

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

Civil Action No. 14-cv-01861-RPM

ANNETTE M. BROOKSHIRE

Plaintiff,

v.

POUDRE VALLEY HEALTH CARE, INC. d/b/a
POUDRE VALLEY HEALTH SYSTEM and
UNIVERSITY OF COLORADO HEALTH, d/b/a
POUDRE VALLEY HEALTH CARE, INC., d/b/a
POUDRE VALLEY HEALTH SYSTEM, AND d/b/a
POUDRE VALLEY HOSPITAL

Defendants.

ORDER DENYING DEFENDANTS' MOTION TO DISMISS

On September 15, 2014, the defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), asserting judicial estoppel for the failure of the plaintiff to disclose this civil action in her Chapter 7 Bankruptcy Petition, filed June 25, 2014. In her response the plaintiff claimed inadvertence and misunderstanding of the form and shows that she has now filed an amended Statement of Financial Affairs, disclosing this civil action, [Doc. 7]. Accordingly, it is inappropriate to exercise the discretion to dismiss this civil action under the doctrine of judicial estoppel because no harm has been done. It is

ORDERED that the motion to dismiss is denied.

DATED: October 7th, 2014

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior Judge