UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

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MARK ALLEN BURGESS; ELIZABETH CIV 17-4027

DIAN BURGESS: M.S.B., Minor Child /01; A.N.B., Minor Child /04; E.J.B., Minor Child /15,

Plaintiffs,

V. : MOTION FOR SUMMARY
CITY OF SIGHY FALLS, SIGHY FALLS

JUDGMENT

CITY OF SIOUX FALLS; SIOUX FALLS
POLICE DEPARTMENT; OFFICER JEFF

MODELARI AND #042; OFFICER LAND

MacFARLANE, #943; OFFICER IAN BRANCH, #884; OFFICER CHAD :

WESTRUM, #898,

:

Defendants.

Pursuant to Federal Rule of Procedure 56, the Defendants move this Court for an order of summary judgment dismissing all of the Plaintiffs' claims contained in their Complaint on the basis of qualified immunity and the lack of merit of the underlying claims. This motion is supported by the pleadings and documents on file with the Court, the supporting affidavits of Jeff MacFarlane, Chad Westrum, Ian Branch, Todd Lowe, and Joel Engel, a separate statement of undisputed material facts, and a supporting brief.

Case No.: Civ. 17-4027 Motion for Summary Judgment

Dated this 1st day of September, 2017.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/ Gary P. Thimsen

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of September, 2017, a true and correct copy of the foregoing *Motion for Summary Judgment* was served by United States Mail, postage prepaid, upon the following:

Mark Allen Burgess 1205 N. Harlem Ave Sioux Falls, SD 57104

/s/ Gary P. Thimsen

One of the Attorneys for Defendants

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