Supreme Court, State Of Colorado 2 East 14th Ave Denver, CO 80203 (720) 625-5150	
On Certiorari To The Colorado Court Of Appeals Colorado Court Of Appeals Case No: **2025CA327**	
WILLIAM MONTGOMERY Plaintiff / Petitioner-Appellant vs. **BEST BUY STORES, L.P.** Defendant / Respondent-Appellee	▲ Court Use Only ▲
Party Without Attorney: **William Montgomery** 2443 S University Blvd # 129 Denver, CO 80210 (970) 412-5463 *zoinbergs@gmail.com*	Colorado Supreme Court Case No: **2026SC236** Colorado Court Of Appeals Case No: **2025CA327** Jefferson County District Court Case No: **2023CV226**
PETITION FOR WRIT OF CERTIORARI	

Plaintiff, proceeding *pro se*, respectfully submits to the Colorado Supreme Court the following PETITION FOR WRIT OF CERTIORARI, and in support thereof, states as follows:

CERTIFICATE OF COMPLIANCE

I hereby certify that this PETITION complies with all the requirements of C.A.R. 32 and 53, including all formatting requirements set forth in these rules.

Specifically, I certify that this PETITION contains **3,800** words, which does not exceed the 3,800 word limit allowed by the rules.

William Montgomery

William Montgomery

TABLE OF CONTENTS

TABLE OF AUTHORITIES

COLORADO CASES

FEDERAL CASES

RULES AND STATUTES

ISSUES PRESENTED FOR REVIEW

1. Whether a court may grant summary judgment based on evidence introduced for the first time in a reply brief **absent** the non-movant's filing of a motion to strike or request for surreply, thereby imposing a strict forfeiture rule in direct, **irreconcilable** conflict with *Amada Family Ltd. Partnership v. Pomeroy.*

2. Whether a court may conflate independent motions for summary judgment by treating one party's reply as a **surrogate surreply** to the opposing party's reply, in direct conflict with the separation mandates of *Morlan* and *Central Bank*.

3. Whether a court may characterize procedural challenges to the movant's burden of proof as **factual** "denials" sufficient to permit the movant's belated introduction of "rebuttal" evidence in a reply brief, thereby relieving the movant of its initial evidentiary burden under C.R.C.P. 56.

4. Whether a court may deem an issue properly "raised" when the movant merely discusses a **bare topic** without submitting supporting evidence, in direct conflict with the non-conclusory mandate of *Suncor.*

5. Whether a court may accept mutually irreconcilable evidence as simultaneously true, invert foundation burdens, draw merely colorable inferences against the non-movant, and dismiss sworn affidavit testimony and corroborating body camera footage as "self-serving speculation"—**all in violation** of C.R.C.P. 56.

OPINION FROM WHICH RELIEF IS SOUGHT

The Colorado Court Of Appeals issued an Opinion in Case No. **2025CA327** affirming the District Court's granting of Defendant's MSJ and simultaneous denying of Plaintiff's Cross-MSJ. Plaintiff filed a Petition For Rehearing, which was denied. The Court Of Appeals' Opinion and the Order denying the Petition For Rehearing are attached to this Petition For Writ Of Certiorari.

BASIS OF JURISDICTION

This Court has jurisdiction pursuant to C.R.S. § 13-4-108 and C.A.R. 49. The Court Of Appeals entered its Opinion on February 19, 2026. Plaintiff timely filed a Petition For Rehearing, which was denied on March 26, 2026. The deadline to file a Petition For Writ Of Certiorari was April 23, 2026. This Court granted a 35-day extension, making the new deadline May 28, 2026. This Petition is timely filed.

REFERENCE TO PENDING CASES WITH THE SAME LEGAL ISSUES

Plaintiff is unaware of any pending cases with the same or similar legal issues.

