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APPENDIX A

**United States Court of Appeals
For The Eighth Circuit
[LETTERHEAD]**

June 18, 2026

Sara Lynn Monaghan
ARKANSAS MUNICIPAL LEAGUE
301 W. Second Street
P.O. Box 38
North Little Rock, AR 72115-0038

RE: 25-1216 Tamala Jones v. Logan Kulesa, et al

Dear Counsel:

The court has issued an opinion in this case. Judgment has been entered in accordance with the opinion.

Please review Federal Rules of Appellate Procedure and the Eighth Circuit Rules on post-submission procedure to ensure that any contemplated filing is timely and in compliance with the rules. Note particularly that petitions for rehearing and petitions for rehearing en banc must be received in the clerk's office within 14 days of the date of the entry of judgment. Counsel-filed petitions *must* be filed electronically in CM/ECF. Paper copies are not required. Except as provided by Rule 25(a)(2)(iii) of the Federal Rules of Appellate Procedure, no grace period

for mailing is allowed. Any petition for rehearing or petition for rehearing en banc which is not received within the 14 day period for filing permitted by FRAP 40 may be denied as untimely.

Susan E. Bindler
Clerk of Court

JES

Enclosure(s)

cc: Clerk, U.S. District Court, Eastern District of
Arkansas
Benjamin L. Crump
Devon M. Jacob

District Court/Agency Case Number(s): 4:22-
cv-00545-BSM

United States Court of Appeals
For The Eighth Circuit
[LETTERHEAD]

June 18, 2026

West Publishing
Opinions Clerk
610 Opperman Drive
Building D D4-40
Eagan, MN 55123-0000

RE: 25-1216 Tamala Jones v. Logan Kulesa, et al

Dear Sir or Madam:

A published opinion was filed today in the above case.

Counsel who presented argument on behalf of the appellant and appeared on the brief was Sara Lynn Monaghan, of North Little Rock, AR.

Counsel who presented argument on behalf of the appellee and appeared on the brief was Devon M. Jacob, of Mechanicsburg, PA.

The judge who heard the case in the district court was Honorable Brian S. Miller.

If you have any questions concerning this case, please call this office.

Susan E. Bindler
Clerk of Court

JES

Enclosure(s)

cc: MO Lawyers Weekly

District Court/Agency Case Number(s): 4:22-
cv-00545-BSM

**United States Court of Appeals
For the Eighth Circuit**

No. 25-1216

Tamala J. Jones, Personally, and as the
Administratrix of the Estate of Tramon
Tyqueze Savage

Plaintiff - Appellee

v.

Logan K. Kulesa; Shawn M. Jones

Defendants - Appellants

Appeal from United States District Court
for the Eastern District of Arkansas - Central

Submitted: January 14, 2026

Filed: June 18, 2026

Before SHEPHERD, KELLY, and STRAS, Circuit
Judges.

SHEPHERD, Circuit Judge.

Tamala Jones initiated this 42 U.S.C. § 1983 action personally and in her capacity as the administrator of the estate of her deceased son, Tramon Savage, against Jacksonville, Arkansas, police officers Logan Kulesa and Shawn Jones and the City of Jacksonville. Jones brought suit after Savage died

from gunshot wounds he sustained during an incident involving Officers Kulesa and Jones. As relevant to this appeal, Officers Kulesa and Jones moved for summary judgment on Tamala Jones's excessive force claim based on qualified immunity, which the district court¹ denied. Officers Kulesa and Jones filed this interlocutory appeal challenging the denial of qualified immunity. However, because the heart of their arguments involves material factual disputes that exceed the scope of our review, we dismiss this appeal for lack of jurisdiction.

I.

