#### Kirby v. Roth et al

### Doc. 104

# IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FORT SMITH DIVISION

## **DERROL DEE KIRBY, III**

### PLAINTIFF

v.

## Civil No. 06-2168

JOHN ROTH, Ex-Chief of Police, Barling, Arkansas Police Department; LARRY MERRILL<sup>1</sup>, next in charge under Police Chief, Barling Police Department; CITY OF BARLING; KEVIN DOUGAN, Barling Police Department Patrolman; JOHN BARBOR, Barling Police Department Patrolman

DEFENDANTS

## **JUDGMENT**

Consistent with the Memorandum Opinion and Order of this same date, the Court finds

Plaintiff is entitled to judgment in his favor on his claim for pain and suffering damages against

Defendants Barbor, Merrill and Dougan in the amount of nominal damages of \$1.00.

Judgement is entered in favor of the Defendants regarding Plaintiff's claim of punitive

damages.

# IT IS SO ORDERED this 27th day of December 2011.

<u>/s/ J. Marschewski</u> HON. JAMES R. MARSCHEWSKI CHIEF U.S. MAGISTRATE JUDGE

<sup>&</sup>lt;sup>1</sup> At trial, Defendants moved to amend Defendant Larry Merchant's name to Defendant Larry Merrill. The motion was granted, and the Clerk of Court is directed to amend the name of record for this defendant.