

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-03179-REB-MJW

CORINNA PINA-BELMAREZ,

Plaintiff,

v.

THE BOARD OF COUNTY COMMISSIONERS OF WELD COUNTY, COLORADO,
THE OFFICE OF THE WELD COUNTY CORONER/MEDICAL EXAMINER,
PATRICK C. ALLEN, M.D., in his individual capacity,
MARK WARD, in his individual capacity,
and
JAMES A. WILKERSON IV, M.D., in his individual capacity,

Defendants.

FINAL JUDGMENT

Pursuant to Fed. R. Civ. P. 58(a), and the orders entered in this case, **Final Judgment** is entered.

A. Pursuant to the **Order Re: Motion for Partial Dismissal of Claims** [#39] entered by Judge Robert E. Blackburn on July 19, 2012, which order is incorporated by reference,

IT IS ORDERED as follows:

1. That defendants' **Motion for Partial Dismissal of Claims** [#15], filed January 30, 2012, is **GRANTED IN PART** and **DENIED IN PART** as follows:

a. That the motion is **GRANTED** with respect to

(1) The First, Second, Fifth, Seventh, Eleventh, and Thirteenth (mis-designated as Eleventh, alleging violation of the Equal Protection Clause)

Claims for Relief set forth in plaintiff's **Complaint and Demand for Jury Trial** [#1] filed December 7, 2011, which claims are **DISMISSED WITHOUT PREJUDICE**;

(2) The Ninth Claim for Relief as set forth in plaintiff's **Complaint and Demand for Jury Trial** [#1] filed December 7, 2011, insofar as it asserts a claim for interference with plaintiff's rights under the Family and Medical Leave Act, which claim is **DISMISSED WITHOUT PREJUDICE**;

(3) The Sixth and Tenth Claims for Relief as set forth in plaintiff's **Complaint and Demand for Jury Trial** [#1] filed December 7, 2011, as against the Board of County Commissioners of Weld County, Colorado, and the Office of the Weld County Coroner/Medical Examiner only, which claims are **DISMISSED WITH PREJUDICE**;

(4) The Fourth Claim for Relief as set forth in plaintiff's **Complaint and Demand for Jury Trial** [#1] filed December 7, 2011, which claim is **DISMISSED WITH PREJUDICE**;

(5) Plaintiff's Third Claim for Relief as against defendants Patrick C. Allen, M.D., in his individual capacity, and James A. Wilkerson IV, M.D., in his individual capacity, only, which claims are **DISMISSED WITHOUT PREJUDICE**; and

b. That in all other respects, the motion is **DENIED**.

B. Pursuant to the oral order entered in open court by Judge Robert E. Blackburn on January 30, 2013, as reflected in the courtroom minutes [#74], which order is incorporated by reference,

IT IS ORDERED as follows:

1. That all claims for relief of the plaintiff against defendant James A. Wilkerson, IV, M.D., are **DISMISSED WITH PREJUDICE**.

C. Pursuant to the oral orders entered in open court by Judge Robert E. Blackburn on January 31, 2013, as reflected in the courtroom minutes [#76], which order is incorporated by reference,

IT IS ORDERED as follows:

1. That the defendants' oral mid-trial motion for entry of judgment as a matter of law under Fed. R. Civ. P. 50(a)(1) is **GRANTED IN PART** and **DENIED IN PART**;

2. That the motion is **GRANTED** as to all claims for relief against defendant, James A. Wilkerson IV, M.D.; thus all claims for relief are **DISMISSED WITH PREJUDICE** against Dr. Wilkerson;

3. That the motion is **GRANTED** as to all claims for relief against the defendant, The Board of County Commissioners of Weld County; thus all claims for relief are **DISMISSED WITH PREJUDICE** against The Board of County Commissioners of Weld County;

4. That the motion is **GRANTED** as to the claim for wrongful discharge against public policy as against all other defendants; thus this claim for relief is **DISMISSED WITH PREJUDICE**;

5. That the motion is **GRANTED** as to the claim for Title VII discrimination as against all other defendants; thus this claim for relief is **DISMISSED WITH PREJUDICE**;

6. That the motion is **GRANTED** as to the claim for ADA discrimination as against all other defendants; thus this claim for relief is **DISMISSED WITH PREJUDICE**;

