

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

Date: September 29, 2009  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 09-cv-00610-RPM

ELIZABETH CARDENAS and  
GEORGE WITTNER, parents and  
next friends to Decedent, IAN WITTNER,

Plaintiffs,

v.

BANNER HEALTH, an Arizona nonprofit organization  
d/b/a NORTH COLORADO MEDICAL CENTER;  
ROBERT GEORGE RUEGG, M.D.;  
SUSAN J. PONDER, R.N.; and  
JOHN DOES 1-25,

Defendants.

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Jordan Factor  
James S. Helfrich  
Eric L. Steiner  
Daniel P. Gerash

Tracy L. Van Pelt  
Sara M. Cantrick

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**COURTROOM MINUTES**

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**Hearing on Motion to Dismiss**

**9:28 a.m. Court in session.**

Defendants' client representatives Gloria Ybarra and Lynn Runyan are present.

Court's preliminary remarks.

**ORDERED: Tracy L. Van Pelt appearance entered for defendants.**

Court states its understanding of the case.

**10:32 a.m. Argument by Ms. Van Pelt.**

**ORDERED: Defendants' Motion to Dismiss Plaintiffs' Claim Brought Pursuant to 42 U.S.C. § 1983, filed June 8, 2009 [3], is denied.  
Defendants shall file an answer in accordance with the rules.**

**10:36 a.m. Court in recess.**

Hearing concluded. Total time: 8 min.