STATEMENT OF THE CASE

On November 25, 2022, Plaintiff visited a Best Buy store in Westminster, Colorado. He entered, walked directly to returns, realized he brought merchandise from another store, and immediately exited without making any purchase. Three Best Buy employees later surrounded and detained him outside, accusing him of theft. During the twelve-minute detention, employees repeatedly demanded that Plaintiff show what he held and empty his pockets. *Case File ("CF") at 640.* The employees claimed that police had been called—yet none were, a fact undisputed by Defendant. *CF at 615, 651 ¶ 44.*

Critically, employees never identified what Plaintiff possessed. The video shows they stated: "I want what's in your pocket, too."; "What do you even got in there?"; "Just give it to me, and you can leave."; "You'll have zero problems if you hand me what's in your pocket, and what's in your coat." *Plaintiff's Bodycam ("PBC") at 0:28, 7:58, 10:22, 10:48.* Plaintiff's brother, David—an authorized user of Plaintiff's credit card—made a purchase at **2:20pm** using Plaintiff's Best Buy account. *CF at 758.* Plaintiff was not inside the store at that time and did not make any purchase. *PBC at 0:00 (**2:19pm**).*

On July 25, 2024, Defendant filed a MSJ containing **no** affidavits and **no** business records—only **conclusory** arguments that Plaintiff "intentionally

concealed merchandise," "left the Best Buy store with merchandise," and "took Best Buy inventory." *CF at 234, 236, 237.* Defendant *itself* admitted uncertainty, stating: "***If*** in fact, Plaintiff purchased items at Best Buy, he could simply comply with the request to show his receipt. It is ***presumed*** Plaintiff had such proof, because ***if*** he did not have proof of purchase..." *CF at 233.*

On September 19, 2024, Plaintiff filed his Response to Defendant's MSJ and his own Cross-MSJ, supported by his sworn affidavit, body camera footage, and police records. *CF at 640.*

On October 10, 2024—**only in its MSJ reply**—Defendant introduced for the first time: (1) business records (receipts) without a custodian affidavit, and (2) a manager's affidavit. *CF at 729, 741, 779–780.* Plaintiff was procedurally barred from filing a surreply under C.R.C.P. 121 § 1-15(1)(a).

On November 19, 2024, the District Court granted Defendant's MSJ, explicitly relying on the reply-only evidence, and falsely stating: "Defendant has submitted a Best Buy receipt . . . satisfying its initial burden as the movant." *CF at 881.* **This statement was materially false**—Defendant submitted no such evidence.

On February 19, 2026, the Court Of Appeals affirmed, holding: (1) the District Court properly "considered all briefs and exhibits in connection with both parties' motions together"; (2) because Plaintiff filed no motion to strike or request for

surreply, he forfeited objections to reply-only evidence; (3) the reply-only evidence was proper "rebuttal" to "Montgomery's various denials"; and (4) Defendant's MSJ "put Montgomery on notice" by "specifically claiming" facts, despite there being no submission of evidence by Defendant to substantiate those facts with.

On March 26, 2026, Plaintiff's Petition For Rehearing was summarily denied.

SPECIAL AND IMPORTANT REASONS FOR GRANTING THE WRIT

*All issues were **preserved** below,*
*and all are reviewed **de novo**.*

Certiorari is imperative for this Court to exercise its supervisory authority under C.A.R. 49 to resolve a pure diametric split within the Court of Appeals and halt the systemic erosion of summary judgment practice for civil litigants statewide.

This diametric split is only the first of four profound departures from established law. The Panel further eroded procedural fairness by (2) conflating independent cross-motions in violation of *Morlan* and *Central Bank*, (3) mischaracterizing procedural objections as factual "denials" to permit belated "rebuttal" evidence in violation of C.R.C.P. 56, and (4) allowing conclusory assertions to substitute for actual evidence in violation of *Suncor*.

I. THE PANEL DEPARTED FROM FUNDAMENTAL SUMMARY JUDGMENT RULES BY CREATING A STRICT, UNCODIFIED PROCEDURAL TRAP

a. The Panel Imposed A New Forfeiture Rule In Direct, Irreconcilable Conflict With *Amada*

The Panel held that Plaintiff forfeited all objections to Best Buy's reply-only evidence by failing to file a motion to strike or request for surreply before the District Court entered summary judgment. *Opinion at ¶ 34.* This uncodified forfeiture rule does not merely lack foundation in Colorado law; it places this division in direct, diametric conflict with the division in *Amada Family Ltd. Partnership v. Pomeroy,* 2021 COA 73.

The baseline rule is that a movant cannot ambush a non-movant with new arguments or evidence in a reply brief. As established in *Wallman v. Kelley,* 976 P.2d 330, 332 (Colo. App. 1999): "An issue not raised by the moving party in the motion or brief cannot serve as the basis for summary judgment because the non-moving party is not put on notice as to the need to present evidence concerning that issue."

