

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY**

JEFFREY DEWAYNE CLARK,)	
)	
Plaintiff,)	HON. CHIEF JUDGE GREG N. STIVERS
)	
v.)	HON. MAG. COLIN H. LINDSAY
)	
MEADE COUNTY, et al.,)	
)	Case No. 17-CV-419-GNS-CHL
Defendants.)	
)	

PLAINTIFF’S PRETRIAL REPORT

Plaintiff Jeffrey Clark, by and through counsel, files this Pretrial Memorandum pursuant to Dkt. No. 454. In support, Plaintiff states as follows:

I. Plaintiffs’ Proposed Statement of the Case

At the time of his arrest, Plaintiff Jeffrey Clark was a lifelong Kentucky resident. Plaintiff spent more than 22 years incarcerated for a crime he did not commit—the 1992 murder of Rhonda Sue Warford. Mr. Clark’s wrongful conviction was not an accident but rather the result of egregious police misconduct. The conviction rested on fabricated witness statements, withheld exculpatory evidence, and a general disregard for Plaintiff’s constitutional rights.

Based on evidence of Plaintiff’s innocence and Defendants’ misconduct, the Meade County Circuit Court vacated Mr. Clark and Mr. Hardin’s convictions in a 25-page order entered on July 14, 2016. That order was affirmed by the Kentucky Supreme Court a year later. *Commonwealth of Kentucky v. Clark*, 528 S.W.3d 342 (2017). Faced with an unwinnable case and no physical evidence, the Officer of the Attorney General moved to dismiss the indictments against Plaintiff and his co-defendant. In February 2018, the Meade County Circuit Court finally dismissed the indictments resulting in Plaintiff’s exoneration. While the Louisville Defendants

have settled the litigation against Plaintiff and his co-Plaintiff Hardin for \$20,500,000. Mr. Clark pursues justice against the main Defendants from the Meade County Sheriff's Department.

II. Questions of Fact

This Court is intimately familiar with the factual backdrop of this lawsuit. Dkt. 388. While the Parties have engaged in exhaustive briefing at each stage of the litigation, there are several significant factual issues to be resolved by a jury at trial. While the following list is not exhaustive, it contains several of the factual disputes that come to mind:

- Whether the death certificate was manipulated by Defendants Greer and Adams;
- Whether there was any legitimate basis for altering the date of Ms. Warford's death;
- Was Capps' statement and/or testimony implicating Plaintiff false?
- Was Remsberg's statement and/or testimony implicating Plaintiff false?
- Whether Defendants Greer and Wise learned of Capps letter to Justis prior to Plaintiff's criminal trial;
- Whether Defendants manufactured false statements for witnesses, including but not limited to Capps, Rogers, Warford, and Barnes;
- Whether Defendant Handy fabricated a false statement that was attributed to Plaintiff Hardin;
- Whether the Meade County Sheriff's Department had training and/or supervision, and whether those failures contributed to Plaintiff's constitutional rights to be violated;
- Whether Defendant Greer initiated the prosecution of Plaintiff without probable cause;
- Whether Defendants engaged in certain acts that could be considered to be a conspiracy;

III. Plaintiffs Unresolved Legal Issues

An extensive number of motions *in limine* are currently pending before the Court. In addition to the factual and/or legal issues set forth in that briefing, and as it remains to the pending claims, Plaintiff believes that the legal for a jury to decide are set forth below:

A. Plaintiffs' Due Process Claim: Withholding Exculpatory Evidence

1. Did Defendants Greer and/or Wise knowingly or recklessly concealed from the prosecutor exculpatory and/or impeachment evidence during the criminal case?
2. Was the evidence material?
3. Was Plaintiff injured as a result?

B. Plaintiff's Due Process Claim: Fabrication of False Evidence

1. Did Defendants Greer, Wise, and/or Adams knowingly fabricated evidence?
2. Was the evidence material?
3. Was Plaintiff Clark was injured as a result?

C. Deprivation of Liberty

1. Did Defendant Greer cause Plaintiff to be detained?
2. Did Defendant Greer violate Plaintiff's Constitutional rights by detaining/continuing to detail him without probable cause?
3. Did Plaintiff suffer a deprivation of liberty?
4. Was the criminal proceeding resolved in Plaintiff's favor?

D. Conspiracy to Violate Constitutional Rights

1. Did the Defendant and one or more other people shared an agreement to deprive Plaintiff of his constitutional rights?
2. Did the Defendant commit an overt act in furtherance of the conspiracy?
3. As a result of the agreement, were Plaintiff's constitutional rights violated?

E. Failure to Intervene

1. Were Plaintiff's constitutional rights violated?
2. Did the Defendant know that the Plaintiff's constitutional rights were being or were about to be violated?
3. Did that Defendant have a realistic opportunity to do something to prevent harm from occurring?
4. Did that Defendant fail to take reasonable steps to prevent harm from occurring?
5. Did that Defendant's failure to act caused damage to Plaintiff?

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1. Was Defendant Meade County's training program adequate to train its officers to properly handle recurring situations; or, did Defendant Meade County fail to adequately supervise its officers?
2. Did Defendant Greer and/or Meade County know that it was highly predictable that: (1) the concealment of material exculpatory and/or impeachment evidence would occur; (2) false evidence would be created; (3) and/or individuals would be deprived of their liberty without probable cause without more training and/or adequate supervision of its officers as it was highly predictable even without a pattern of similar constitutional violations?
3. Did Defendant Meade County's failure to provide adequate training and/or supervision cause the violation(s) of Plaintiff's constitutional rights?

