

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

BRIAN LOMANACK, an )  
individual, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GREGORY BOUTWELL, in his )  
official capacity as Fire )  
Chief for the City of )  
Ozark, Alabama and in his )  
individual capacity, et )  
al., )  
 )  
Defendants. )

CIVIL ACTION NO.  
1:15cv122-MHT  
(WO)

OPINION

This case stems from an ATV accident. Pursuant to 42 U.S.C. § 1983 and Alabama law, plaintiff filed this lawsuit contending that his injuries in the accident were worsened by delay in the dispatching of an emergency helicopter transport; he claims that the defendant fire chief cancelled the dispatch for no valid reason because he was intoxicated, that the defendant emergency dispatcher wrongfully granted the

fire chief's request, and that their employers are liable for their acts. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that the motions to dismiss filed by defendant City of Ozark, Alabama and defendant Ozark-Dale County E-911 Board, Inc. each be granted in part and denied in part. Also before the court are the city's objections to the recommendation. After an independent and de novo review of the record, the court concludes that city's objections should be overruled and the magistrate judge's recommendation adopted.

An appropriate judgment will be entered.

DONE, this the 22nd day of March, 2016.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE