

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

A.E. and E.W.,

Plaintiffs,

v.

**CIVIL ACTION NO: 3:17-cv-01885
JUDGE CHAMBERS**

**JOSHUA NIELD;
CITY OF HUNTINGTON, WEST VIRGINIA; and
JOHN DOES 1–7, INDIVIDUALS,**

Defendants.

DEFENDANT CITY OF HUNTINGTON’S MOTION FOR PARTIAL DISMISSAL

Defendant City of Huntington, West Virginia (“the City”), by counsel, Lee Murray Hall, Nathaniel A. Kuratomi, and Jenkins Fenstermaker, PLLC, and pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves for partial dismissal of plaintiffs’ Complaint. As is set forth more fully in the *Memorandum of Law* being filed contemporaneously herewith, plaintiffs’ claims for Assault, Battery, False Imprisonment, and punitive damages fail as a matter of law.

Accordingly, the City respectfully requests that this Court enter an Order dismissing plaintiffs’ claims for Assault, Battery, False Imprisonment, and punitive damages as against the City with prejudice.

CITY OF HUNTINGTON

By Counsel

/s/ Nathaniel A. Kuratomi
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CERTIFICATE OF SERVICE

I, Nathaniel A. Kuratomi, hereby certify that a true and correct copy of the foregoing *“Defendant City of Huntington’s Motion for Partial Dismissal”* and *“Memorandum of Law in Support”* was electronically filed with the Clerk of the Court on this the 3rd day of July, 2017 using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

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