IV. Settlement Prospects and Damages

There are no ongoing settlement negotiations with the Meade County Defendants. Plaintiff will submit his last demand to the Meade County Defendants directly to chambers. Plaintiff submits proposed jury instructions that addresses damages. Those factors include:

- The physical, mental, and emotional pain and suffering Plaintiff has experienced;
- The physical, mental, and emotional pain and suffering Plaintiff is reasonably certain to experience in the future;
- The loss of enjoyment of life Plaintiff has experienced;
- The loss of enjoyment of life Plaintiff is reasonable certain to experience in the future;

- The reasonable value of necessary medical care, treatment, and services received;
- The reasonable value of necessary legal services Plaintiff received;
- The wages, earnings, earning capacity, employment, business opportunities, and employment opportunities Plaintiff lost; and
- The wages, earnings, earning capacity, employment, business opportunities, and employment opportunities that Plaintiff is reasonably certain to lose in the future.

No evidence of the dollar value of physical, mental, or emotional pain and suffering or loss of a normal life has been or needs to be introduced. There is no exact standard for setting the damages to be awarded on account of these factors. You are to determine an amount that will fairly compensate Plaintiff for any injury he has sustained. *Memphis Community Sch. Dist. v. Stachura*, 477 U.S. 299, 306 (1986) (observing that “out-of-pocket loss and other monetary harms [and] impairment of reputation . . . , personal humiliation, and mental anguish and suffering” were types of injuries for which compensatory damages may be recovered pursuant to Section 1983”); 7th Cir. Pattern Instruction 7.23 (modified); 9th Cir. Pattern Jury Instruction No. 5.2 (modified); 3d Cir. Proposed 1983 Instruction No. 3.8.1 (modified); *see also* 3 Fed. Jury Practice & Instructions § 165:70 (6th ed.)

At this juncture, Plaintiff is not in a position to inform the Court (nor Defendants) of the exact amount of compensatory and/or punitive damages that he will seek at trial. It will be substantially in the eight-figure range. Based on our firm’s extensive experience and success litigating wrongful conviction cases, we are confident that a jury award in favor of Plaintiff will be considerable. It is well recognized that “both juries and courts sitting without juries have found that wrongfully imprisoned plaintiffs were entitled to compensation of at least \$1 million per year.” *Limone v. United States*, 497 F. Supp. 2d 143, 243 (D. Mass. 2007); *see also Smith v. City of Oakland*, 538 F. Supp. 2d 1217, 1242-43 (N.D. Cal. 2008) (describing \$1 million per year of wrongful incarceration as “a floor for wrongful imprisonment awards, not a ceiling”); *Restivo v. Nassau County*, 06-cv-6720 (E.D.N.Y. 2014) (verdict of \$36,000,000 for 36 years

cumulatively for two individuals, or \$1,000,000 per year); *Ayers v. City of Cleveland*, 12-cv-753-GF (N.D. Ohio) (\$13.2 million jury award for 13 years of wrongful imprisonment); *Fields v. City of Chicago*, No. 10 C 1168 (N.D. Ill.) (\$22 million verdict for 18 years of wrongful incarceration). These awards increase dramatically from this floor when egregious official misconduct, such as that at issue here, causes a wrongful conviction. *See, e.g., Fox v. Hayes*, No. 04 C 7309 (N.D. Ill.) (\$15.5 million verdict for less than a year of wrongful incarceration).

We are confident in this case and our ability to succeed in securing Plaintiff relief. As experienced litigators, we have unparalleled success litigating wrongful conviction cases. Our firm successfully took a similar case to verdict last year. Last September, a federal jury in Michigan returned a verdict of \$14,500,000 to our client, Ray McCann, for his twenty-month wrongful conviction. This verdict amounts to \$725,000 per month of wrongful incarceration. *McCann v. Bryan Fuller, et al*; Case No. 19-CV-1032-PLM-PJG (Dckt. 243). Notably, the *McCann* verdict occurred in a jurisdiction that is in the Midwest and has a similar jury pool to Louisville.

In recent years, wrongful conviction plaintiffs have routinely been awarded eight and even nine-figure jury verdicts, reflecting jurors' sympathy and understanding of such claims and skepticism of government defenses—particularly in Chicago. The list of Loevy & Loevy's substantial verdicts goes on and on. For example, in March, we won a \$120 million verdict in a wrongful conviction case against the City of Chicago and Cook County on behalf of John Fulton and Anthony Mitchell—in a case without, as here, a Certificate of Innocence. In December of 2024, we won a jury verdict awarding \$34 million in *Lobato v. Las Vegas Police Dep't*, No. 2:19-cv-01273-RFB-EJY (D. Nev.). In September of 2024, we secured a \$50 million jury verdict in *Brown v. City of Chicago*, No. Case No. 19-cv-4082 (N.D. Ill.)—

again, a case without a Certificate of Innocence. In November of 2022, we obtained a \$45 million verdict in a wrongful conviction case in Dayton, Ohio, *Gillispie v. Miami Township*, No. 13 C 416 (S.D. Ohio). Just before that, we won a \$33 million verdict in Massachusetts state court in a similar case. *Weichel v. Massachusetts*, 1884CV02078-A (Mass.).

Given the above, Plaintiff expects that he will receive a verdict substantially in the eight-figure range for the 22 years of wrongful incarceration he endured. Based on our firm's recent success, that compensatory damages verdict could be anywhere from \$1,000,000 to \$5,000,000 per year of wrongful incarceration.

DATED: December 3, 2025

Respectfully submitted,

s/ Amy Robinson Staples

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CERTIFICATE OF SERVICE

I, Elliot Slosar, an attorney, hereby certify that I served the foregoing trial brief on all parties of records via electronic mail on December 3, 2025.

s/ Elliot Slosar