

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

LEROME BRANTLEY,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	2:18cv471-MHT
	)	(WO)
OFFICER J. WHITTEN,	)	
et al.,	)	
	)	
Defendants.	)	

ORDER ON PRETRIAL HEARING

Based on the representations made on the record during the pretrial conference today, and by agreement of the parties, it is ORDERED as follows:

(1) Plaintiff Lerome Brantley's claims for failure to intervene/protect and for denial of medical care are dismissed.

(2) Plaintiff Brantley's claims for injunctive relief are dismissed.

(3) Defendants Captain Brenda King, Lt. Valerie Pittman, and Officer Griffin are dismissed from the case and terminated as parties.

(4) The only remaining claims are for excessive

force against defendants Officer Nygeon Thomas, Officer Evan Burkett, and Officer J. Whitten in only their individual capacities.

It is further ORDERED that:

(1) This case is referred to the United States Magistrate Judge for mediation. The defense agrees that the claim against defendant Whitten for allegedly using a chokehold against plaintiff Brantley should go to the jury. It is unresolved whether the excessive-force claims against defendants Thomas, Burkett, and Whitten for allegedly throwing plaintiff Brantley to the ground face-first while handcuffed and against defendants Thomas and Burkett for allegedly twisting plaintiff Brantley's arms while handcuffed survive summary judgment; if necessary, the court will resolve whether these claims survive summary judgment after mediation.

(2) The jury selection and trial, now set for January 24, 2022, are continued generally, pending mediation.

(3) The parties shall file joint monthly reports on the second Monday of each month informing the court of the status of their efforts to resolve the case.

The clerk of the court is DIRECTED to administratively close this case pending mediation.

DONE, this the 14th day of December, 2021.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE