

ANNOUNCEMENTS
Colorado Court of Appeals
August 1, 2024

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PUBLISHED OPINIONS

[2024COA77](#)
Court of Appeals No. [21CA1450](#)
Fremont County District Court No. 16CR579
Honorable Ramsey L. Lama, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Aaron W. Plotner,

Defendant-Appellant.

ORDER AFFIRMED

Division VI
Opinion by JUDGE WELLING
Lipinsky and Gomez, JJ., concur

Announced August 1, 2024

[2024COA78](#)

Court of Appeals No. [22CA2154](#)

City and County of Denver District Court No. 19CV30345

Honorable Darryl F. Shockley, Judge

Ralph L. Wadsworth Construction Company, LLC,

Plaintiff-Appellee and Cross-Appellant,

v.

Regional Rail Partners; Balfour Beatty Infrastructure, Inc.; Graham Contracting Ltd.; Travelers Casualty and Surety Company of America; Balfour Beatty, LLC; and Graham Business Trust,

Defendants-Appellants and Cross-Appellees.

JUDGMENT AFFIRMED IN PART AND REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE TOW
Lipinsky and Grove, JJ., concur

[2024COA79](#)

Court of Appeals No. [22CA2245](#)

City and County of Denver District Court No. 21CV33166

Honorable Marie Avery Moses, Judge

No on EE — A Bad Deal for Colorado, Issue Committee,

Plaintiff-Appellant,

v.

Christopher Beall, in his official capacity as Colorado Deputy Secretary of State; and Jena Griswold, in her official capacity as Colorado Secretary of State,

Defendants-Appellees.

JUDGMENT VACATED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE J. JONES
Hawthorne*, J., concurs
Schutz, J., dissents

[2024COA80](#)

Court of Appeals No. [23CA0351](#)
Jefferson County District Court No. 20CV30231
Honorable Diego G. Hunt, Judge

The City of Westminster, a home rule municipality and a Colorado municipal corporation

Plaintiff-Appellant and Cross-Appellee,

v.

R. Dean Hawn Interests, a Texas limited partnership,

Defendant-Appellee and Cross-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division VI
Opinion by JUDGE FREYRE
Lipinsky and Schutz, JJ., concur

[2024COA81](#)

Court of Appeals No. [23CA0937](#)
El Paso County District Court No. 17DR847
Honorable Chad Miller, Judge

In re the Marriage of

Eric Michael Matheny,

Appellant,

and

Kristine Nicole Matheny,

Appellee.

APPEAL DISMISSED

Division IV
Opinion by JUDGE JOHNSON
Navarro and Pawar, JJ., concur

[2024COA82](#)

Court of Appeals No. [23CA1226](#)

Board of Assessment Appeals Case No. 2021BA1115

HCPI/CO Springs Ltd. Partnership,

Petitioner-Appellee,

v.

El Paso County Board of Commissioners,

Respondent-Appellant,

and

Board of Assessment Appeals,

Appellee.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE DUNN
Yun and Moultrie, JJ., concur

[2024COA83](#)

Court of Appeals No. [23CA1477](#)

Larimer County District Court No. 23CV30319

Honorable Stephen J. Jouard, Judge

Jacobs Investments, LLC, a Colorado limited liability company d/b/a Colorado Boring Company,

Plaintiff-Appellee,

v.

Fort Collins-Loveland Water District, a Colorado Water District

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division III
Opinion by JUDGE MOULTRIE
Dunn and Yun, JJ., concur

UNPUBLISHED OPINIONS

Court of Appeals No. 21CA2104
Jefferson County District Court No. 20CR3274
Honorable Jason Carrithers, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Clinton Eugene Priest,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE NAVARRO
Pawar and Johnson, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA0147
City and County of Denver District Court No. 19CR8711
Honorable David H. Goldberg, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

John Alexander Ramirez,

Defendant-Appellant.

JUDGMENT REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE NAVARRO
Pawar and Johnson, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA0149
Jefferson County District Court No. 20CR2540
Honorable Robert Lochary, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Matthew Martin Strong-Dalton,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE KUHN
Tow and Gomez, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA0370
City and County of Denver District Court No. 15CR768
Honorable Ericka F.H. Englert, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Mario Lopez-Ramirez,

Defendant-Appellant.

ORDER AFFIRMED

Division I
Opinion by JUDGE GRAHAM*
Welling and Hawthorne*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA0473
Boulder County District Court No. 20CR2009
Honorable Ingrid S. Bakke, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Christopher Thomas Yeomans,

Defendant-Appellant.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division II
Opinion by JUDGE FOX
Grove and Sullivan, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA0634
City and County of Denver District Court No. 83CR2146
Honorable Martin F. Egelhoff, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Michael Milligan,

Defendant-Appellant.

ORDER AFFIRMED

Division V
Opinion by JUDGE HARRIS
Brown and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA2077
La Plata County District Court No. 19CR247
Honorable Todd P. Norvell, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Robert Dean Rose,

Defendant-Appellant.

ORDER AFFIRMED

Division VII
Opinion by JUDGE GOMEZ
Kuhn and Richman*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 22CA2273
Larimer County District Court No. 18CR1915
Honorable Juan G. Villaseñor, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Benjamin Eugene Davenport,

Defendant-Appellant.

ORDER REVERSED AND CASE
REMANDED WITH DIRECTIONS

Division IV
Opinion by JUDGE PAWAR
Navarro and Johnson, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0488
City and County of Denver District Court No. 13CR4239
Honorable Eric M. Johnson, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Thomas James White,

Defendant-Appellant.

