

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
PADUCAH DIVISION  
CIVIL ACTION NO. 5:12-CV-00070-TBR

ZACHARY AMOS LAMB

Plaintiff

v.

JACK TELLE, *et al.*

Defendants

**MEMORANDUM OPINION AND ORDER**

This matter is before the Court upon Defendant Rodney Hill's Motion in Limine to preclude Plaintiff from asking the jury to award compensatory damages at the trial of this case. (Docket No. 84.) Plaintiff Zachary Lamb has not responded in the time period mandated by the Scheduling Order. (Docket No. 29.)

In his Complaint, Plaintiff requested compensatory damages, including lost wages, mental and emotional distress, damage to reputation, and legal expenses. When asked about his damages in interrogatories, (Docket No. 36-1), Plaintiff stated that his lost wage and future lost wages were all "[d]o to Telle's actions."<sup>1</sup> (Docket No. 84-1, Number 29.) Plaintiff also stated he "does not seek compensatory damages, but claims intangible harm." *Id.* Furthermore, Plaintiff is pro se and therefore has no legal fees. Accordingly, the Court will preclude Plaintiff from asking the jury to award lost wages, future lost wages, compensatory damages, and legal fees.

---

<sup>1</sup> All claims against Judge Telle were previously dismissed.

However, Plaintiff has alleged mental and physical pain and suffering as a result of the Defendant Hill's actions. *Carey* is not applicable because it dealt with an alleged procedural due process violation where the distress "a person may feel may be attributable to the justified deprivation rather than the deficiencies in procedure." *Carey v. Phipps*, 435 U.S. 247, 263-64 (1978). Furthermore, the footnote that Defendant references merely states that "genuine injury in this respect *may* be evidenced by one's conduct and observed by others." *Carey*, 435 U.S. at 264 n. 20 (emphasis added). Therefore, the Court will tentatively permit Plaintiff to ask the jury to award damages for mental and physical pain and suffering, but will review the evidence at the close of the case.

Accordingly, the Court will **GRANT in part** with respect to lost wages, future lost wages, compensatory damages, and legal fees and **DENY in part** with respect to mental and physical pain and suffering, Defendant Hill's motion. (Docket No. 84.)

IT IS SO ORDERED.

Date:

cc: Zachary Amos Lamb  
P.O. Box 153  
New Concord, KY 42076