

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 08-cv-02083-WYD-BNB

CARMELIA BYERS,

Plaintiff,

v.

CENTURA HEALTH PARKER ADVENTIST HOSPITAL;  
PORTERCARE ADVENTIST HEALTH SYSTEM, d/b/a PARKER ADVENTIST  
HOSPITAL,

Defendants.

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**ORDER**

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THIS MATTER comes before the Court on Plaintiff's Unopposed Motion For  
Determination of Question of Law. The Court, having reviewed the pleadings, and  
being fully informed in the matter,

ORDERS that Plaintiff's Unopposed Motion for Determination of Question of Law  
(Doc. # 32 filed September 16, 2009) is **GRANTED**. In accordance therewith, it is

ORDERED that the proposed dismissals of Plaintiff's claims against the  
individual nurses will not bar her claims against Defendant Hospital, consistent with the  
parties' agreement attached to the motion as Exhibit 1. The proposed dismissal of the  
individual nurses by the Plaintiff shall be dealt with under the provisions of Fed. R. Civ.  
P. 41(a)(2) rather than Fed. R. Civ. P. 41(a)(1)(B).

Dated: October 9, 2009

BY THE COURT:

s/ Wiley Y. Daniel  
Wiley Y. Daniel  
Chief United States District Judge