ORDER AFFIRMED

Division II
Opinion by JUDGE GROVE
Fox and Sullivan, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0695
Douglas County District Court No. 20DR30951
Honorable Robert Lung, Judge

In re the Marriage of

Christopher M. Worley,

Appellee,

and

Sonya L. Ferriere,

Appellant.

JUDGMENT AFFIRMED IN PART, REVERSED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division I
Opinion by JUDGE SCHOCK
J. Jones and Welling, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0902
Board of Assessment Appeals Nos. 68920 & 68966

Joe B. Neuhoff Family Partnership, Ltd.,

Petitioner-Appellee,

v.

Eagle County Board of Equalization; and Eagle County Board of
Commissioners,

Respondents-Appellants,

and

Board of Assessment Appeals,

Appellee.

ORDER AFFIRMED

Division I
Opinion by JUDGE SCHOCK
Welling and Taubman*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0960
Weld County District Court No. 10CR2120
Honorable Allison J. Esser, Judge

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Scott David Walker,

Defendant-Appellant.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
Moultrie and Bernard*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1276
Arapahoe County District Court No. 22CV31657
Honorable Ben L. Leutwyler III, Judge

Pacific Express Stables, LLC, a Colorado limited liability company, and Susan Burns,

Plaintiffs-Appellants,

v.

First American State Bank, a Colorado corporation,

Defendant-Appellee.

JUDGMENT AFFIRMED

Division V
Opinion by JUDGE HARRIS
Brown and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1437
Weld County District Court No. 19DR30512
Honorable Kimberly B. Schutt, Judge

In re the Parental Responsibilities Concerning A.L.L., a Child,
and Concerning Gillean Leslie,
Petitioner,
and
Keegan Guiliano,
Appellant,
and Janette Widhalm and Stephen Widhalm,
Intervenors-Appellees.

ORDER AFFIRMED AND CASE
REMANDED WITH DIRECTIONS

Division V
Opinion by JUDGE BROWN
Harris and Lum, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1631
El Paso County District Court No. 21JV517
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

In the Interest of L.A.M., a Child,

and Concerning S.M.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE TOW
Gomez and Kuhn, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1728
Weld County District Court No. 22CV30728
Honorable Todd Taylor, Judge

Daniel Rodriguez,

Plaintiff-Appellee,

v.

Elite Rooter Denver, Inc., a Colorado corporation; Pratik Patel; and Alfonso Jimenez,

Defendants-Appellants.

ORDERS AFFIRMED AND APPEAL
DISMISSED IN PART

Division IV
Opinion by JUDGE JOHNSON
Navarro and Pawar, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1749
Adams County District Court No. 09DR1707
Honorable Rayna Gokli McIntyre, Judge

In re the Marriage of

Cole Shepard,

Appellant,

and

Page K. Shepard,

Appellee.

ORDER AFFIRMED IN PART AND VACATED IN PART,
AND CASE REMANDED WITH DIRECTIONS

Division VII
Opinion by JUDGE TOW
Gomez and Kuhn, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1954
Weld County District Court No. 21JV703
Honorable W. Troy Hause, Judge

The People of the State of Colorado,

Appellee,

In the Interest of A.F., a Child,

and Concerning C.T. and A.F.,

Appellants.

JUDGMENT AFFIRMED

Division IV
Opinion by JUDGE JOHNSON
Navarro and Pawar, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2064
Mesa County District Court No. 22CV30099
Honorable Matthew D. Barrett, Judge

Board of County Commissioners of the County of Mesa, Colorado,

Plaintiff-Appellee,

v.

Beverly A. Hale, George Hale, and Beverly A. Hale Trust,

Defendants-Appellants.

ORDER AFFIRMED

Division III
Opinion by JUDGE DUNN
Moultrie and Bernard*, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2219
El Paso County District Court No. 23JV30652
Honorable Jessica L. Curtis, Judge

The People of the State of Colorado,

Appellee,

In the Interest of R.R.S., a Child,

and Concerning S.S.,

Appellant.

JUDGMENT AFFIRMED

Division VII
Opinion by JUDGE KUHN
Tow and Gomez, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA2245
Industrial Claim Appeals Office of the State of Colorado
WC No. 5-154-394

Kevin Atencio,

Petitioner,

v.

Industrial Claim Appeals Office of the State of Colorado, Rio Grande County,
and County Workers' Compensation Pool,

Respondents.

ORDER AFFIRMED

Division III
Opinion by JUDGE BERNARD*
Dunn and Moultrie, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 24CA0002
Mesa County District Court No. 23CV30168
Honorable Brian J. Flynn, Judge

Ent Credit Union,

Plaintiff-Appellee,

v.

Sayre & Harris Law, P.L.L.C., a dissolved Colorado limited liability company,

Defendant-Appellant.

JUDGMENT AFFIRMED

Division II
Opinion by JUDGE FOX
Grove and Sullivan, JJ., concur

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

PETITIONS FOR REHEARING

Court of Appeals No. 23CA0481

The People of the State of Colorado,

Plaintiff-Appellee,

v.

Donald Louis Gerle,

Defendant-Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA0997

In re the Marriage of

Tracy Lynn Brookham

Appellee,

and

William Lawrence Derengowski,

Appellant.

Petition for Rehearing DENIED

NOT PUBLISHED PURSUANT TO C.A.R. 35(e)

Court of Appeals No. 23CA1058

In re the Estate of Ramiro Calderon Gonzalez, deceased.

Hortensia M. Villano,

Appellee,

v.

Ramiro G. Calderon,

Appellant.

Petition for Rehearing DENIED

*Sitting by assignment of the Chief Justice under provisions of Colo. Const. art. VI, § 5(3), and § 24-51-1105, C.R.S. 2023.