On the evening of June 13, 2019, Jacksonville police officers responded to a call of a burglary in progress at a local car dealership. Officer Kulesa arrived first on the scene, where he spoke with members of the dealership cleaning crew who reported that an unauthorized individual was in the building. Officer Kulesa walked around the property and ultimately located the unauthorized individual, later identified as Savage, in the service department. Officer Kulesa observed Savage, who was shirtless and attempting to start several vehicles. Officer Jones arrived on the scene with two other officers and joined Officer Kulesa at the service department. Officer Kulesa observed Savage attempting to start a truck, walking over to the bay door, and pushing the button to raise the door before returning to the truck. Officers

¹ The Honorable Brian S. Miller, United States District Judge for the Eastern District of Arkansas.

Jones and Kulesa walked through the open bay door, announcing themselves as Jacksonville police officers before entering and continuing into the service area with their weapons drawn. Officer Kulesa approached the driver's side of the vehicle and Officer Jones approached the passenger's side; both officers shouted multiple times for Savage to stop and show his hands. Savage did not comply with their commands and drove the truck forward toward the open service bay door. As Savage continued to drive forward, Officers Kulesa and Jones both began firing their handguns at the truck. The truck continued forward until it crashed into the storage bay wall, where it came to a rest. Officer Kulesa continued firing his weapon into the truck after it came to a stop; he later testified that he observed Savage leaning down toward the passenger seat floorboard and believed Savage was reaching for something. Officer Kulesa fired until he ran out of bullets; both officers fired all shots in under five seconds. The officers then approached the vehicle, determined that Savage was suffering from gunshot wounds, radioed for an ambulance, and began administering medical aid. Savage died from these injuries later that same day.

Savage's mother initiated this action, asserting, as relevant to this appeal, an excessive force claim, pursuant to 42 U.S.C. § 1983, and state law claims for wrongful death and survival against Officers Kulesa and Jones.² The officers moved for summary judgment

² Savage's mother also asserted a municipal liability claim, pursuant to *Monell v. Department of Social Services of City of New*

on these claims, asserting that they were entitled to qualified immunity. The district court denied qualified immunity on the excessive force claim, concluding that “there are genuine disputes of fact that must be resolved by a jury which preclude summary judgment based on qualified immunity.” The district court concluded that “whether it was objectively reasonable for the officers to believe that Savage posed a serious and immediate threat after the truck passed them, struck a wall, and came to a stop is in dispute,” noting that qualified immunity is inappropriate where the record does not conclusively establish the lawfulness of an officer’s use of force. The district court also noted that, in addition to the factual disputes about the reasonableness of the officers’ use of force, “the jury must also determine whether it was Kulesa or Jones, or both, who effectuated the seizure on Savage.” As to the state law claims, the district court denied qualified immunity for the same reasons as the excessive force claim, noting that qualified immunity under Arkansas law mirrors its federal counterpart and thus relies on the same principles as federal law. This appeal follows.

II.

Officers Kulesa and Jones assert that the district court erred in denying them qualified immunity because “[n]o fact in this case is in dispute,” and “[t]he video evidence as to what occurred which formed the

York, 436 U.S. 658 (1978), against the city of Jacksonville, and the district court granted summary judgment in favor of the City on this claim. This ruling is not at issue in this interlocutory appeal.

basis for Ofc. Jones and Ofc. Kulesa's justification to use deadly force is clear and therefore cannot be disputed." According to the officers, they are entitled to qualified immunity on the excessive force claim because, "at the moment the force was used they both had probable cause to believe that Mr. Savage posed a threat of serious physical harm, either to the officers or others," and there is no case law demonstrating that the officers' use of force in these circumstances violated clearly established law. Further, the officers assert they are entitled to qualified immunity on the state law claims for these same reasons.

