

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

Civil Action No. 14-cv-02357-RPM

DAWN BEATTY,

Plaintiff,

v.

VITROLIFE, INC.,

Defendant.

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ORDER DISMISSING THIRD CLAIM FOR RELIEF

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On September 2, 2014, the defendant filed a motion to dismiss the third claim for relief in the complaint pursuant to Fed.R.Civ.P. 12(b)(1) and 12(h)(3), [Doc 7]. The plaintiff has not responded to the motion. The plaintiff has not alleged and the defendant asserts that the necessary condition precedent to a claim under C.R.S. § 8-13.5-101, *et seq.* (Nursing Mothers Act) of a non-binding mediation between employer and employee has not been satisfied. Accordingly, it is

ORDERED that the third claim for relief in the plaintiff's complaint is dismissed.

DATED: October 7<sup>th</sup>, 2014

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior Judge