

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 08-cv-02709-REB-BNB

GIACOMO KRATTER,

Plaintiff,

v.

CATHOLIC HEALTH INITIATIVES COLORADO, doing business as  
CENTURA HEALTH-SUMMIT MEDICAL CENTER and ST. ANTHONY SUMMIT  
MEDICAL CENTER, a Colorado corporation,  
STEADMAN HAWKINS CLINIC, PROFESSIONAL, LLC, a Colorado limited liability  
company,  
MARY I. BRYAN, and  
THOMAS R. HACKETT, M.C.,

Defendants.

---

**ORDER DENYING MOTIONS FOR CONCLUSIONS AS A MATTER OF LAW**

---

**Blackburn, J.**

The matters before me are (1) **Plaintiff's Motion for Conclusion as a Matter of Law Re: the Defense of Failure To Mitigate** [#117] filed April 1, 2010; and (2) **Plaintiff's Motion for Conclusion as a Matter of Law Regarding the Comparison of Fault With Plaintiff** [#118] filed April 1, 2010. Because both motions are evidence-driven, and, therefore, inappropriate for pretrial resolution, I deny them.

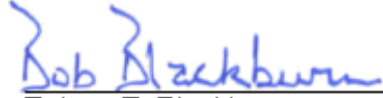
**THEREFORE, IT IS ORDERED** as follows:

1. That **Plaintiff's Motion for Conclusion as a Matter of Law Re: the Defense of Failure To Mitigate** [#117] filed April 1, 2010, is **DENIED**; and

2. That **Plaintiff's Motion for Conclusion as a Matter of Law Regarding the Comparison of Fault With Plaintiff** [#118] filed April 1, 2010, is **DENIED**.

Dated July 12, 2010, at Denver, Colorado.

**BY THE COURT:**



Robert E. Blackburn  
United States District Judge