust; Bridgestone Retail Operations LLC; Ready Mixed Concrete Company; Canvas Credit Union; Sierra Holdings LLC; Marolt Investment Group LLC; Texas Roadhouse of Parker LLC; Lawrence Construction Company; Main Street Professional Plaza LLC; Fawcett Group LLC; Clam Holdings LLC; Peerless Tyre Co; Tallio Investments Co 1 LLC; Wyltsky LLC; Loudeco LLC; 8381 SPL LLC; Park Meadows Mall LLC; AKM Family LLLP; 9910MTLLC; Mie Ward Infiniti; The Chateau in Castle Rock LLC; Roper LLC; Strawberry Hill Inc; Rocky Mountain Law Enforcement Credit Union; KBK Properties LLC; Eden Innovations LLC; Thomas J Rossiter; Virginia B Rossiter; ORS Park Inc; Fairs Properties LLC; Car Bis Co Park LLC; Shade Tree LLC; Shade Tree North LLC; 5555 Boatworks Drive LLC; 8808 South Colorado LLC; Titan Center LLC; Leuvano Investments LLC; North Dakota Holdings LLC; B Greenley Investments LLC; Harcus Holdings LLC; H&A Educational Enterprises LLC; E and T LI LLC; Caro Land Co II LLC; Caro Land Co LLC; SS Country Meadows LLC; Park Meadow Mall LLC; Herzman Niece's Exempt Trust; Wellington Resources LLC; Denver Aquatic Ventures LLC; Bernhard Baron; J&L Holdings LLC; and Finline Investments,

v.

Respondents:

County of Douglas Board of Equalization (BOE) and Lisa Frizell, County of Douglas Assessor.

Order Affirmed

en banc

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

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RULE CHANGE

[RULE CHANGE 2023\(10\)](#)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO
Rule 227
Amended and Adopted by the Court, En Banc, May 25, 2023, effective December 1,
2023.

ORIGINAL PROCEEDING

- [23SA133](#) In Re Antero Treatment v. Veolia Water
Order to Show Cause issued on May 24, 2023
- [23SA81](#) In Re Elliott, Winthrop v. Doordash
Order Discharging issued on May 26, 2023

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 22SC791, Court of Appeals Case No. 18CA1878

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Fidel Castro.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC860, District Court, City and County of Denver Case No. 21CV31286

Petitioner:

Hugh T. Dinh,

v.

Respondent:

Marshall Recovery, LLC, a Colorado limited liability company.

Petition for Writ of Certiorari DENIED. EN BANC.

CHIEF JUSTICE BOATRIGHT and JUSTICE SAMOUR would grant as to the following issues:

Whether the district court erred in holding that a trial court has discretion to vacate a void judgment that was entered without proper service of process.

Whether the right to have a void judgment vacated may be waived or lost.

No. 22SC914, Court of Appeals Case No. 21CA175

Petitioner:

Jana Mae Kaspar f/k/a Jana M. Kaspar-Barnes a/k/a Jana M. Kaspar Barnes,

v.

Respondent:

Bank of New York Mellon, Bank of New York, as Trustee for the Certificateholders CWALT, Inc., Alternative Loan Trust 2007-9T1, Mortgage Pass-through Certificates, Series 2007-9T1.

Petition for Writ of Certiorari DENIED. EN BANC.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS
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No. 22SC959, Court of Appeals Case No. 20CA604

Petitioner:

Andrew Joseph Firkins,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC967, Court of Appeals Case No. 19CA1839

Petitioner:

Daniel Wayne Machado,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 22SC983, Court of Appeals Case No. 20CA843

Petitioner:

Timothy Duane Black,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC1, Court of Appeals Case No. 20CA187

Petitioner:

Victor Salazar,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 23SC3, Court of Appeals Case No. 19CA1267

Petitioner:

Keith Frank Rodriguez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC6, Court of Appeals Case No. 19CA1918

Petitioner:

Matthew James McKee,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC7, Court of Appeals Case No. 19CA1484

Petitioner:

Amber Anne Threlkel,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC9, Court of Appeals Case No. 18CA2188

Petitioner:

John Wayne Diamond,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 23SC11, Court of Appeals Case No. 22CA940

Petitioner:

Andrew Lotrich,

v.

Respondent:

Industrial Claim Appeals Office of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC12, Court of Appeals Case No. 19CA2304

Petitioner:

Jack Lee Holmes,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC13, Court of Appeals Case No. 20CA317

Petitioner:

Barry J. Mack,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC14, Court of Appeals Case No. 20CA542

Petitioner:

Austin Verland Ray,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

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No. 23SC259, Court of Appeals Case No. 22CA1184

Petitioner:

C. H.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

S.E.G. and N.G., a/k/a G.G.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC284, Court of Appeals Case No. 21CA1307

Petitioner:

S.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

K.B.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 23SC296, Court of Appeals Case No. 22CA1044

Petitioner:

The People of the State of Colorado,

In the Interest of Minor Children:

G.S., J.S.II, E.S., Je.S., Ji.S., and Jay.S.,

v.

Respondents:

Jo.S. and Ja.S.

Petition for Writ of Certiorari DENIED. EN BANC.
