

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF IOWA  
DAVENPORT DIVISION**

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**GABRIEL STEELE, individually, as  
Executor of the Estate of Autumn Steele,  
and as next of friend for his minor child  
G.S., Sean Schoff, as next of friend for his  
minor child K.S., and GINA COLBERT,  
individually.**

**Plaintiff,**

**v.**

**CITY OF BURLINGTON and OFFICER  
JESSE HILL**

**Defendants.**

**Case No.: 3:16-cv-105**

**PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT ON  
LIABILITY**

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Comes now the Plaintiffs, Gabriel Steele, the Estate of Autumn Steele, G.S., K.S. and Gina Colbert, to seek Summary Judgment in their favor on liability on their Excessive Force Claim - Count I, under both the Fourth Amendment to the U.S. Constitution and Article I, Section 8 of the Iowa Constitution (against Defendant Hill only); and Wrongful Death - Count IV, under Iowa Common Law (against both Defendants). The Plaintiffs are entitled to Summary Judgment on liability with regard to their Excessive Force and Wrongful Death claims, as established by Plaintiffs' Brief supporting this motion, Statement of Undisputed Material Facts, and Appendix.

**WHEREFORE**, Plaintiffs, Gabriel Steele, the Estate of Autumn Steele, G.S., K.S. and Gina Colbert, respectfully request the Court to grant their Motion for Summary Judgment on liability, as set out above.

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on the 12<sup>th</sup> day of January, 2018, by:

- |   |   |
|---|---|
| <input type="checkbox"/> XEDMS/ECF              | <input type="checkbox"/> FAX            |
| <input type="checkbox"/> Hand Delivered         | <input type="checkbox"/> Certified Mail |
| <input type="checkbox"/> FedEx/Airborne Express | <input type="checkbox"/> Email          |

Signature: /s/ David A. O'Brien