

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MATTHEW LIVERS,

Plaintiff,

vs.

EARL SCHENCK, Cass County Sheriff's
Investigator; WILLIAM LAMBERT,
Nebraska State Patrol Investigator;
CHARLES O'CALLAGHAN, Nebraska
State Patrol Investigator; SANDRA
WEYERS, Cass County Sheriff's Sergeant;
CASS COUNTY, Nebraska; DAVID
KOFOED, Commander of the Douglas
County Sheriff's Office Crime Scene
Investigation Division,

Defendants.

8:08CV107

ORDER

This matter is before the court following a hearing on October 22, 2013. The parties stated for the record that this case has settled with regard to all defendants other than David Kofoed.¹ With regard to Mr. Kofoed, the court stated on the record that Mr. Kofoed was notified that trial in this matter was to begin today. Mr. Kofoed did not appear for the trial. The court further notes that Mr. Kofoed did not file an answer to the amended complaint, and he did not appear for the pretrial conference. As a result, the court entered a finding of liability against Mr. Kofoed in this case. Counsel further indicated they are requesting both compensatory and punitive damages as well as attorney fees against Mr. Kofoed. The court gave the parties time to brief the issue of damages and attorney fees as they relate to Mr. Kofoed.

¹ Initially counsel represented Mr. Kofoed, but he thereafter chose to appear pro se.

THEREFORE, IT IS ORDERED:

1. Default judgment is entered against Mr. Kofoed on all issues of liability.
2. The defendants shall file a brief and any additional evidence² on or before October 30, 2013, on the issue of a damages award against Mr. Kofoed.
3. Mr. Kofoed shall have 10 days following the filing of the defendants' brief to respond to the issue of damages and attorney fees.
4. A judgment on liability and damages will be entered against Mr. Kofoed at a later date.
5. The Clerk of Court is ordered to mail this Order to Mr. Kofoed to both his CM/ECF address and to his last known address.

Dated this 22nd day of October, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

² The court will consider the exhibits set forth on the record today, including Exhibits 0346, judgment and conviction; 0358, state transcript; 1321, the Nebraska Supreme Court decision; 0238-0300, photos of confinement; 0338-0339, newspaper articles depicting Mr. Livers as an accused murderer; 0207 and 0310, transcripts and videotape of the confession; 0344, letter from Mr. Livers to his parents; 0363 and 0364 (under seal); and pages 90, 106, and 107 of Cox's deposition. The parties may submit further evidence if needed.