

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

Date: March 20, 2013  
Courtroom Deputy: J. Chris Smith  
FTR Technician: Kathy Terasaki

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Civil Action No. 12-cv-02139-RPM

ESTATE OF BRIAN O'LEARY,  
by and through Brandon O'Leary as personal representative;  
BRANDON O'LEARY, and  
SHANE O'LEARY, as next of kin of decedent,

Jeffrey R. Kelley  
Keri Friedman  
Phil L. Harding

Plaintiffs,

v.

COUNTY OF EL PASO, COLORADO;  
EL PASO COUNTY SHERIFF'S OFFICE;  
BUREAU CHIEF PAULA PRESLEY, in her official capacities;  
EL PASO COUNTY SHERIFF TERRY MAKETA, in his official capacity;  
CORRECTIONAL HEALTHCARE MANAGEMENT, INC.;  
DIANE AL-ABDULJALIL, M.D., in her individual and official capacities;  
NATASHA WOLINSKI, P.A., in her individual and official capacities;  
SEAN EHLINGER, R.N., in his individual and official capacities;  
RACHELLE CLEMONS, L.P.N., in her individual and official capacities; and  
PATRICIA MILLER, L.P.N., in her individual and official capacities,

Kenneth R. Hodges  
Diana K. May

Terry Cipoletti

Kimberly F.W. Deline

Defendants.

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**COURTROOM MINUTES**

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**Hearing on Motions to Dismiss**

**2:00 p.m. Court in session.**

Court's preliminary remarks and states its summary of the case facts and jurisdictional claims.  
Court states it will receive exhibits objected to for the limited purpose of this hearing.

2:07 p.m. Mr. Kelley answers questions asked by the Court regarding plaintiffs' view of the case facts with respect to the claims.

Argument by Mr. Kelley.

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**ORDERED:** Motions to Dismiss are granted with respect to the First, Second and Third Claims for Relief and remainder of the claims are dismissed for lack of jurisdiction re [34], [35], and [36].

**Joint Motion on Behalf of All Defendants for Additional Extension of Time to Designate Nonparties at Fault [47], is moot.**

**This civil action is dismissed.**

**2:17 p.m. Court in recess.**

Hearing concluded. Total time: 17 min.