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COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION I
CIVIL ACTION No. 04-CI-588

ENTERED
AUG 23 2007
FRANKLIN CIRCUIT COURT
SALLY JUMP, CLERK

COMMONWEALTH OF KENTUCKY

PLAINTIFF

v.

ORDER

TARGET OIL AND GAS COMPANY
and MICHAEL SMITH

DEFENDANTS

This matter has come before the Court on Plaintiff's motion to find the Defendant in contempt for failing to produce records. Pursuant to the hearing conducted during motion hour on August 22, 2007, the Court finds that the motion has become **MOOT** by virtue of the fact that federal authorities have seized (pursuant to federal search warrants) the documents that Defendants were ordered by this Court to produce. Accordingly, the motion for contempt is **DENIED** without prejudice. The Defendant is under a continuing obligation to produce any and all documents covered by the Court's July 30, 2007 Order as soon as they become available. Furthermore, the Defendant shall take any and all available procedural steps to obtain copies of the seized documents from the federal investigators who currently have custody of them, and to notify the Court and counsel for the plaintiff when the Defendants gain access to those documents.

So **ORDERED** this the 23rd day of August, 2007.



Phillip J. Shepherd
Phillip J. Shepherd
Judge, Franklin Circuit Court

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