

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

Date: March 22, 2011
Courtroom Deputy: J. Chris Smith
FTR Technician: Kathy Terasaki

Civil Action No. 09-cv-00610-RPM

LIZBETH CARDENAS and
GEORGE WITTNER, parents and
next friends to Decedent, Ian Wittner, and
LIZBETH CARDENAS as Personal Representative of the
Estate of Ian Wittner,

Jordan Factor
Eric L. Steiner
Daniel P. Gerash

Plaintiffs,

v.

BANNER HEALTH, an Arizona nonprofit organization
ROBERT GEORGE RUEGG, M.D.; and
SUSAN J. PONDER, R.N.,

Tracy L. Van Pelt

Defendants.

COURTROOM MINUTES

Hearing on Motions for Summary Judgment on First Claim for Relief

2:00 p.m. Court in session.

Court's preliminary remarks and states its understanding of the core facts.

Argument by Ms. Van Pelt [47] and [48].

Argument by Mr. Factor.

Court's findings as stated on record.

ORDERED: Defendants Ruegg and Ponder's Motion for Summary Judgment Based on Qualified Immunity, filed October 20, 2010 [47], is granted dismissing First Claim for Relief under 42 U.S.C. § 1983.

Defendant Banner Health's Motion for Summary Judgment, filed October 20, 2010 [48], is granted as to First Claim for Relief under 42 U.S.C. § 1983.

Second, Third and Fourth Claims for Relief are dismissed without prejudice for lack of jurisdiction.

2:33 p.m. Court in recess.

Hearing concluded. Total time: 33 min.