Critically, *Wallman* **did not condition** this protection on the non-movant's preemptive filing of motions to strike or requests for surreply. This is because the protection is structural and cannot be cured retroactively through discretionary motions the non-movant may or may not know to file; the C.R.C.P. 56 framework assumes movants will comply with *Wallman* from the outset. In other words, a non-

movant **cannot "waive"** a movant into satisfying its initial evidentiary threshold, because an unsupported opening motion demands denial *even if the non-movant stands completely silent. See People v. Hernandez & Assocs., Inc.,* 736 P.2d 1238 (Colo. App. 1986) ("Although it may be perilous for the party opposing summary judgment not to file a responsive affidavit... election not to do so does not relieve the moving party of its burden to establish that summary judgment is appropriate."); *see also Wolther v. Schaarschmidt,* 738 P.2d 25 (Colo. App. 1986) (same).

Amada expressly forecloses this exact forfeiture trap. The *Amada* panel faced the identical procedural question presented here: whether a litigant forfeits an objection to a summary judgment reply brief ambush by failing to preserve it before the trial court. The *Amada* panel explicitly rejected forfeiture, holding: "We disagree. [The non-movants] had no opportunity to raise the issue because [the movant] did not make arguments... until it replied to the [non-movants'] response to its motion for summary judgment. Although we normally do not consider unpreserved issues in civil cases... here, we elect to do so." 2021 COA 73, ¶ 42 (internal citation omitted).

By holding that Plaintiff in this case *did* forfeit his objection by failing to file a motion to strike or request for surreply, the Panel issued a ruling in pure diametric conflict with *Amada*. A litigant cannot simultaneously be *excused* from

objecting because they "had no opportunity" (*Amada*), yet *penalized* for failing to **create** that very opportunity (the Panel). These two procedural rules are mutually exclusive. Trial courts cannot apply both regimes at once. To restore the uniform application of C.R.C.P. 56, this Court must resolve the split.

b. The Panel Departed From *Morlan* And *Central Bank* By Conflating Independent Motions

Compounding this error, the Panel departed from Colorado law mandating that cross-motions for summary judgment "be considered and ruled upon separately." *Morlan v. Durland Trust Co.*, 127 Colo. 5, 252 P.2d 98 (1952). "Each motion, together with evidentiary matters tendered in support thereof, must stand on its own and cannot be aided by the motion of the opposing party." *Central Bank & Trust Co. v. Robinson,* 137 Colo. 409, 326 P.2d 82 (1958). Under this rule, "concessions" made for a cross-motion "terminate" once that motion is overruled and cannot "carry over" into the opposing motion, which must be "completely unsupported by anything except such as it had itself placed in the record." *Morlan,* 252 P.2d at 101.

The Panel flatly disregarded these established principles. It held that the District Court properly "considered all briefs and exhibits in connection with both parties' motions together," because Plaintiff "had the opportunity to respond to the affidavit and receipts when he submitted his reply in support of his cross-motion for summary judgment." *Opinion at ¶ 36.*

This creates an impossible structural conflict. A Cross-MSJ reply asserts that *no genuine dispute of fact exists*—the very "admission of facts" *Morlan* describes that "terminate." Yet the Panel requires this pleading to now serve a **contradictory** dual function: arguing that *no* dispute exists (for Plaintiff's Cross-MSJ) while simultaneously *creating* disputes (as a surreply to Defendant's MSJ). Structurally, a single document cannot do both.

Fundamentally, had Plaintiff not filed a Cross-MSJ, Defendant's MSJ would have to "stand on its own" evidence—exactly as *Morlan* requires. By **penalizing** Plaintiff for invoking procedural rights, the Panel's rule allows movants to file evidence-free opening briefs, then introduce evidence only in reply, all while the court treats the non-movant's cross-motion reply as a **surrogate surreply**. This renders the movant's initial C.R.C.P. 56 burden **illusory** while forcing the non-movant to defend against unanticipated arguments in an incompatible procedural vehicle.

c. The Panel Permitted "Rebuttal" Evidence Based On Burden-Of-Proof Arguments, Not Actual Denials

Further nullifying the movant's burden, the Panel held that Defendant's MSJ reply-only evidence was proper "rebuttal" because it merely "responded to Montgomery's various denials—about exiting the store, having merchandise, and having a receipt." *Opinion at ¶ 35.* **Plaintiff made no such factual denials.**

In his Response to Defendant's MSJ, Plaintiff argued that it provided no

"tangible, admissible evidence" of a receipt or stolen merchandise, offering only "conclusory statements" unsupported by "actual independent evidence." *CF at 645, 667.* These are **burden-of-proof arguments**, not factual denials. Plaintiff was pointing out that Defendant had not carried its initial burden under C.R.C.P. 56. A non-movant has no obligation to present contrary evidence until the movant satisfies that threshold burden.