"The 'first and fundamental question' in an appeal from a denial of qualified immunity is that of jurisdiction." *Taylor v. St. Louis Cmty. Coll.*, 2 F.4th 1124, 1126 (8th Cir. 2021) (citation omitted). In reviewing "a qualified immunity determination on an interlocutory appeal, 'our jurisdiction is limited to the purely legal question of whether the conduct that the district court found was adequately supported in the record violated a clearly established federal right.'" *Torres v. City of St. Louis*, 39 F.4th 494, 502 (8th Cir. 2022) (citations omitted). "We lack jurisdiction to review the denial of qualified immunity 'if at the heart of the argument is a dispute of fact.' This means we 'cannot review whether a factual dispute is genuine,' nor can we review 'which facts a party may, or may not, be able to prove at trial.'" *Taylor*, 2 F.4th at 1127 (citations omitted). "However, '[t]here is one exception to such a jurisdictional limitation on our review: we may reject the district court's factual findings to the extent that they are 'blatantly contradicted by the record.'"" *Z.J. by & through Jones v. Kansas City Bd.*

of Police Comm'rs, 931 F.3d 672, 680 (8th Cir. 2019) (alteration in original) (citation omitted).

The officers' arguments on appeal raise, at their heart, factual disputes which are beyond the scope of our jurisdiction. The district court concluded that it was disputed whether it was objectively reasonable for the officers to believe that Savage posed an immediate and serious threat to them after the truck passed them, struck the wall, and came to a stop. On appeal, the officers assert that, at the moment they used deadly force, they had probable cause to believe Savage posed a threat of serious physical harm. The risk Savage posed to the officers, no matter how they try to couch it, is a factual dispute that we cannot review. *See Taylor*, 2 F.4th at 1127 ("An officer 'cannot create appellate jurisdiction by using qualified immunity verbiage to cloak factual disputes as a legal issue.' We are required to look beyond the officer's characterization of the issue and consider whether the argument, instead of raising a legal issue, is simply a claim that 'the plaintiff offered insufficient evidence to create a material issue of fact,' which we lack jurisdiction to review." (citations omitted)).

Attempting to evade this barrier to our jurisdiction, the officers assert that there are no disputed facts in this case because the video evidence of the incident clearly shows the events that formed the basis of the officers' decision to use lethal force. However, we may reject the district court's recitation of the facts only to the extent that they are "blatantly contradicted by the record," *Z.J.*, 931 F.3d at 680 (citation omitted), and the videos do not meet this high

standard. The videos of the incident reveal a rapidly evolving event where the officers fired multiple shots within a span of five seconds from positions on either side of a vehicle slowly moving toward an open exit. The videos do not blatantly contradict the district court's determination that factual disputes remain about whether Savage posed an immediate and serious threat, particularly after the truck hit the wall and came to a stop. Resolving the inquiry into whether the officers had probable cause to believe Savage posed a threat of serious physical harm would require us to "cast aside the district court's factual findings, analyze the factual record, and resolve genuine factual disputes against the non-moving party. This we cannot do." *Taylor*, 2 F.4th at 1127. Because this interlocutory appeal of qualified immunity advances factual arguments beyond the scope of our jurisdiction, we must dismiss this appeal.

III.

For the foregoing reasons, we dismiss this appeal for lack of jurisdiction.

APPENDIX B

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF ARKANSAS CENTRAL DIVISION

TAMALA T. JONES, personally, and as the
Administratrix of the ESTATE OF
TRAMON TYQUEZE SAVAGE

PLAINTIFF

v.

CASE NO. 4:22-CV-00545-BSM

LOGAN K. KULESA; SHAWN M. JONES;
and CITY OF JACKSONVILLE, ARKANSAS

DEFENDANTS

ORDER

Defendants' motion for summary judgment [Doc. No. 23] is granted on plaintiff's municipal liability claim and denied on plaintiff's excessive force claim. Summary judgment is granted on plaintiff's survival liability and wrongful death claims against the City of Jacksonville, Arkansas and denied on her claims against Logan Kulesa and Shawn Jones. Defendants' motion to strike [Doc. No. 35] is denied. The clerk is directed to terminate the City of Jacksonville as a party.

