

**CASE ANNOUNCEMENTS  
COLORADO SUPREME COURT  
MONDAY, FEBRUARY 27, 2017**

"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**

---

---

**[2017 CO 13](#)**

---

---

**[Supreme Court Case No. 16SA193](#)**

*Original Proceeding Pursuant to C.A.R. 21*  
Pitkin County District Court Case No. 13CV30140  
Honorable Christopher G. Seldin, Judge

---

**In Re**

**Plaintiff:**

Richard Goodman,

v.

**Defendants:**

Heritage Builders, Inc., and Ivan Rascon d/b/a American Landscape Company,

**Cross-Claim Plaintiff:**

Heritage Builders, Inc.,

v.

**Cross-Claim Defendant:**

Ivan Rascon d/b/a American Landscape Company,

and

**Third-Party Plaintiff:**

Heritage Builders, Inc.,

v.

**Third-Party Defendants:**

Bluegreen, Inc.; Columbine Landscape Service Company, Inc.; CTL Thompson, Inc.; Loris and Associates, Inc.; S.D. Construction of Aspen, LLC and/or Scott Davis d/b/a SD Construction; Scott A. Lindenau, Architect, P.C. d/b/a Studio B Architects; Summit Roofing, Inc.; TJ Concrete Construction, Inc.; and Welch Excavating, Inc.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

---

---

**Rule Made Absolute**  
*en banc*

CHIEF JUSTICE RICE delivered the Opinion of the Court.

---

---

**[2017 CO 14](#)**

---

---

**[Supreme Court Case No. 15SA340](#)**

*Original Proceeding Pursuant to C.A.R. 21*  
Denver County District Court Case No. 14CV32745  
Honorable Andrew P. McCallin, Judge

---

**In Re**

**Plaintiff:**

Jessica Ferrer,

v.

**Defendants:**

Tesfamariam Okbamicael and Colorado Cab Company, L.L.C.

**Rule Discharged**

*en banc*

JUSTICE MÁRQUEZ delivered the Opinion of the Court.

JUSTICE GABRIEL dissents, and CHIEF JUSTICE RICE and JUSTICE HOOD join the dissent.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

---

---

---

---

[2017 CO 15](#)

---

---

[Supreme Court Case No. 13SC725](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA637

---

**Petitioner:**

Mario Reyna-Abarca,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed in Part and Reversed in Part**

*en banc*

---

\* \* \* \* \*

---

[Supreme Court Case No. 13SC750](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 12CA168

---

**Petitioner/Cross-Respondent:**

Dallas Cameron Hill,

v.

**Respondent/Cross-Petitioner:**

The People of the State of Colorado.

**Judgment Affirmed in Part and Reversed in Part**

*en banc*

---

\* \* \* \* \*

---

[Supreme Court Case No. 14SC3](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA791

---

**Petitioner:**

Jorge Arturo Medrano-Bustamante,

v.

**COLORADO SUPREME COURT CASE ANNOUNCEMENTS**

---

---

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed in Part and Reversed in Part**

*en banc*

---

\* \* \* \* \*

---

**[Supreme Court Case No. 14SC7](#)**

*Certiorari to the Colorado Court of Appeals*

Court of Appeals Case No. 11CA2381

---

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Ruben Charles Smoots.

**Judgment Affirmed**

*en banc*

**JUSTICE GABRIEL** delivered the Opinion of the Court.

**JUSTICE COATS** concurs in part and dissents in part, and **JUSTICE EID** and **JUSTICE BOATRIGHT** join in the concurrence in part and dissent in part.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

---

---

---

---

[2017 CO 16](#)

---

---

[Supreme Court Case No. 12SC966](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 08CA2327

---

**Petitioner:**

William Costello Scott,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed**

*en banc*

JUSTICE GABRIEL delivered the Opinion of the Court.

---

---

[2017 CO 17](#)

---

---

[Supreme Court Case No. 13SC480](#)  
*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 11CA1939

---

**Petitioner:**

Vanessa Ann Zubiato,

v.

**Respondent:**

The People of the State of Colorado.

**Judgment Affirmed**

*en banc*

JUSTICE GABRIEL delivered the Opinion of the Court.

JUSTICE COATS concurs in the judgment, and JUSTICE EID and JUSTICE BOATRIGHT join in the concurrence in the judgment.

COLORADO SUPREME COURT CASE ANNOUNCEMENTS

---

---

[2017 CO 18](#)

---

---

[Supreme Court Case No. 14SC25](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 10CA1207

---

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Michelle L. Zadra.