The Panel itself conceded that Plaintiff made no factual denials, stating: "Montgomery 'does not deny having a receipt at the time of the incident.'"; "Montgomery provided no contrary evidence about his actions inside the store." *Opinion at ¶¶ 14, 15.* The Panel cannot have it both ways: either Plaintiff provided "no contrary evidence" and made "no denials"—in which case Defendant's reply-only evidence was not rebuttal, *but a belated attempt to satisfy its initial burden*—or Plaintiff made denials. But if the latter were true, those denials would *themselves* have created a genuine dispute of material fact, satisfying Plaintiff's burden as the non-movant and independently requiring denial of Defendant's MSJ. The Panel's own words thus lead inescapably to the same conclusion either way: **Defendant's MSJ should have been denied**.

By permitting Defendant to introduce foundational evidence for the first time in reply, then classifying it "rebuttal," the Panel **nullified** the movant's initial

burden. Under this rule, movants may **bootstrap** their way past *Wallman* by making unsupported factual assertions in their opening briefs, characterizing the non-movant's procedural objections as factual "denials," and then submitting the missing evidence in reply under the guise of "rebuttal." This inverts C.R.C.P. 56's burden structure and rewards strategic **sandbagging**.

d. The Panel Redefined "Raising An Issue" To Mean *Topic* Discussion Without Evidence

Finally, the Panel held that Defendant's MSJ "put Montgomery on notice" because it "raised the shopkeeper's privilege and specifically claimed that he exited the store with merchandise, refused to show a receipt, and was suspected of theft." *Opinion at ¶ 35.* This holding directly contravenes the established principle that "a conclusory statement made without supporting documentation or testimony is insufficient to create an issue of material fact." *Suncor Energy (U.S.A.), Inc. v. Aspen Petroleum Products, Inc.,* 178 P.3d 1263 (Colo. App. 2008).

Defendant's MSJ contained **no** affidavits or business records—only **bare** assertions. Defendant explicitly admitted uncertainty, stating "It is *presumed* Plaintiff had such proof [of purchase], because *if* he did not..." *CF at 233.* The words "presumed" and "if" confirm that Defendant was *offering speculation* rather than presenting evidence.

Suncor holds that no matter how "specifically claimed" a statement is, it is

legally insufficient to "raise" an issue **without supporting evidence**. *Id. at 1269.* The Panel's rule eviscerates this protection: if conclusory statements in opening briefs can serve as *placeholder allegations*, movants may file skeletal opening briefs that act as *mere drafts*, finalizing them with evidence in reply by using the non-movant's response as a roadmap to cure their own deficiencies. This renders the initial burden under **meaningless**, collapsing summary judgment from a traditionally front-loaded procedure into back-and-forth discovery process where the movant gets to belatedly satisfy its burden of production.

e. These Deviations Warrant Review Under C.A.R. 49

Review is warranted under C.A.R. 49 because the Panel's decision creates a diametric split with *Amada*, flatly conflicts with *Morlan* and *Suncor*, and so far departs from the accepted and usual course of judicial proceedings as to call for the exercise of this Court's power of supervision.

First, the magnitude and systemic nature of the Panel's departures—from *Amada*, *Wallman*, *Morlan*, *Central Bank*, *Suncor,* and fundamental summary judgment principles—require correction despite the opinion's unpublished status. Second, the judgment has already been weaponized against Plaintiff by sister District Courts, creating a *de facto* precedent threatening his access to justice. Third, the issues presented—regarding cross-motion conflation, objection

forfeiture, reply-only evidence, conclusory assertions, and burden-shifting at summary judgment—are of recurring statewide significance. This case provides a clean vehicle with preserved issues and a fully-developed record for this Court to provide needed clarification. Finally, the Panel wholly subverted the bedrock standard that courts "should not deny a litigant a trial where there is the slightest doubt as to the facts." *Smith v. Mills,* 123 Colo. 11, 225 P.2d 483 (1950).

