

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DAVID J. WHITEFOOT, and
ELENA R. WHITEFOOT

PLAINTIFFS

V.

CAUSE NO. 1:14-CV-113-SA-DAS

SHERIFF OF CLAY COUNTY, et al.

DEFENDANTS

ORDER

The Court issued a number of Orders in this case disposing of the majority of the Plaintiffs' claims. The Court's most recent Memorandum Opinion [119] outlines the Plaintiff's remaining claim that is scheduled to proceed to a jury trial on September 18, 2017. Now before the Court is the County Defendants' Motion for Summary Judgment [141]. The Plaintiffs filed a Response [151, 152] and the County filed a Reply [153] making this issue ripe for review.

The Plaintiffs filed a number of other Notices and Responses, which the Court has reviewed and considered. The Plaintiffs also filed a second Motion for Reconsideration [140]. *See* Motion for Reconsideration [120], and denied [127].

For all the reasons fully explained in a separate Memorandum Opinion issued this same day, the Court orders the following:

If the Plaintiffs wish to dismiss their sole remaining claim, they must inform the Court immediately in writing with a short and unequivocal statement.

Should the Plaintiffs wish to proceed to trial, they must appear telephonically at the Final Pretrial Conference as ordered and scheduled by the Magistrate Judge in this case, or face sanctions, including dismissal, as noted in the Magistrate Judge's Amended Order [154] governing the pretrial conference.

The Plaintiffs' Motion for Reconsideration [140] is DENIED.

The Defendants' Motion for Summary Judgment [141] is DENIED.

IT IS SO ORDERED on this, the 5th day of September, 2017.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE