

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
OWENSBORO DIVISION  
CIVIL ACTION NO. 4:11-CV-00039-TBR

DAX R. WOMACK

Plaintiff

v.

MATT CONLEY;  
STEPHANIE CONLEY;  
CONNIE KNIGHT;  
ROBERT SHOULTZ;  
JASON KIRK;  
SCOTT INGRAM;  
DAVID CRAFTON;

Defendants

**MEMORANDUM OPINION AND ORDER**

Defendants, Robert Shoultz and Jason Kirk, move the Court to reconsider its inclusion of the issues identified in Paragraphs 4 and 5 of its October 31, 2013 Order, or, in the alternative, leave to brief the issues identified in Paragraphs 4 and 5. (Docket No. 184.) Defendant Matt Conley has also requested leave to submit additional authority on these issues. (Docket No.185.) Plaintiff Dax Womack has responded. (Docket No. 187.)

For the reasons discussed in Plaintiff's response, (Docket No. 184), the Court declines to reconsider its inclusion of these issues. While Plaintiff has not at all times been clear on exactly on which claims he had abandoned and which he was still pursuing, it was always clear that the claims in Paragraphs 4 and 5 of the Court's October 31, 2013 Order were still being pursued.

However, the Court will permit Defendants Robert Shoultz, Jason Kirk, and Matt Conley to file additional briefing on the claim in **Paragraph 5** of the October 31, 2013 Order. (Docket No. 179.) This is the Fourth Amendment claim for deliberately concealing exculpatory evidence, continuing the pre-trial deprivation of liberty by loss of freedom of actions due to pending criminal charges against Robert Shoultz, Jason Kirk, and Matt Conley. The Court does not require any additional briefing as to the claim in Paragraph 4 (the Fifth and Fourteenth Amendment claim for deliberately concealing exculpatory evidence, depriving Plaintiff of his right to a fair trial against Robert Shoultz, Jason Kirk, and Matt Conley).

The Court **ORDERS** Defendants Shoultz, Kirk, and Conley to submit any additional briefing by noon Wednesday (November 6, 2013).

IT IS SO ORDERED.

Date:

cc: Counsel