

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
AT LEXINGTON

CHRISTIAN DURMOV,
Plaintiff

v.

UNIVERSITY OF KENTUCKY, et al.,
Defendants

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CIVIL NO. 5:12-258

OPINION AND ORDER

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This matter is before the Court on the Motion for Partial Dismissal (DE 13) filed by the Defendants the Lexington-Fayette Urban County Government (“LFUCG”) and LFUCG police officer Anthony Bottoms in his Official Capacity. In their motion, the LFUCG and Officer Bottoms ask the Court to dismiss all claims against the LFUCG and all state law claims against Bottoms in his official capacity.

As a result of the Court’s Opinion and Order dated February 7 2013, the remaining claims in this action are all of the Plaintiff’s claims against the LFUCG and Officer Bottoms in his official capacity; and the Plaintiff’s assault-and-battery (Count I) and § 1983-Fourth-Amendment claim (Count IV) against Officer Bottoms and University of Kentucky police officer David Duncan in their individual capacities.

The LFUCG now moves the Court to dismiss the claims against it and Officer Bottoms moves to dismiss the claims against him in his official capacity. In his response, the Plaintiff states that he does not object to the motion. For this reason, the Court will grant the motion. As a result of this Opinion and Order, the only remaining claims in this action are the Plaintiff’s assault-and-battery (Count I) and § 1983-Fourth-Amendment claim (Count IV) against Officers Duncan and Bottoms in their individual capacities.

For these reasons, the Court hereby ORDERS as follows:

- 1) the Motion for Partial Dismissal (DE 13) filed by the Defendants the Lexington-Fayette Urban County Government (“LFUCG”) and LFUCG police officer Anthony Bottoms in his Official Capacity is GRANTED; and
- 2) all of the Plaintiff’s claims against the LFUCG and LFUCG officer Bottoms in his Official Capacity are DISMISSED.

Dated this 12th day of August, 2013.



Signed By:

Karen K. Caldwell *KKC*

United States District Judge