

UNITED STATES DISTRICT COURT
for the
Eastern District of Washington

DAVID BERGER and AMBER BERGER, individually
and as Personal Representatives of the Estate; THE
ESTATE OF WILLIAM SAGE BERGER,

Plaintiff

v.

SPOKANE COUNTY, political subdivision of the State of
Washington; OZZIE KNEZOVICH, individually and in
his capacity as Sheriff of Spokane; SHAWN AUDIE and
STEVE PAYNTER; JOHN DOES 1-10;

Defendant

Civil Action No. 2:15-CV-140-RMP

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[] the plaintiff (name) recover from the
defendant (name) the amount of
dollars (\$), which includes prejudgment
interest at the rate of % , plus post judgment interest at the rate of % per annum, along with costs.

[] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name)
recover costs from the plaintiff (name)

[x] other: Defendant's motion for summary judgment (ECF No. 24) is GRANTED IN PART and DENIED IN PART as follows:
1.) Plaintiffs' Section 1983 Fourth Amendment excessive force claims against Deputies Audie and Paynter shall proceed
to trial; 2.) Plaintiffs' negligence claims against Deputies Audie and Paynter, and respondeat superior claim against the
County, shall proceed to trial; 3.) Plaintiffs' Fourteenth Amendment due process claims are dismissed; 4.) Plaintiff's
Eighth Amendment claims are dismissed; 5.) Plaintiffs' Monell liability claims against the County and Sheriff Knezovich
are dismissed; 6.) Allclaims against Sheriff Knezovich in his personal capacity are dismissed; and 7.) Plaintiffs' claims
against all Doe Defendants are dismissed.

This action was (check one):

[] tried by Judge without a jury and the above decision
was reached.

[x] decided by Judge Rosanna Malouf Peterson on a motion for
summary judgment (ECF No. 24).

Date: 2/13/2017

CLERK OF COURT

SEAN F. McAVOY

s/ Lennie Rasmussen

(By) Deputy Clerk

Lennie Rasmussen