

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

Civil Action No. 13-cv-02877-RPM

BENJAMINE FURLOW III,

Plaintiff,

v.

UNIVERSITY OF COLORADO HOSPITAL AUTHORITY,  
UNIVERSITY OF COLORADO BOARD OF REGENTS, and  
MATTHEW C. UHLENKOTT, M.D.,

Defendants.

---

ORDER FOR AWARD OF ATTORNEY'S FEES

---

The defendants University of Colorado Hospital Authority and University of Colorado Board of Regents were dismissed from this civil action by this Court's Order for Dismissal entered on April 16, 2014. That order granted those defendants' motions to dismiss under Fed.R.Civ.P. 12(b)(1) and (6) because the plaintiff's Second Amended Complaint failed to present adequate factual support for a plausible claim of liability under Colorado law for holding these entities liable for a sexual assault by a medical resident employed by the University and the substantive due process claim under the Fourteenth Amendment.

The dismissed defendants filed this motion for attorney's fees on April 25, 2014, claiming entitlement under C.R.S. § 13-17-201. The plaintiff objected and the defendants filed their reply.

The defendants' motion is granted as to the tort action. Additionally, the motion is granted on the § 1983 claim which was frivolous and groundless.

The plaintiff has not objected to the amount and reasonableness of the fees requested.

It is

ORDERED, that the Hospital Authority is awarded \$6,084.38 and the University is awarded \$7,734.37 as their respective fees for legal services in defending this action.

DATED: May 23<sup>rd</sup>, 2014

BY THE COURT:

s/Richard P. Matsch

---

Richard P. Matsch, Senior Judge