

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 12-4191

LUCAS BURGESS; ANGELA BURGESS,
Plaintiffs - Appellants,

v.

Sheriff GENE FISCHER, in his individual and official capacity;
THE BOARD OF COUNTY COMMISSIONERS OF GREENE
COUNTY, OHIO; Maj. ERIC PRINDLE, Deputy JOSHUA E. BARRRETT,
Deputy GLEN E. MCKINNEY, and Deputy MATTHEW C. SORTMAN,
in their individual and official capacities; D. JORDAN, LPN,
Defendants - Appellees.

Before: MOORE, CLAY, and WHITE, Circuit Judges.

JUDGMENTOn Appeal from the United States District Court
for the Southern District of Ohio at Dayton.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district court granting Defendants summary judgment on Plaintiffs' § 1983 excessive force claim under the Fourth Amendment as well as the state law claims of negligence, assault, battery, loss of consortium, intentional infliction of emotional distress, and spoliation claims are REVERSED, the judgment as it pertains to Plaintiffs' civil conspiracy claim is VACATED, and the case is REMANDED to the district court for further proceedings consistent with the opinion of this Court. IT IS FURTHER ORDERED that all other claims on appeal are AFFIRMED.

ENTERED BY ORDER OF THE COURT_____
Deborah S. Hunt, Clerk**FILED**
Nov 01, 2013
DEBORAH S. HUNT, Clerk