

2023SA300

Petitioner-Appellees/Cross-Appellants:

Norma Anderson, Michelle Priola, Claudine Cmarada,
Krista Kafer, Kathi Wright, and Christopher Castilian,

v.

Respondent-Appellee:

Jena Griswold, in her official capacity as Colorado
Secretary of State,

v.

Intervenor-Appellee:

Colorado Republican State Central Committee, an
unincorporated association,

Intervenor Appellant/Cross Appellee:

Donald J. Trump.

For the Petitioner-Appellee/Cross-Appellants:

Mario Daniel Nicolais
KBN LAW LLC
and
Jason Murray
Sean Christopher Grimsley
Eric R Olson
OLSON GRIMSLEY KAWANABE HINCHCLIFF
and
Martha Moore Tierney
TIERNEY LAWRENCE STILES LLC

For the Respondent-Appellee:

Jennifer L Sullivan
Michael Thomas Kotlarczyk
Grant Thomas Sullivan
COLORADO DEPARTMENT OF LAW

**For the Intervenor-Appellee Colorado Republican State
Central Committee, an unincorporated association:**

Michael William Melito
MELITO LAW
and
Robert Alan Kitsmiller
PODOLL PODOLL P.C.

**For the Intervenor Appellant/Cross-Appellee Donald J.
Trump:**

Scott Eric Gessler
Geoffrey N Blue
GESSLER BLUE LLC

2022SC499 (1 HOUR)

Petitioner:

University of Denver,

v.

Respondent:

John Doe.

For the Petitioner:

Jim Goh
Rayner Mangum
CONSTANGY BROOKS SMITH & PROPHETE LLC
and
Joshua Richards
Patrick Nugent
SAUL EWING ARNSTEIN & LEHR LLP

For the Respondent:

Michael Mirabella
Caleb Ray
CAMPBELL KILLIN BRITTAN & RAY LLC

**For Amici Curiae Regis University, Colorado
College:**

Eric.Ziporin
James Kadolph
SGR LLC

For Amicus Curiae the State of Colorado:

Skippere Spear
AURARIA HIGHER EDUCATION CENTER

Certiorari to the Colorado Court of Appeals, 2020CA1545
Docketed: July 6, 2022
At Issue: June 12, 2023

ISSUE(S):

[REFRAMED] Whether a sexual misconduct policy required by federal and Colorado law can constitute a contract between an institution of higher education and its students.

[REFRAMED] Whether a statement in a university's sexual misconduct policy that student sexual misconduct investigations will be "thorough, impartial and fair" is sufficiently definite to support a claim for breach of contract.

[REFRAMED] Whether a statement that student sexual misconduct investigations will be "thorough, impartial and fair" in a university's procedures is sufficiently definite to support a claim for breach of the implied covenant of good faith and fair dealing.

[REFRAMED] Whether a university owes its students a duty in tort to adopt fair policies and procedures for investigating and adjudicating claims of student sexual misconduct and to exercise reasonable care in following those procedures.

2022SC805 (1 HOUR)

Petitioner:

Great Northern Properties, LLLP, a Colorado limited liability partnership,

v.

Respondents:

Extraction Oil and Gas, Inc.; Richmark Energy Partners, LLC; and Richmark Royalties, LLC.

For the Petitioner:

Patrick M. Groom
Kent A. Naughton
Francis L. Kailey
WITWER OLDENBURG BARRY & GROOM LLP

For the Respondents:

Samuel S. Bacon
Joseph C. Pierzchala
WELBORN SULLIVAN MECK & TOOLEY P.C.

For the Amicus Curiae Mineral Resources, Inc., a Colorado corporation:

Thomas J. Kimmell
ZARLENGO & KIMMELL P.C.

Certiorari to the Colorado Court of Appeals, 2021CA700
Docketed: October 26, 2022
At Issue: June 26, 2023

ISSUE(S):

Whether a deed that describes land lying next to a dedicated right-of-way but does not purport to convey any interest in the right-of-way should be presumed to convey the mineral estate underneath the right-of-way.

