

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00201-RM-KLM

HILLARY VALLES,

Plaintiff,

v.

GEN-X ECHO B, INC, d/b/a GENX and  
MARTIN COLLAZO RANGEL,

Defendants.

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**MINUTE ORDER**

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**ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX**

This matter is before the Court on Defendant GEN-X Echo B, Inc., d/b/a/ GENX's ("GENX") **Unopposed Motion to Consider Forthwith GENX's Partial Motion to Dismiss as to Plaintiff's Second Amended Complaint** [Docket No. 33; Filed July 18, 2013] (the "Motion"). In the Motion [#33], GENX asks the Court to reinstate its Partial Motion to Dismiss Pursuant to Rule 12(b)(6) [#12] which the Court denied as moot [#26] after Plaintiff's Second Amended Complaint With Demand for Jury Trial [#27] was accepted for filing.

In the Motion [#33], GENX states that after amendment "Plaintiff's negligent hiring and retention claims did not change and the issues have already been fully briefed." *Motion* [#33] at 1. GENX argues that reinstating the Partial Motion to Dismiss Pursuant to Rule 12(b)(6) [#12] "will save the parties the time and expense of having to re-file the exact same papers with different titles." *Id.* at 2. The Court notes that the Motion [#33] is unopposed and, after a review of the Amended Complaint [#10] and the Second Amended Complaint [#27], the Court agrees that Plaintiff's Fourth Cause of Action has not changed. Therefore,

IT IS HEREBY **ORDERED** that the Motion [#33] is **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that the Partial Motion to Dismiss Pursuant to Rule 12(b)(6) [#12] is **REINSTATED**. When the Court considers the Partial Motion to Dismiss Pursuant to Rule 12(b)(6) [#12], the Court will treat it as responding to the Fourth Cause of Action included in the now operative Second Amended Complaint [#27].

Dated: July 24, 2013