

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Senior District Judge Richard P. Matsch

Civil Action No. 08-cv-00454-RPM

JAMES K. STILES,

Plaintiff,

v.

ARKANSAS VALLEY ADVENTURES, LLC,

Defendant.

RULING ON NEGLIGENCE PER SE

Upon consideration of the Plaintiff's Trial Brief in Support of the Negligence Per Se Claim based on violations of the Colorado Rivers Outfitter's Act and the regulations promulgated by the Board of Parks and Outdoor Recreation and the defendant's response, the Court concludes that the statute and regulations are analogous to OSHA regulations and should be considered as non-exclusive evidence of reasonable care in the commercial rafting industry in the same manner as that given to OSHA regulations in *Scott v. Matlack, Inc.*, 39 P.3d 1160 (Colo. 2002). The jury instructions on common law negligence may include consideration of such evidence as being within the circumstances under which a reasonably careful person would or would not act.

Dated: November 13, 2009

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge