

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Lawrence R. Burfitt, :
: Plaintiff(s), :
: Case Number: 1:15cv730
vs. : Judge Susan J. Dlott
Sgt. Bear, et al., :
: Defendant(s). :
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on May 31, 2017 a Report and Recommendation (Doc. 73). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 74) and plaintiff filed a response to the objections (Doc. 77).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, it is ORDERED that defendant's motion for summary judgment (Doc. 66) is GRANTED only in part on qualified immunity grounds for certain claims, and in whole as to Defendant Sammons.

It is further ORDERED that the motion is DENIED as to Defendant Bear for the March 27, 2015 incident, and DENIED as to Defendant Felts for the May 7, 2015 incident, based upon genuine issues of material fact concerning whether plaintiff or defendants initiated the physical

altercations on those dates.

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court