

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

**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.**

Plaintiffs,

v.

**CITY OF BURLINGTON and OFFICER
JESSE HILL**

Defendants.

Case No.: 3:16-cv-105

**PLAINTIFFS' RESISTANCE TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

COMES NOW the Plaintiffs, the Estate of Autumn Steele, Gabriel Steele, G.S., K.S. and Gina Colbert, to Resist Defendants' Motion for Summary Judgment. The Defendants are not entitled to Summary Judgment as established by Plaintiffs' Brief, Response to Defendant's Statement of Material Facts and Supplemental Appendix, attached. In addition, the court is directed to Plaintiffs' pending Motion for Summary Judgment on Liability.

WHEREFORE, Plaintiffs, the Estate of Autumn Steele, Gabriel Steele, G.S., K.S. and Gina Colbert, respectfully request the Court to deny Defendant's Motion for Summary Judgment.

DAVE O'BRIEN LAW
1500 Center St NE
Cedar Rapids, Iowa 52402
Telephone: (319) 861-3001
Facsimile: (319) 861-3007
E-mail: dave@daveobrienlaw.com

By: /s/ David A. O'Brien
DAVID A. O'BRIEN, AT0005870

SHELNUTT LAW FIRM
10 9th St., Suite 101
Columbus, GA 31901
Telephone: (256) 547-4988
E-mail: jms@shelnuttlaw.com

By: /s/ John Shelnett
JOHN M. SHELNUTT,

LAW OFFICES OF ADAM J. KLEIN

6 Concourse Parkway, Suite 2920
Atlanta, GA 30328
Telephone: (678) 825-5529
Facsimile: (404) 475-3091
E-mail: aklein@adamkleinlaw.com

HENKELVIG LAW

314 N. 4th St.
Burlington, IA 52601
Phone: (319) 753-5411
Fax: (866) 255-4581
TAHenkelvig@iabar.org

By: /s/ Adam J. Klein
ADAM J. KLEIN,

By: /s/ Trent A. Henkelvig
Trent A. Henkelvig,

ORIGINAL FILED.

COPY TO:

Martha Shaff
Betty, Neuman & McMahon, PLC
1900 East 54th St.
Davenport, IA 52807
(Attorney for Defendants)

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 2nd day of February, 2018, by:

X EDMS/ECF FAX
 Hand Delivered Certified Mail
 FedEx/Airborne Express Email

Signature: /s/ David A. O'Brien