Whether the court of appeals erred in determining that the centerline presumption does not apply if the grantor retains ownership of any property abutting the right-of-way.

2022SC313 (1 HOUR)

Petitioner:

Reginald Keith Clark,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

Casey Mark Klekas
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

Patrick A. Withers
OFFICE OF THE ATTORNEY GENERAL

**For Amici Curiae Colorao-Montana-Wyoming
Area Conference of the National Association
for the Advancement of Colored People, and
the American Civil Liberties Union of
Colorado:**

Timothy R. Macdonald
Anna I. Kurtz
ACLU FOUNDATION OF COLORADO
and
Martina Tiku
Anna Kathryn Barnes
NAACP

**For Amici Curiae Colorado Hispanic Bar
Association, Asian Pacific American Bar
Association of Colorado, South Asian Bar
Association of Colorado, and Sam Cary Bar
Association:**

Kendra N. Beckwith
Tyler J. Owen
LEWIS ROCA ROTHGERBER CHRISTIE LLP

**For Amicus Curiae Mountain States Legal
Foundation:**

William E. Trachman
James L. Kerwin
MOUNTAIN STATES LEGAL FOUNDATION

**For Amicl Curiae Office of The Alternate
Defense Counsel, and the Colorado Criminal
Defense Bar:**

Ann M. Roan
LAW OFFICES OF ANN M. ROAN LLC

Certiorari to the Colorado Court of Appeals, 2019CA340
Docketed: May 05, 2022
At Issue: October 18, 2023

ISSUE(S):

[REFRAMED] Whether the trial court's erroneous denial of a defendant's for-cause challenge to a juror who expressed racial bias was harmless or structural error.

Whether a juror's comments during deliberations, that she learned from a judge in prior jury service that jurors must deliberate indefinitely until a unanimous verdict is reached, constitute "extraneous prejudicial information" under CRE 606(b).

2022SC520 (1 HOUR)

Petitioner:

Joseph Wayne Washington,

v.

Respondent:

The People of the State of Colorado.

For the Petitioner:

John Plimpton
OFFICE OF THE PUBLIC DEFENDER

For the Respondent:

William G. Kozeliski
OFFICE OF THE ATTORNEY GENERAL

Certiorari to the Colorado Court of Appeals, 2019CA1332

Docketed: July 15, 2022

At Issue: October 12, 2023

ISSUE(S):

[REFRAMED] Whether the court of appeals erred in holding that *People v. Novotny*, 2014 CO 18, 320 P.3d 1194, implicitly overruled *Norman v. People*, 496 P.2d 1029 (Colo. 1972).

[REFRAMED] Whether the court of appeals erred in utilizing a harmless error standard of reversal for the misjoinder of charges for trial.

[REFRAMED] Whether the trial court erred in consolidating petitioner's murder charge with his drug-related charges.

2022SC580 (1 HOUR)

Petitioner:

The People of the State of Colorado,

v.

Respondent:

Glen Gary Montoya.

For the Petitioner:

Brenna A. Brackett
OFFICE OF THE ATTORNEY GENERAL

For the Respondent:

Mackenzie R. Shields
OFFICE OF THE PUBLIC DEFENDER

Certiorari to the Colorado Court of Appeals, 2018CA1409
Docketed: August 10, 2022
At Issue: September 13, 2023

ISSUE(S):

[REFRAMED] Whether the definition of “refusal” or “refusal by noncooperation” under the expressed consent statute for administrative driver’s license revocation is applicable in a criminal DUI trial.

[REFRAMED] Whether the court of appeals erred in holding that the prosecution was required to present evidence, in his criminal trial for driving under the influence, that defendant claimed he was willing to take a blood test after he had previously agreed but then refused to submit to one.