7. That the motion is **GRANTED** as to the claim for breach of contract as against all other defendants; thus this claim is **DISMISSED WITH PREJUDICE**;

8. That the motion is **GRANTED** as to the claim for Family and Medical Leave Act retaliation as against The Office of the Weld County Coroner/Medical Examiner, Patrick C. Allen, M.D., and Mark Ward insofar as that claim is based on any alleged change in the plaintiff's job description;

9. That the motion is **DENIED** as to Fair Labor Standards Act retaliation as against The Office of the Weld County Coroner/Medical Examiner, Patrick C. Allen, M.D., and Mark Ward insofar as such claim is based on plaintiff's termination;

10. That **JUDGMENT AS A MATTER OF LAW IS ENTERED**:

a. In favor of defendant, James A. Wilkerson, IV, M.D., against plaintiff, Corinna Pina-Belmarez, as to all claims for relief and causes of action brought against him in this lawsuit;

b. In favor of defendant, The Board of County Commissioners of Weld, County, Colorado, against plaintiff, Corinna Pina-Belmarez, as to all claims for relief and causes of action brought against it in this lawsuit;

c. In favor of defendant, The Office of the Weld County Coroner/Medical Examiner, against plaintiff, Corinna Pina-Belmarez, as to plaintiff's claims for wrongful discharge, public policy, Americans with Disabilities Act discrimination, Family and Medical Leave Act retaliation insofar as the claim is based on an alleged change in plaintiff's job description, breach of contract, and Title VII discrimination;

d. In favor of defendant, Patrick C. Allen, M.D., against plaintiff, Corinna Pina-Belmarez, as to plaintiff's claims for wrongful discharge, public policy, Americans with Disabilities Act discrimination, Family and Medical Leave Act retaliation insofar as the claim is based on an alleged change in plaintiff's job description, breach of contract, and Title VII discrimination;

e. In favor of defendant, Mark Ward, against plaintiff, Corinna Pina-Belmarez, as to plaintiff's claim for wrongful discharge, public policy, Americans with Disabilities Act discrimination, Family and Medical Leave Act retaliation insofar as the claim is based on an alleged change in plaintiff's job description, breach of contract, and Title VII discrimination;

4. That defendants, James K. Wilkerson, IV, M.D., and the Board of County Commissioners of Weld County, Colorado, are awarded their respective costs to be taxed by the Clerk of the Court under Fed. R. Civ. P. 54(d)(1) and Local Rule 54.1.

D. Pursuant to the jury verdicts [#76-6] entered on January 31, 2013, and the oral orders entered by Judge Robert E. Blackburn on January 31, 2013,

IT IS ORDERED as follows:

1. That, by a preponderance of the evidence, plaintiff, Corinna Pina-Belmarez did not prove all three (3) essential elements of her claim for retaliation in violation of the Fair Labor Standards Act as against defendant, The Office of the Weld County Coroner/Medical Examiner;

2. That, by a preponderance of the evidence, plaintiff, Corinna Pina-Belmarez did not prove all three (3) essential elements of her claim for retaliation in violation of the Family and Medical Leave Act as against defendant, The Office of the Weld County

Coroner/Medical Examiner;

3. That, by a preponderance of the evidence, plaintiff, Corinna Pina-Belmarez, did not prove all three (3) essential elements of her claim for retaliation in violation of the Family and Medical Leave Act as against defendant, Patrick C. Allen, M.D.;

4. That, by a preponderance of the evidence, plaintiff, Corinna Pina-Belmarez, did not prove all three (3) essential elements of her claim for retaliation in violation of the Family and Medical Leave Act as against defendant, Mark Ward;

5. That **JUDGMENT IS ENTERED** in favor of defendants, The Office of the Weld County Coroner/ Medical Examiner, Patrick C. Allen, M.D., and Mark Ward, and against plaintiff, Corinna Pina-Belmarez, on her claims for retaliation in violation of the Fair Labor Standards Act and the Family and Medical Leave Act; and

6. That defendants, The Office of the Weld County Coroner/Medical Examiner, Patrick C. Allen, M.D., and Mark Ward are awarded their costs to be taxed by the Clerk of the Court under Fed. R. Civ. P. 54(d)(1) and Local Rule 54.1.

DATED at Denver, Colorado, this 19th day of February, 2013.

FOR THE COURT:

JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler
Edward P. Butler
Deputy Clerk