



i) Plaintiff's motion for partial summary judgment against Defendant James Shea as to liability only (Doc. 144) is **GRANTED**. The Clerk shall defer the entry of judgment in favor of plaintiff Matthew Katona and against Defendant James Shea as to his **liability only** under Count One of the second amended complaint (Doc. 116, at 7-8), which asserts an Eighth Amendment excessive force claim pursuant to 42 U.S.C. § 1983. The determination as to damages, if any, is reserved for jury trial.

ii) The Medical Defendants' (Wendy M. Johnson, Michelle L. Oswald and Jane Doe (facility psychiatrist)) motion for summary judgment (Doc. 151) is **GRANTED**.

B) The court rejects the report and recommendation as follows:

i) The court declines to have final judgment entered as to the Medical Defendants as there are many other defendants whose claims against them must be resolved and, depending on the outcome, may present applicable issues that should not be appealed piecemeal, which could place a burden on Plaintiff if he is unsuccessful in his remaining claims and desires to take an appeal.

ii) The Clerk of Court shall DEFER the entry of judgment against the Medical Defendants until the conclusion of this case.

2) This case is remanded to Magistrate Judge Mehalchick for further proceedings .

s/Sylvia H. Rambo  
United States District Judge

Dated: February 3, 2015.