

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge John L. Kane

Civil Action No. **10-cv-00557-JLK**

**JOHANNA ETTER and ARTHUR ETTER,**

Plaintiffs,

v.

**CHARLES KING BIBBY, JR., M.D.,  
TIMOTHY CARTER MEILNER, M.D., and  
DELTA COUNTY MEMORIAL HOSPITAL DISTRICT,**

Defendants.

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ORDER

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**Kane, J.**

This matter is currently before me on Defendant Delta County Memorial Hospital District's ("DCMHD") Motion for Summary Judgment on Plaintiffs' second claim for relief.<sup>1</sup> Having reviewed DCMHD's motion, Plaintiffs' response, the attendant reply, as well as the authorities and evidence presented by the parties, it is apparent that there exist genuine issues of material fact that are not appropriate for summary resolution.

Accordingly, it is ORDERED that Defendant DCMHD's Motion for Summary Judgment

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<sup>1</sup> In an earlier order, I granted Defendant DCMHD summary judgment on Plaintiffs' third claim for relief. Although I initially declined to exercise jurisdiction over Plaintiffs' second claim for relief, upon Plaintiffs' motion I determined exercise of supplemental jurisdiction over that and Plaintiffs' other state law claims to be proper.

on Plaintiffs' second claim for relief is DENIED.

It is further ORDERED that the parties shall appear before me for a Final Trial Preparation Conference at 2 p.m. on May 15, 2012. In anticipation of that conference, the parties shall meet, confer, and submit a Proposed Pretrial Order no later than May 11, 2012.

Dated: April 27, 2012

BY THE COURT:

**s/John L. Kane**  
Senior U.S. District Court Judge