**Judgment Affirmed**

*en banc*

---

\* \* \* \* \*

---

[Supreme Court Case No. 15SC262](#)

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 12CA339

---

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Cornell L. Adams.

**Judgment Affirmed**

*en banc*

JUSTICE GABRIEL delivered the Opinion of the Court.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**PETITIONS FOR REHEARING**

---

---

**[2017 CO 10M](#)**

---

---

**[Supreme Court Case No. 12SC102](#)**

*Certiorari to the Colorado Court of Appeals*  
Court of Appeals Case No. 08CA1884

---

**Petitioner:**

Anthony Edwin Marsh,

v.

**Respondent:**

The People of the State of Colorado.

**Opinion modified, and as modified, Petition for Rehearing DENIED. EN BANC.**  
**JUSTICE GABRIEL** and **JUSTICE MÁRQUEZ** would grant.  
**JUSTICE HOOD** does not participate.

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**GRANTED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC305, Court of Appeals Case Nos. 14CA1483 & 15CA216**

**Petitioners:**

Rocky Mountain Exploration, Inc. and RMEI Bakken Joint Venture Group,

v.

**Respondents:**

Davis Graham & Stubbs LLP and Gregory Danielson.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether a seller may avoid a contract for fraud when any combination of words, conduct, and omissions by the buyer and buyer’s purported attorney intentionally creates the false impression that the buyer is not acting for an undisclosed principal with whom the buyer and attorney know the seller would not deal.

Whether a buyer’s assignment clause notifies a seller, as a matter of law, that the buyer is acting for an undisclosed principal.

Whether, where a form agreement commonly used in oil and gas well drilling operations disclaims a partnership among the well’s investors and operator, that form, as a matter of law, negates every other preexisting joint venture among its parties.

Whether the seller stated affirmative misrepresentation claims against a law firm for falsely acting as if it represented the buyer when the law firm actually represented the buyer’s undisclosed principal with whom the seller would not deal.

Whether a party can avoid a contract based on fraud occurring after the contract has been executed but before it has closed.

---



*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 16SC721, Court of Appeals Case No. 15CA485**

**Petitioner:**

Francis Ybarra,

v.

**Respondent:**

Greenberg & Sada, P.C., a Colorado Corporation.

Petition for Writ of Certiorari GRANTED. EN BANC.

Whether the court of appeals erred in holding that that an insurance subrogation claim made against an individual is not a “debt” under the Colorado Fair Debt Collection Practices Act, sections 12-14-101 to -137, C.R.S. (2016).

**DENIED PETITIONS FOR WRIT OF CERTIORARI**

**No. 16SC582, Court of Appeals Case No. 13CA1736**

**Petitioner:**

Justin Triplett,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 16SC636, District Court, City and County of Denver, Case No. 15CV30967**

**Petitioner:**

Kevin Paschke,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 16SC664, Court of Appeals Case No. 14CA1995**

**Petitioner:**

The People of the State of Colorado,

v.

**Respondent:**

Charles Anthony Gross.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 16SC717, Court of Appeals Case No. 15CA101**

**Petitioner:**

Amadeus Harlan,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE HOOD does not participate.

---

**No. 16SC773, Court of Appeals Case No. 13CA1175**

**Petitioner:**

David Michael Thomas,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

JUSTICE MÁRQUEZ does not participate.

---

**No. 16SC807, Court of Appeals Case No. 15CA427**

**Petitioner:**

Rafael A. Sanchez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

*COLORADO SUPREME COURT CASE ANNOUNCEMENTS*

---

---

**No. 16SC831, Court of Appeals Case No. 15CA556**

**Petitioner:**

Douglas Everett Jacobsen,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 16SC833, Court of Appeals Case No. 13CA1876**

**Petitioner:**

Adam Lee Martinez,

v.

**Respondent:**

The People of the State of Colorado.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 16SC857, Court of Appeals Case No. 15CA1568**

**Petitioner:**

Paul Lorenzo Sotello,

v.

**Respondent:**

Jon Pankau.

Petition for Writ of Certiorari DENIED. EN BANC.

---

**No. 16SC901, Court of Appeals Case No. 15CA726**

**Petitioner:**

Olivia Jean Muse Brown,

v.

**Respondent:**

Ian Daniel Muse.

Petition for Writ of Certiorari DENIED. EN BANC.

---