

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-1776	FILED Document CO Boulder County District Court 20th JD Filing Date: Feb 26 2008 11:39AM MST Filing ID: 18750893 Review Clerk: N/A ▲ COURT USE ONLY ▲
PLAINTIFF: AMI SADLER; COMPASSION & CHOICES; COMPASSION & CHOICES OF COLORADO; and STEPHEN KREBS, M.D. vs. DEFENDANTS: COMMUNITY FIRST FOUNDATION f/k/a LUTHERAN MEDICAL CENTER FOUNDATION; SISTERS OF CHARITY OF LEAVENWORTH HEALTH SYSTEMS, INC., in its corporate capacity and in its trade dress of EXEMPLA LUTHERAN MEDICAL CENTER; EXEMPLA GOOD SAMARITAN MEDICAL CENTER LLC; KAISER HOSPITAL ASSET MANAGEMENT, INC.,; and KAISER FOUNDATION HEALTH PLAN OF COLORADO	
	Case Number: 07CV1113 Division: 2 Courtroom: K
RULING AND ORDER REGARDING DEFENDANT SISTERS OF CHARITY LEAVENWORTH, INC.'S MOTION TO DISMISS PLAINTIFFS' FIRST AND SECOND CLAIM FOR RELIEF	

This matter comes before the Court on Defendant Sisters of Charity Leavenworth, Inc.'s Motion for to Dismiss Plaintiffs' First and Second Claim for Relief. Having carefully considered the briefs, exhibits and applicable law, the Court enters the following Ruling and Order.

I. MERITS

Defendant Sisters of Charity Leavenworth Inc. filed their Motion to Dismiss Plaintiffs' First and Second Claim for Relief on January 18, 2008. C.R.C.P 121 §1-15 allows the responding party 15 days in which to file a response. As of February 22, 2008, no response has been filed by the Plaintiff, nor have they requested an extension of time in which to file their response. C.R.C.P §1-15 (3) states that failure of a responding party to file a responsive brief may be considered a confession of the motion.

II. RULING AND ORDER

Having received no responsive pleading from the Plaintiff, Defendant's Motion to Dismiss Plaintiffs' First and Second Claim for Relief is considered to be confessed by Plaintiff and these claims are DISMISSED.

July 25, 2008
Date

BY THE COURT

A handwritten signature in black ink, appearing to read "Morris W. Sandstead Jr.", written over a horizontal line.

Morris W. Sandstead Jr.
District Court Judge