

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

TRACEY MCCALL, as)	
administratrix of the)	
estate of Jonathan McCall,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	1:11cv559-MHT
)	(WO)
HOUSTON COUNTY, et al.,)	
)	
Defendants.)	

JUDGMENT

In accordance with the opinion entered this date, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The motion for partial summary judgment (Doc. No. 83), filed by plaintiff Tracey McCall, as administratrix of the estate of Jonathan McCall, is denied.

(2) The motion for summary judgment (Doc. No. 88) filed by defendants Houston County, Ashley Kennedy, Keith Reed, James West is granted in part and denied in part.

(3) As to defendant Houston County, summary judgment is entered in favor of defendant Houston County and against plaintiff McCall on the following claims, with plaintiff McCall taking nothing against defendant Houston County as to these claims: the claims under the Fourteenth Amendment, as enforced through 42 U.S.C. § 1983; Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq.; and § 504 of the Rehabilitation Act, 29 U.S.C. § 794. Because judgment has been entered in favor of defendant Houston County on all the claims against it, defendant Houston County is terminated as a party.

(4) As to defendant James West, (A) summary judgment is entered in favor of defendant West and against plaintiff McCall on the following claim, with plaintiff McCall taking nothing from defendant West as to this claim: the claim under the Fourteenth Amendment, as enforced through 42 U.S.C. § 1983; and (B) summary judgment is denied on the following claim against

defendant West, and this claim will go to trial: the claim under the State of Alabama's wrongful-death statute, 1975 Ala. Code § 6-5-410.

(5) As to defendant Ashley Kennedy, summary judgment is denied on the following claims against defendant Kennedy, and these claims will go to trial: the claim under the Fourteenth Amendment, as enforced through 42 U.S.C. § 1983, and the claim under the State of Alabama's wrongful-death statute, 1975 Ala. Code § 6-5-410.

(6) As to defendant Keith Reed, (A) summary judgment is entered in favor of defendant Reed and against plaintiff McCall on the following claim, with plaintiff McCall taking nothing from defendant Reed as to this claim: the claim under the Fourteenth Amendment, as enforced through 42 U.S.C. § 1983; and (B) summary judgment is denied on the following claim against defendant Reed, and this claim will go to trial: the claim under the State of Alabama's wrongful-death statute, 1975 Ala. Code § 6-5-410.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed.

DONE, this the 3rd day of July, 2014.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE