

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION**

DERROL DEE KIRBY, III

PLAINTIFF

v.

Civil No. 06-2168

**JOHN ROTH, Ex-Chief of Police, Barling, Arkansas
Police Department; LARRY MERRILL¹, next in charge
under Police Chief, Barling Police Department;
CITY OF BARLING; KEVIN DOUGAN,
Barling Police Department Patrolman; JOHN
BARBOR, Barling Police Department Patrolman**

DEFENDANTS

JUDGMENT

Consistent with the Memorandum Opinion and Order of this same date, the Court finds Plaintiff is entitled to judgment in his favor on his claim for pain and suffering damages against Defendants Barbor, Merrill and Dougan in the amount of nominal damages of \$1.00.

Judgement is entered in favor of the Defendants regarding Plaintiff's claim of punitive damages.

IT IS SO ORDERED this 27th day of December 2011.

/s/ J. Marschewski
HON. JAMES R. MARSCHEWSKI
CHIEF U.S. MAGISTRATE JUDGE

¹ At trial, Defendants moved to amend Defendant Larry Merchant's name to Defendant Larry Merrill. The motion was granted, and the Clerk of Court is directed to amend the name of record for this defendant.