

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

CONNIE BERRY and J.W. BERRY, Individually
and as Co-Administrators of the
Estate of ERIC W. BERRY, PLAINTIFFS

v. Case No. 2:12-CV-2269-RTD

BRANDON DAVIS, and
THE CITY OF FORT SMITH DEFENDANTS

ORDER

Defendants have filed a Notice of Appeal (Doc. 59) on the Court's denial of qualified immunity. "A defendant may immediately appeal a district court's denial of qualified immunity under the collateral order doctrine." *Twiggs v. Selig*, 679 F.3d 990, 993 (8th Cir. 2012) (citing *Ottman v. City of Independence, Mo.*, 341 F.3d 751, 755-56 (8th Cir. 2003)).

Based on the foregoing, the Court orders a **STAY** of the proceedings, including the trial scheduled to begin Monday, December 16, 2013, pending the Eighth Circuit's ruling.

IT IS SO ORDERED this 2nd day of December, 2013.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge