

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

DENISE RICHARDSON and CALVIN *
RICHARDSON,

Plaintiffs,

vs.

COREY MASON,

Defendant.

CASE NO. 4:11-CV-124 (CDL)

O R D E R

In this action brought pursuant to 42 U.S.C. § 1983, the jury returned a verdict in favor of Plaintiffs awarding each of them \$2,500,000 against Defendant, a deputy sheriff, in his individual capacity. Jury Verdict (Mar. 22, 2013), ECF No. 82. The jury also made certain specific factual findings in response to special interrogatories designed to assist the Court in ruling upon Defendant's qualified immunity defense. *Id.* Before the Court had an opportunity to rule upon Defendant's qualified immunity defense, judgment was entered in favor of Plaintiffs on the jury verdict. Judgment (Mar. 26, 2013), ECF No. 87. Although the jury must resolve all factual disputes upon which a qualified immunity defense is based, the ultimate decision as to whether a government official is entitled to qualified immunity is a legal one that rests entirely with the Court. *Johnson v. Breeden*, 280 F.3d 1308, 1318 (11th Cir. 2002). And until the

qualified immunity issue is decided, judgment cannot be entered. Accordingly, Defendant's motion to vacate the judgment (ECF No. 94) is granted.¹

IT IS SO ORDERED, this 24th day of June, 2013.

S/Clay D. Land

CLAY D. LAND
UNITED STATES DISTRICT JUDGE

¹ Although the judgment should not have been entered, the Court notes that execution of it was stayed pending the Court's ruling on Defendant's qualified immunity defense. Judgment (Mar. 26, 2013), ECF No. 87. Therefore, as a practical matter, Defendant has not been prejudiced by the premature entry of judgment.