

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 09-cv-00704-CMA-KMT

LAUREN P. ANDERSON, and  
WILLIAM W. ANDERSON, III,

Plaintiffs,

v.

DAVID C. VAN PELT, M.D.,  
BROOKS W. LONG, M.D., and  
SALLIE B. CLARK, M.D.,

Defendants.

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**ORDER GRANTING PLAINTIFFS' SECOND MOTION *IN LIMINE* AS  
TO PLAINTIFF LAUREN ANDERSON'S NURSING BACKGROUND AND  
EXCLUDING SUCH EVIDENCE AS IT RELATES TO THE  
STANDARD-OF-CARE FOR CONTRIBUTORY NEGLIGENCE**

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This matter is before the Court on Plaintiffs' Second Motion *in Limine* (Doc. # 236), filed on November 23, 2011. Defendants responded on December 14, 2011 (Doc. ## 238, 239), and Plaintiffs replied on December 16, 2011 (Doc. # 240). Plaintiffs seek to have the Court exclude any testimony that relates to "specialized knowledge" that Plaintiff Lauren Anderson has from her experience working as a nurse. Defendants assert that such evidence is relevant to the question of whether Plaintiff was contributorily negligent.

The Court addressed this issue during the January 27, 2012 Final Pretrial Conference, stating that Plaintiff Lauren Anderson's actions should be judged according

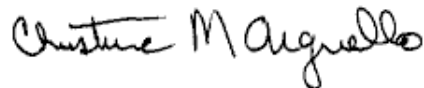
to what a reasonably careful person would have done if she had found herself in the same or similar circumstances as Plaintiff found herself in this case. For that reason, the Court further stated that any specialized knowledge Plaintiff might have had as a result of her nursing background was irrelevant to the standard of care to which she is held. Nevertheless, the Court permitted Defendants to file an additional brief with citations to authority supporting their position. They<sup>1</sup> filed a brief on January 30, 2012 (Doc. # 253), and Plaintiffs replied on January 31, 2012 (Doc. # 254).

Having reviewed Defendants' brief and the authorities cited therein, as well as Plaintiffs' reply, the Court sees no reason to reverse its prior ruling. The cases Defendants cite do not support their assertion that the Court should admit evidence of Plaintiff Lauren Anderson's nursing background on the question of contributory negligence.

Accordingly, it is ORDERED that the Court AFFIRMS its prior ruling, and therefore GRANTS Plaintiffs' second Motion *In Limine* (Doc. # 236) as to Plaintiff Lauren Anderson's nursing background and EXCLUDES such evidence as it relates to the applicable standard of care for contributory negligence.

DATED: February 06, 2012

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge

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<sup>1</sup> Only Dr. Clark filed a brief, but the Court will treat it as a response on behalf of all Defendants.