I. BACKGROUND

Jacksonville police officers were dispatched to a

car dealership to investigate a burglary in progress call at approximately 11:56 p.m. on June 13, 2019. Defs.' Statement Undisputed Material Facts ¶ 1, Doc. No. 25 ("Defs.' SOF"). As he drove to the dealership, officer Logan Kulesa was flagged down by a woman in a gas station parking lot near the dealership. *Id.* ¶ 2. The woman informed Kulesa that she and her husband were members of the dealership's cleaning crew, that someone was trying to break into the dealership, and that her husband had locked himself inside a closet in the dealership. *Id.* Kulesa then asked the woman to unlock the gate to the dealership, so he could enter its parking lot. *Id.*

When Kulesa parked in the dealership's parking lot at approximately 11:57 p.m., a man approached him and identified himself as the cleaning crew member whose wife had spoken to Kulesa at the gas station. *Id.* ¶ 3. The man advised Kulesa that no one was supposed to be in the building, and that when he heard someone banging inside the dealership building, he was frightened and hid in a closet. *Id.* The man told Kulesa that after he made sure no one was outside the closet, he fled the building. *Id.*

After Kulesa failed to locate anyone at the front of the building, the cleaning crew member walked him to the service department where he looked inside the window and saw the subject. *Id.* ¶ 4. The subject, later identified as Tramon Savage, was not wearing a shirt and he was attempting to start several vehicles. *Id.* ¶ 5.

About a minute later, Sergeant Robert Slash and officers Shawn Jones and Joshua Isom arrived. *Id.* ¶ 6.

Slash did not know how many suspects were inside of the building, so he instructed Jones and Isom to assist Kulesa on the south side of the building while he covered the front of the building in case any suspects attempted to leave through the front. *Id.* ¶ 7.

Shortly thereafter, Kulesa observed Savage attempting to start a truck. *Id.* ¶ 9. Jones arrived at his location. *Id.* ¶ 10. Savage then exited the truck, walked over to the bay door, and pushed the button to raise the bay door. *Id.* ¶ 11. Kulesa and Jones walked to the open bay door. *Id.* ¶¶ 12–13. Before entering, Kulesa and Jones loudly identified themselves as Jacksonville police. *Id.* ¶ 14; Pl.’s Resp. Defs.’ Statement Facts & Pl.’s Statement Additional Facts ¶ 14, Doc. No. 31 (“Pl.’s SOF Resp.”). Kulesa and Jones then entered the service area with their weapons drawn, and they commanded Savage multiple times to stop and show his hands. Defs.’ SOF ¶ 16. Savage did not answer the officers nor did he respond to their commands. *Id.* ¶ 17.

Kulesa approached the driver’s side of the truck in which Savage was sitting while Jones approached the passenger side. *Id.* ¶ 18. Savage then drove the truck forward in an apparent attempt to drive through the open service bay door. Pl.’s SOF Resp. ¶ 19. Jones moved out of the truck’s way to the driver’s side. *Id.* ¶ 20. Kulesa ended up on the passenger side, and at this point, Jones and Kulesa were on opposite sides of the truck and could not see each other. *Id.* Jones then observed the truck drive toward the last location where he had seen Kulesa and he perceived that the suspect was trying to run over him, so he began firing

shots into the truck driver's side door. *Id.* ¶ 21. Kulesa heard a gunshot and did not know whether Savage or Jones fired the shot. Defs.' SOF ¶ 22. At that point, Kulesa believed Savage was going to run over him and that he had possibly just taken a shot at Jones. *Id.* ¶ 23. Consequently, Kulesa began firing shots through the passenger side door. *Id.* ¶ 24. Kulesa then started backing up, and the truck continued by him and crashed. *Id.*

Kulesa testified that he continued firing his gun after the truck crashed because he observed Savage leaning down towards the passenger seat floorboard and believed that Savage was attempting to grab something. Pl.'s SOF Resp. ¶ 25. Kulesa then saw Savage sit up with both of his hands partially in view. *Id.* Kulesa ran out of bullets and the officers stopped firing. *Id.* ¶ 26. All of Kulesa's shots, including the one that may have killed Savage, were fired in under five seconds. David Balash Expert Rep. (Ballistics) 7, Doc. No. 31-2; *see* Defs.' Reply Pl.'s Resp. Defs.' Statement Undisputed Material Facts ¶ 69, Doc. No. 38 (questioning plaintiff's expert's conclusion that Kulesa fired the fatal shot).