II. THE PANEL'S FACTUAL CONCLUSIONS COMPOUNDED ITS LEGAL VIOLATIONS

a. The Panel Did Not Address The Contradiction Between The Affidavit And The Receipt

The manager's affidavit claims he "observed [Plaintiff] remove two boxes of JLab headphones/earbuds from the shelf, place them in his pocket and **immediately leave** the Best Buy Store." *CF at 780 ¶ 4.* Yet, Defendant's proffered receipt purportedly shows Plaintiff making a purchase at **2:20pm**—one minute *after* his **2:19pm** detention shown on body camera. *CF at 758; PBC at 0:00.* As Plaintiff argued, this contradiction is cleanly resolved by the factual reality: "Plaintiff *didn't* steal, and *his brother* made the associated purchase that day." *Opening Brief at 16, footnote 4.*

If Plaintiff stole and "immediately" left, there was no time for a purchase. If he made a purchase and "immediately" left, the theft observation is impossible.

Both cannot be true simultaneously. The Panel did not address this contradiction. Under *Scott v. Harris*, 550 U.S. 372, 380 (2007), courts cannot adopt a factual version that is "blatantly contradicted by the record." Here, Defendant's *own* two pieces of evidence irreconcilably contradict *each other*—and Plaintiff's body camera footage—yet the Panel concurrently adopted ***both*** as true, instead of properly denying Defendant's MSJ.

b. The Panel Concluded That The Receipt Was Admissible For Its "Effect On The Listener"

The Panel held that the receipt was admissible for its mere "effect on the listener" rather than for the truth of its contents. *Opinion at ¶ 26.* This rationale fails because the District Court explicitly used the receipt to prove the *substantive* truth of **three specific assertions**: (1) *Plaintiff* made a particular purchase, (2) that purchase *was a Chromecast with Google TV*, and (3) Plaintiff therefore could have shown ***the associated receipt*** to end his detention. *CF at 878, 881, 882.* Using a receipt to prove that a *specific* transaction occurred implicates hearsay rules. As *United States v. Watkins*, 519 F.2d 294, 296 (D.C. Cir. 1975) held, "it is a matter of horn-book law that receipts are hearsay as independent evidence of the making of payment."

c. The Panel Misapplied Evidentiary Rules By Shifting The Foundation Burden

The Panel held that Plaintiff "failed to show that the receipt was not generated

automatically by a computer without human input," thus failing to establish it was hearsay. *Opinion at ¶ 29.* This impermissibly shifts the evidentiary burden.

Under *People v. Hamilton,* 2019 COA 101, 452 P.3d 184 (Colo. App. 2019), "[a] computer-generated record constitutes hearsay, however, when its creation involves human input or interpretation." Furthermore, the *proponent* "must lay a sufficient foundation to establish that the machine's results are valid and reliable."

Therefore, **Defendant** bore the burden to establish *both* that the receipt lacked human input, *and* that the system was reliable. **It established neither.** Here, an employee scanned items, entered account information, and processed payment—classic human input rendering the receipt hearsay. *See United States v. Cestnik*, 36 F.3d 904, 907 (10th Cir. 1994).

By assuming computer-printed receipts are inherently reliable and non-hearsay, while forcing Plaintiff to prove the **negative**, the Panel created an unworkable rule allowing parties to bypass foundational evidentiary requirements statewide.

d. The Panel Accepted The Inference That *Plaintiff* Made The Purchase

The Panel held that the receipt constituted "proof" that *Plaintiff* made the purchase. *Opinion at ¶ 14.* However, a receipt reflects **only** that *a linked account* is charged; Best Buy records purchases under the account holder's name **regardless of who presents the card**. *CF at 831 ¶ 3.* Here, Plaintiff's

brother—an authorized user—made the purchase. As Plaintiff argued, a receipt tied to an account "only establishes that *some* person made that purchase, not actually *who* made it." *CF at 801.*

Without direct evidence identifying the physical purchaser, the Panel's cardholder-equals-purchaser assumption is **"[m]erely colorable"** and thus insufficient to support, let alone preclude, summary judgment. *Anderson v. Liberty Lobby, Inc.,* 477 U.S. 242, 249 (1986).

e. The Panel Dismissed Sworn Testimony And Video As Self-Serving Speculation

The Panel dismissed Plaintiff's sworn affidavit—that he never concealed anything, used pockets, or met employees inside—as "self-serving" "speculation." *Opinion at ¶¶ 41, 45.* But a party's sworn testimony about personal actions is competent evidence. Their inherent "self-serving" nature neither renders affidavits inadmissible nor diminishes their weight at summary judgment.

