

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

Susan Doxtator, Arlie Doxtator, and
Sarah Wunderlich, as Special
Administrators of the Estate of
Jonathon C. Tubby,

Plaintiffs,

Case No. 19-CV-00137

v.

Erik O'Brien, Andrew Smith, Todd J. Delain,
Heidi Michel, City of Green Bay, Brown County,
Joseph P. Mleziva, Nathan K. Winisterfer,
Thomas Zeigle, and John Does 1-5,

Defendants.

**DEFENDANTS TODD J. DELAIN, HEIDI MICHEL, BROWN COUNTY, JOSEPH P.
MLEZIVA, NATHAN K. WINISTORFER, AND THOMAS ZEIGLE'S
MOTION FOR SUMMARY JUDGMENT**

Defendants, Todd J. Delain, Heidi Michel, Brown County, Joseph P. Mleziva, Nathan K. Winistorfer (incorrectly spelled as "Winisterfer"), and Thomas Zeigle (collectively "County Defendants," unless otherwise noted), by their attorneys, Crivello Carlson, S.C., respectfully move this Court, the Honorable William C. Griesbach presiding, for an order dismissing Plaintiffs' Third Amended Complaint, (ECF No. 83), in its entirety, including all claims alleged against the County Defendants, on the merits and with prejudice pursuant to Fed. R. Civ. P. 56 and Civil L.R. 56. Grounds for this Motion are fully stated in the County Defendants' Brief in Support filed with this Motion.

Additionally, the County Defendants hereby join and adopt any and all summary judgment arguments, to the extent they are consistent with the County Defendants' positions, made by the Erik O'Brien, Andrew Smith, and the City of Green Bay.

This Motion is based upon the pleadings, the County Defendants' Brief in Support of Summary Judgment, the County Defendants' Proposed Findings of Fact in Support of Summary Judgment, and the Declaration (and exhibits attached thereto) of Benjamin A. Sparks. Through this Motion, the County Defendants also seek the costs and disbursements of this Motion and action, and such other relief that the Court deems equitable.

Dated this 2nd day of November, 2020.

CRIVELLO CARLSON, S.C.

Attorneys for Defendants Todd J. Delain, Heidi Michel,
Brown County, Joseph P. Mleziva, Nathan K. Winisterfer,
and Thomas Zeigle

BY: s/ Benjamin A. Sparks

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