After determining that the perceived threat was neutralized and that Savage was injured, the officers radioed for an ambulance and began to render medical aid. *See* Defs.' SOF ¶¶ 27–34. Savage died later that day. *Id.* ¶ 34.

Tamala Jones is suing personally and on behalf of her deceased son, Tramon Savage. Compl. ¶ 5, Doc. No. 1. Savage's mother brings the following claims: (1)

an excessive force claim against officers Kulesa and Jones; (2) a municipal liability claim against the City of Jacksonville; (3) a state law survival claim against all defendants; and (4) a state law wrongful death claim against all defendants. *Id.* ¶¶ 83–115. Defendants move for summary judgment on all claims. Doc. No. 23.

II. LEGAL STANDARD

Summary judgment is appropriate when there is no genuine dispute as to any material fact, and the moving party is entitled to judgment as a matter of law. *See* Fed. R. Civ. P. 56(a); *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249–50 (1986). Once the moving party demonstrates that there is no genuine dispute of material fact, the non-moving party may not rest upon the mere allegations or denials in her pleadings. *Holden v. Hirner*, 663 F.3d 336, 340 (8th Cir. 2011). Instead, the non-moving party must produce admissible evidence demonstrating a genuine factual dispute requiring a trial. *Id.* All reasonable inferences must be drawn in a light most favorable to the non-moving party. *Holland v. Sam’s Club*, 487 F.3d 641, 643 (8th Cir. 2007). The evidence is not weighed, and no credibility determinations are made. *Jenkins v. Winter*, 540 F.3d 742, 750 (8th Cir. 2008).

III. DISCUSSION

Defendants’ motion for summary judgment is granted on plaintiff’s municipal liability claim and denied on plaintiff’s excessive force claim. Summary judgment is granted on plaintiff’s survival liability and

wrongful death claims against the city and denied on her claims against Kulesa and Jones. Defendants' motion to strike is denied.

A. *Excessive Force Claim*

Summary judgment is denied on plaintiff's excessive force claim because there are genuine disputes of fact that must be resolved by a jury which preclude summary judgment based on qualified immunity.

Police officers are immune from suit unless they violate a clearly established constitutional or statutory right. *See Estate of Morgan v. Cook*, 686 F.3d 494, 496 (8th Cir. 2012). In determining whether an officer's use of force is constitutional, one must determine whether the force was objectively reasonable from the perspective of an officer on the scene. *See Loch v. City of Litchfield*, 689 F.3d 961, 965 (8th Cir. 2012) (citing *Graham v. Connor*, 490 U.S. 386, 396–97 (1989)). In making this determination, courts consider the severity of the crime at issue, whether the suspect posed an immediate threat to the officer or others, and whether the suspect resisted or attempted to evade arrest. *See id.* Qualified immunity is inappropriate when a genuine dispute exists concerning facts material to the issue of qualified immunity. *See Pace v. City of Des Moines*, 201 F.3d 1050, 1056 (8th Cir. 2000).

Plaintiff advances two main arguments as to why summary judgment should be denied. First, she says that the officers should be held liable for failing to plan

their entry and intentionally placing themselves in jeopardy. Second, she says that the officers should have at least stopped firing their guns after the truck passed them, struck a wall, and came to a stop.

