

District Court, Boulder County, State of Colorado 1777 Sixth Street, Boulder, Colorado 80302 (303) 441-1776	<b>FILED Document</b> <b>CO Boulder County District Court 20th JB</b> <b>Filing Date: Feb 26 2008 11:42AM MST</b> <b>Filing ID: 18751000</b> <b>Review Clerk: N/A</b>
<b>PLAINTIFF:</b> AMI SADLER; COMPASSION & CHOICES; COMPASSION & CHOICES OF COLORADO; and STEPHEN KREBS, M.D.  vs.  <b>DEFENDANTS:</b> 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
<b>RULING AND ORDER REGARDING DEFENDANT SISTERS OF CHARITY          LEAVENWORTH, INC.'S MOTION TO DISMISS PLAINTIFFS' FIRST AND SECOND          CLAIM FOR RELIEF</b>	

This matter comes before the Court on Defendant Community First Foundation's Motion to Dismiss for Lack of Standing and Failure to State a Claim on Which Relief May Be Granted. Having carefully considered the briefs, exhibits and applicable law, the Court enters the following Ruling and Order.

### I. MERITS

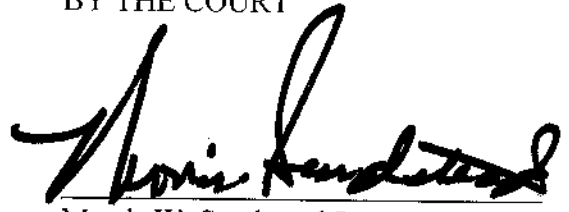
Defendant Community First Foundation's Motion to Dismiss for Lack of Standing and Failure to State a Claim on Which Relief May Be Granted was filed on January 18, 2008. C.R.C.P 121 §1-15 allows the responding party 15 days in which to file a response. As of February 22, 2008, no response has been filed 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 for Lack of Standing and Failure to State a Claim on Which Relief May Be Granted is considered to be confessed by Plaintiff and the Motion is GRANTED.

July 25, 2008  
Date

BY THE COURT



Morris W. Sandstead Jr.  
District Court Judge