Furthermore, Plaintiff's body camera footage—capturing the **manager's** contradictions, focus on *hands* over *pockets* (31 mentions vs. 3), and failure to claim personal observation of theft—is also **objective** evidence. Courts must credit video contradicting party accounts. *Scott v. Harris,* 550 U.S. at 380-81. By failing to do so, the Panel impermissibly weighed evidence, assessed credibility, and resolved facts in Defendant's favor—all **impermissible** at summary judgment.

III. GRAVE CONSEQUENCES NECESSITATE SUPREME COURT REVIEW

a. Plaintiff Faces Financial Ruin And Loss Of Court Access

Following the Panel's affirmance, Defendant may be awarded **$36,124.50** in attorney fees (Appeal No. **2025CA1351**). Plaintiff—who receives SNAP benefits and resides in an RV due to disabling medical conditions—cannot pay this sum.

Moreover, such prejudice now extends beyond this single action. Plaintiff's action in Case No. **2024CV242** (Appeal No. **2025CA2317**) was dismissed because of the judgment entered in this case, and Plaintiff's IFP status was likewise revoked in Case No. **2024CV132**, requiring payment of filing fees despite severe hardship. Now, in Case No. **2024CV241**, another defendant is actively weaponizing the Panel's ruling to demand dismissal, openly asserting: "the Colorado Supreme Court has refused to take up any of his claims."

Denying certiorari would therefore cement not only **financial ruin**, but **continuing collateral consequences** that impair Plaintiff's access to the courts based on procedural errors that denied him a fair opportunity to litigate this case.

b. The Panel's Precedent Threatens Access To Courts For All *Pro Se* Litigants

Pro se litigants—who comprise the majority of civil plaintiffs in Colorado—are particularly vulnerable to the Panel's rules. They lack legal training to

anticipate uncodified forfeiture traps requiring protective motions, or resources to preemptively **refute** every conceivable claim a movant might later support. They also lack procedural sophistication to **navigate** a system where filing a cross-motion is *weaponized* against them as a *backdoor surreply.*

Left standing, well-resourced defendants will adopt this playbook for a **judicially sanctioned ambush**: file evidence-free opening briefs, review the plaintiff's arguments, introduce evidence only in reply, then claim "rebuttal" and forfeiture to any later objection. *Pro se* plaintiffs will lose not because their claims lack merit, but because they cannot navigate this procedural labyrinth—a result antithetical to Colorado's commitment to deciding cases on their merits.

CONCLUSION

The Court Of Appeals' decision fundamentally departs from established Colorado summary judgment law. It conflicts with multiple controlling precedents, creates procedural requirements unsupported by authority, alters the movant's initial burden under C.R.C.P. 56, and redefines what it means to "raise" an issue in a summary judgment motion. It compounds these legal errors factually—embracing irreconcilable contradictions, mischaracterizing hearsay, inverting foundation burdens, crediting speculation, and dismissing competent sworn testimony as "self-serving."

These errors not only carry immediate, irreparable consequences for Plaintiff, they threaten fundamental procedural protections for every future litigant in Colorado.

WHEREFORE, Plaintiff respectfully requests that this Court **GRANT** this Petition For Writ Of Certiorari, **REVERSE** the Court Of Appeals' decision, and **REMAND** with instructions to **DENY** Defendant's MSJ and **GRANT** Plaintiff's Cross-MSJ, or, alternatively, **REMAND** for trial.

Respectfully submitted on this, the 28th day of May, 2026.

William Montgomery
2443 S University Blvd # 129
Denver, CO 80210
(970) 412-5463
zoinbergs@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this, the 28th day of May, 2026, the foregoing **PETITION FOR WRIT OF CERTIORARI** was filed with the Court, and a true and correct copy of it was electronically sent to the following people:

Lori K. Bell
Sarah K. Vogel
Montgomery | Amatuzio
720 S Colorado Blvd, Suite 1200-N
Denver, CO 80246
T: (303) 592-6600
F: (303) 592-6666
lbell@mac-legal.com
svogel@mac-legal.com

Attorneys for Defendant


William Montgomery

APPENDIX

The **February 19, 2026 Opinion** issued by the Colorado Court Of Appeals in Case No. **2025CA327** and the **March 26, 2026 Order** denying Plaintiff's Petition For Rehearing in the case are filed as an attachment to this pleading.