The first argument fails because the officers' decision to enter the open door to the service area with their guns drawn did not violate a clearly established right. Although some may disagree with the officers' initial decision, there was no constitutional violation. *See Schulz v. Long*, 44 F.3d 643, 648 (8th Cir. 1995) ("the reasonableness inquiry extends only to those facts known to the officer at the precise moment the officers effectuate the seizure"); *see also Khansari v. City of Houston*, 14 F. Supp. 3d 842, 857 (S.D. Tex. 2014) (allegations that the defendant officers failed to properly plan, evaluate, or gauge the situation were not sufficient to state a claim for violation of rights protected by the Fourth Amendment because these alleged failures neither constituted a seizure, nor a use of force that caused plaintiff to suffer an injury that was excessive to the need or objectively unreasonable).

The second argument, however, is enough to overcome summary judgment. This is true because whether it was objectively reasonable for the officers to believe that Savage posed a serious and immediate threat after the truck passed them, struck a wall, and came to a stop is in dispute. *See, e.g.*, Pl.'s SOF Resp. ¶¶ 19–21, 25; *see also Cole Estate of Richards v. Hutchins*, 959 F.3d 1127, 1134 (8th Cir. 2020) ("a few seconds is enough time to determine an immediate threat has passed, extinguishing a preexisting justification for the use of deadly force"); *Ribbey v. Cox*,

222 F.3d 1040, 1043 (8th Cir. 2000) (holding that it was permissible for a reasonable finder of fact based on the evidence and on the finder of fact's assessment of witness credibility to conclude that a shooting was objectively unreasonable when a state trooper fatally shot a passenger who the trooper believed was potentially reaching for a weapon in a vehicle which had come to a stop when it hit a fence after a high-speed pursuit); *Eberhardinger v. City of York*, 782 F. App'x 180, 182 (3d Cir. 2019) (holding that a reasonable jury could find that an officer used deadly force to stop a fleeing suspect rather than out of fear of immediate personal harm when he fired four shots at the driver as the vehicle was passing him or had completely passed him). Indeed, "the record here does not conclusively establish the reasonableness of the officer[s'] actions." *Craighead v. Lee*, 399 F.3d 954, 963 (8th Cir. 2005). And "[w]here the record does not conclusively establish the lawfulness of an officer's use of force, summary judgment on the basis of qualified immunity is inappropriate." *Banks v. Hawkins*, 999 F.3d 521, 525 (8th Cir. 2021) (citing *Nance v. Sammis*, 586 F.3d 604, 612–13 (8th Cir. 2009)). Finally, in addition to answering whether the officers' actions were objectively reasonable, the jury must also determine whether it was Kulesa or Jones, or both, who effectuated the seizure on Savage.

B. *Municipal Liability Claim*

Summary judgment is granted on plaintiff's municipal liability claim. Plaintiff would be permitted to pursue her claims against the city if she could show that the city's policy, widespread practice or custom, or

deliberately indifferent training of its employees was the “moving force” behind the constitutional violation. *Monell v. Dep’t of Soc. Servs. of City of N.Y.*, 436 U.S. 658, 694 (1978); see *City of Canton v. Harris*, 489 U.S. 378, 387–88 (1989). Nothing in the record supports a municipal liability claim. Specifically, the city’s policy did not “affirmatively sanction” unconstitutional action, and it instead relied on the discretion of the officers. *Moyle v. Anderson*, 571 F.3d 814, 818 (8th Cir. 2009); see Jacksonville Police Dep’t Resp. to Resistance Pol’y, Doc. No. 25-14. Therefore, the city’s lack of a deescalation policy was constitutional, even if it did not conform with generally accepted law enforcement practices. Additionally, there is no evidence in the record showing a widespread practice or custom of excessive force within the city’s police department or of deliberately indifferent training of officers. See Pl.’s Resp. Defs.’ Mot. Summ. J. 10–12, Doc. No. 32; Defs.’ Reply Pl.’s Resp. Defs.’ Mot. Summ. J. 10, Doc. No. 37.

