

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

Civil Action No. 10-cv-00232-RPM

MANUELA HERNANDEZ-CALDERON,

Plaintiff,

v.

CHRISTINA M. COUSIN and
U.S. XPRESS, INC.,

Defendants.

ORDER DENYING MOTION TO DISMISS

On March 29, 2010, defendant U.S. Xpress, Inc., filed a motion to dismiss or alternatively summary judgment on the second claim for relief against it in the plaintiff's first amended complaint. The plaintiff has responded. The motion to dismiss is premature and determining whether there is a separate claim for relief as alleged in the challenged claim will not affect the scope of discovery which will be discussed at the scheduling conference on May 27, 2010. Accordingly, it is

ORDERED that the motion to dismiss is denied.

DATED: April 8th, 2010

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge