

**CASE ANNOUNCEMENTS
COLORADO SUPREME COURT
MONDAY, DECEMBER 13, 2021**

"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

[2021 CO 78](#)

Supreme Court Case No. 20SC429
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 19CA298

Petitioner:

L.H.M. Corporation, TCD, d/b/a Larry H. Miller Chrysler Dodge Jeep Ram 104th,

v.

Respondent:

Canuto John Martinez.

Judgment Affirmed
en banc

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 79](#)

Supreme Court Case No. 20SC790
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 17CA822

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Eddie Wayne Johnson.

Judgment Affirmed
en banc

JUSTICE HOOD delivered the Opinion of the Court.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

[2021 CO 80](#)

Supreme Court Case No. 19SC631
Certiorari to the Colorado Court of Appeals
Court of Appeals Case No. 18CA215

Petitioners:

Francis Rudnicki and Pamela Rudnicki, as parents, guardians and next friends of
Alexander Rudnicki, a minor child,

v.

Respondent:

Peter Bianco, D.O.

Judgment Reversed
en banc

JUSTICE GABRIEL delivered the Opinion of the Court.
JUSTICE HART dissents, and **CHIEF JUSTICE BOATRIGHT** and **JUSTICE**
MÁRQUEZ join in the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

PETITIONS FOR REHEARING

2021 CO 77

Supreme Court Case No. 20SA278

Appeal from the District Court

Weld County District Court, Water Division 1, Case No. 18CW3166

Honorable James F. Hartmann, Water Judge

Plaintiffs-Appellants:

Robert Kint Glover, Gerald Kiefer, Marjorie R. Kiefer Marital Trust, Blair A. Kiefer Family Trust, Jane Raeleen Dunn, Friday LLC, and The Estate of Robert Kint Glover,

and

Appellant:

Gregory Cucarola,

v.

Defendants-Appellees:

Serratoga Falls LLC; Resource Land Holdings LLC; Jesse McDowell; Town of Timnath; Kitchel Lake Development Corporation; Kitchel Lake Partners, LLC; James Righeimer; Lee Lowrey; and Kenneth Mitchell.

Petition for Rehearing DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

RULE CHANGE

[RULE CHANGE 2021\(23\)](#)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO
Appendix to Rule 201 and Rule 203.4

Amended and Adopted by the Court, En Banc, December 8, 2021, effective immediately.

GRANTED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC334, Court of Appeals Case No. 19CA1718

Petitioners:

Jagged Peak Energy, Inc.; Joseph N. Jagers; Robert W. Howard; Shonn D. Stahlecker; Charles D. Davison; S. Wil Vanloh, Jr.; Blake A. Webster; Citigroup Global Markets Inc.; Credit Suisse Securities (USA) LLC; J.P. Morgan Securities LLC; Goldman, Sachs & Co.; RBC Capital Markets, LLC; Wells Fargo Securities, LLC; UBS Securities LLC; Keybank Capital Markets, Inc.; ABN AMRO Securities (USA) LLC; Fifth Third Securities, Inc.; Petrie Partners Securities, LLC; Tudor, Pickering, Holt & Co. Securities, Inc.; BMO Capital Markets Corp.; Deutsche Bank Securities Inc.; Evercore Group L.L.C.; and Scotia Capital (USA) Inc.;

v.

Respondent:

Oklahoma Police Pension and Retirement System, Individually and on Behalf of all others Similarly Situated.

Petition for Writ of Certiorari GRANTED. EN BANC.

[REFRAMED] Whether the court of appeals departed from federal caselaw on the Securities Act of 1933 when it (a) held that immaterial “puffery” statements may become material due to nearby historical or measurable information, and (b) allowed plaintiff to plead claims based on hindsight.

[REFRAMED] Whether the court of appeals erred by reversing the district court based on a theory plaintiff never raised.

DENIED AS TO ALL OTHER ISSUES.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC338, Court of Appeals Case No. 18CA1747

Petitioner:

Scott Michael Bowers,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari GRANTED. The judgment of the Colorado Court of Appeals is vacated, and the case is remanded to the Colorado Court of Appeals for reconsideration in light of *In Re People v. Vigil*, 20SA240, 2021 CO 46. EN BANC.

DENIED PETITIONS FOR WRIT OF CERTIORARI

No. 21SC491, Court of Appeals Case No. 19CA25

Petitioner:

Teral Stafin Lee,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC593, Court of Appeals Case No. 19CA797

Petitioner:

Alarico Medina,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC596, Court of Appeals Case No. 17CA2397

Petitioner:

Matthew Edward Lyons,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC597, Court of Appeals Case No. 21CA776

Petitioner:

Craig S. Robledo,

v.

Respondent:

Mark Fairbairn.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC598, Court of Appeals Case No. 17CA1141

Petitioner:

Adam Joseph Stockley,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC602, Court of Appeals Case No. 19CA1686

Petitioner:

Sergey Genadievich Novitskiy,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC603, Court of Appeals Case No. 19CA1320

Petitioner:

John Edward Thomas,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC604, Court of Appeals Case No. 18CA1860

Petitioner:

Frederick J. Norris,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC609, Garfield County District Court Case No. 20CV30039

Petitioner:

Martin Gamez-Chavez,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC614, Court of Appeals Case No. 18CA1396

Petitioner:

Kenneth Louis McGee,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC618, Court of Appeals Case No. 19CA2087

Petitioner:

Blas Sanchez Calderon,

v.

Respondent:

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

No. 21SC814, Court of Appeals Case Nos. 21CA22 & 21CA151

Petitioner:

N.L.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Children:

S.L-T. and N.L-T.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC821, Court of Appeals Case No. 21CA480

Petitioner:

A.M.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

A.M.

Petition for Writ of Certiorari DENIED. EN BANC.

No. 21SC824, Court of Appeals Case No. 21CA506

Petitioner:

J.C.,

v.

Respondent:

The People of the State of Colorado,

In the Interest of Minor Child:

S.C.,

and Concerning

B.S.

Petition for Writ of Certiorari DENIED. EN BANC.
