

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 09-cv-00495-MSK-MEH

ETHEL HIXSON,

Plaintiff,

v.

UNITED STATES OF AMERICA by and through MARY SHY, F.N.P.;
HIGH PLAINS COMMUNITY HEALTH CENTER;
MAR SHY, F.N.P.;
KAREN CHASE, M.D.;
KENT MADSEN, R.P.T.;
HILTON C. RAY, M.D.;
HILTON C. RAY, M.D., P.C.; and
PHYSICAL THERAPY PLUS OF LAMAR, INC.,

Defendants.

**ORDER DISMISSING CLAIMS AGAINST DEFENDANT THOMAS J. FITZGERALD,
M.D. WITH PREJUDICE**

THIS MATTER is before the Court on the Stipulated Motion to Dismiss With Prejudice (Stipulated Motion) (#137) filed October 13, 2009. The Court having read the Stipulated Motion filed herein, and now being fully advised in the premises,

IT IS ORDERED that the Stipulated Motion is **GRANTED** and any and all claims against Defendant Thomas J. Fitzgerald, M.D. are hereby dismissed, with prejudice, each party to pay his, her or its own costs and attorneys' fees herein expended. The caption of all future pleadings shall omit this party's name.

DATED this 13th day of October, 2009.

BY THE COURT:

Marcia S. Krieger

Marcia S. Krieger
United States District Judge