

2023SA142 (1 HOUR)

Plaintiff:

Kevin Klabon,

v.

Defendant:

Travelers Property Casualty Company of America.

For the Plaintiff:

Nelson A. Waneka
LEVIN SITCOFF WANEKA PC
and
Julian Bendinelli
George Norelli
BENDINELLI LAW FIRM PC

For the Defendant:

Max K. Jones, Jr
Maddin M. Nelson
Hayleigh P. Lidbury
Alex J. Gunning
MONTGOMERY AMATUZIO CHASE BELL JONES
LLP

**For Amicus Curiae American Property Casualty
Insurance Association:**

Kendra N. Beckwith
Brian J. Spano
LEWIS ROCA ROTHGERBER CHRISTIE LLP

**For Amicus Curiae Colorado Defense Lawyers
Association:**

Christopher R. Reeves
WALTZ REEVES
and
Erica O. Payne
Amy L. Twohey
ZUPKUS ANGELL P.C.

**For Amicus Curiae The Colorado Trial Lawyers
Association:**

Michael J. Rosenberg
JORDAN LAW

**For Amicus Curiae Colorado Workers'
Compensation Education Association:**

Alonit Katzman
ELLIOTT LAW OFFICES

Original Proceeding - Certification of Question of Law, U.S. District Court for the District of Colorado 22CV02557 - NRN
Docketed: May 30, 2023
At Issue: January 25, 2024

ISSUE(S):

Whether an employee injured in the course of his employment by the acts of an underinsured third-party tortfeasor, and who receives worker's compensation benefits as a result, is barred, under Colorado's Workers' Compensation Act, §8-41-104, C.R.S., from bringing suit against his employer's UM/UIM insurer.