

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

Civil Action No. 13-cv-01083-RPM

KARLA DANES,

Plaintiff,

v.

DENVER HEALTH AND HOSPITAL AUTHORITY,

Defendant.

ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

This action arises under the Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601 *et seq.* Karla Danes (“the Plaintiff”) was employed by Denver Health and Hospital Authority (“Denver Health” or “the Defendant”) from 2007 through December 13, 2012. The Plaintiff alleges that Denver Health terminated her employment because of her use of FMLA leave. The complaint claims violations of 29 U.S.C. § 2615(a) and (b) or both.

The Defendant asserts that it terminated the Plaintiff’s employment because she violated workplace standards of conduct by engaging in abusive and inappropriate behavior during a personal visit to a pediatric clinic operated by Denver Health on November 28, 2012, and inadequate work performance.

The Defendant moved for summary judgment of dismissal, arguing that the Plaintiff’s claims fail for lack of evidentiary support. The Plaintiff opposed the motion, but agrees to

dismissal of her interference claims under 29 U.S.C. § 2615(a)(1) and § 2615(b). The Plaintiff's remaining claim is retaliation in violation of 29 U.S.C. § 2615(a)(2).

Contrary to the Defendant's arguments, there is sufficient evidence to support a fair inference that the Defendant's reasons for termination are pretextual.

Accordingly, it is

ORDERED that the defendant's motion for summary judgment [#17] is denied.

Date: May 1, 2014

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge