

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JAMES EDWARD PAYNE,

Plaintiff,

-v-

6:08-CV-143

OFFICER BRANDON JONES, OFFICER
JOHN ABEL, C. ALLEN PYLMAN, CITY
OF UTICA AND CITY OF UTICA POLICE
DEPARTMENT,

Defendants.

DAVID N. HURD
United States District Judge

ORDER

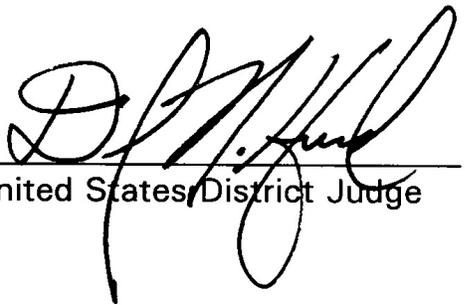
Pursuant to the oral decision of the Court, entered into the record after hearing oral argument on June 30, 2009, in Utica, New York, it is hereby

ORDERED that

1. Defendants' motion for summary judgment is GRANTED with regard to the incident at Faxton Hospital and all claims regarding Faxton Hospital are DISMISSED;
2. Defendants' motion for summary judgment is DENIED in all other respects;
3. Defendant Brandon Jones's motion to bifurcate is GRANTED; and

4. The trial against defendants Brandon Jones and John Abel will proceed on September 14, 2009, as previously scheduled. Immediately following a verdict against either or both individual defendants, trial of the Monell claims will proceed against the defendants C. Allen Pylman, City of Utica, and City of Utica Police Department.

IT IS SO ORDERED.



United States District Judge

Dated: June 30, 2009
Utica, New York.