C. *Survival Liability and Wrongful Death Claims*

Summary judgment is granted in part and denied in part on plaintiff’s survival liability and wrongful death claims.

Two causes of action may arise when a person’s death is caused by the wrongful act of another. See *Meredith v. Buchman*, 101 F. Supp. 2d 764, 766 (E.D. Ark. 2000) (citing *Matthews v. Travelers Indem. Ins. Co.*, 432 S.W.2d 485, 487 (Ark. 1968)). “First, there is a cause of action for the estate under the survival statute, and, second, there is a cause of action for the

statutory beneficiaries under the wrongful death statute.” *Id.* Plaintiff is bringing a survival liability claim as the administratrix of Savage’s estate, *see* Compl. ¶¶ 102–07, and she is bringing a wrongful death claim as personal representative of Savage’s statutory beneficiaries, *see id.* ¶¶ 108–15. Summary judgment is granted for the city and denied for Kulesa and Jones on plaintiff’s survival liability and wrongful death claims for the same reasons that summary judgment is granted on plaintiff’s municipal liability claim and denied on plaintiff’s excessive force claim. *See Brown v. Pine Bluff Nursing Home*, 199 S.W.3d 45, 48 (Ark. 2004) (a wrongful death action is derivative in nature, and where the underlying claim is no longer preserved, the wrongful death action is barred as well); *Martin v. Hallum*, 374 S.W.3d 152, 158 (Ark. Ct. App. 2010) (“qualified immunity under Arkansas law is akin to its federal counterpart and rests on the same principles as federal law”).

D. *Motion to Strike*

Defendants’ motion to strike is denied because it appears that plaintiff complied with her expert disclosure obligations, or at the very least, any failure to meet her obligations was substantially justified. *See* Pl.’s Resp. Defs.’ Mot. Strike 1–10, Doc. No. 39; *see also Firefighter’s Inst. for Racial Equality ex rel. Anderson v. City of St. Louis*, 220 F.3d 898, 902 (8th Cir. 2000) (citing *Trost v. Trek Bicycle Corp.*, 162 F.3d 1004, 1008–09 (8th Cir. 1998)) (“Unless the failure to meet [an expert report disclosure] deadline was either harmless or substantially justified, the court may sanction a party by excluding its evidence.”); *Bliv, Inc.*

v. Charter Oak Fire Ins. Co., No. 4:22-CV-869-HEA, 2023 WL 8715762, at *2 (E.D. Mo. Dec. 18, 2023) (citation omitted) (“the Eighth Circuit has held that expert testimony should be liberally admitted”); *cf. Gillum v. United States*, 309 F. App’x 267, 270 (10th Cir. 2009) (“The parties to a litigation are not merely players in a game, trying to catch each other out. Rather, litigation should promote the finding of the truth, and, wherever possible, the resolution of cases on their merits.”).

IV. CONCLUSION

For these reasons, defendants’ motion for summary judgment is granted on plaintiff’s municipal liability claim and denied on plaintiff’s excessive force claim. Summary judgment is granted on plaintiff’s survival liability and wrongful death claims against the city and denied on her claims against Kulesa and Jones. Defendants’ motion to strike is denied. The clerk is directed to terminate the City of Jacksonville as a party.

IT IS SO ORDERED this 28th day of January, 2025.

/s/

UNITED STATES DISTRICT JUDGE

APPENDIX C

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 25-1216

Tamala J. Jones, Personally, and as the
Administratrix of the Estate of Tramon
Tyqueze Savage
Appellee

v.

Logan K. Kulesa and Shawn M. Jones
Appellants

Appeal from U.S. District Court for the Eastern
District of Arkansas - Central
(4:22-cv-00545-BSM)

ORDER

The petition for rehearing en banc is denied. The
petition for rehearing by the panel is also denied.

July 23, 2026

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler