

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

BRIANNA BOE, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Case No. 2:22-cv-184-LCB
Plaintiff-Intervenor,)	
)	
v.)	
)	
STEVE MARSHALL, <i>et al.</i>,)	
)	
Defendants.)	

**SHORTNACY’S SUBMISSION REGARDING
OTHER RESPONDENTS’ SHOW CAUSE BRIEFS**

In its Supplemental Order to Show Cause, the Court directed Respondent Michael Shortnacy (“Shortnacy”) to “identify those portions of all other Respondents’ briefs with which he agrees or disagrees.” Doc. 480 at 13. Shortnacy respectfully responds as follows:

1. Shortnacy has reviewed the briefs filed by all other Respondents. Docs. 513, 514, 516, 517, 518, 520, and 521.

2. Shortnacy agrees with other Respondents’ references to the factual record involving him and other *Ladinsky* counsel. Shortnacy has not identified any material inconsistencies between his recollection and those of other Respondents.

3. As to the portions of other Respondents' briefs addressing events in which Shortnacy did not participate (*e.g.*, discussions among *Walker* counsel, any discussions between *Walker* counsel and other *Ladinsky* counsel,¹ and any discussions among *Ladinsky* counsel which did not involve Shortnacy), Shortnacy has no reason to disagree with other Respondents' recollections.

4. Shortnacy has not found any inconsistencies between the legal arguments in his brief and those in other Respondents' briefs. Shortnacy therefore adopts the legal arguments in the briefs filed by *Ladinsky* and *Ecknes-Tucker* counsel, including Respondents Orr (Doc. 513)², Eagan and Doss (Doc. 514), McCoy (Doc. 516), and Levi and Minter (Doc. 520). Shortnacy also adopts the legal arguments in the briefs filed by *Walker* counsel to the extent applicable. *See* Docs. 518 and 521 (excluding portions addressing related-case designations, client consent for dismissal, and standards related to perjury).

¹ Shortnacy participated in only one conversation with *Walker* counsel on April 13 about *Walker* counsel's response to Judge Marks's Order to Show Cause.

² Shortnacy does not agree with Respondent Orr's acknowledgment of a "circuit split" over whether sanctions are appropriate for voluntary dismissals. *See* Doc. 537 at ¶ 4, Respondent Melody H. Eagan and Jeffrey P. Doss's Responses to Co-Respondents' Briefs (explaining that Circuit Courts are unanimous that no sanctions should be imposed when a lawyer voluntarily dismisses one case and files a new case).

For the reasons set forth in Shortnacy's Response to Order to Show Cause and Motion to Dismiss (Doc. 515), Shortnacy respectfully requests that the Court dismiss and release him from further proceedings without sanction.

Respectfully submitted,

/s/ Bruce F. Rogers

Bruce F. Rogers
Elizabeth N. Terenzi

BAINBRIDGE, MIMS, ROGERS & SMITH, LLP
600 Luckie Drive, Suite 415
Birmingham, Alabama 35223
Telephone: (205) 879-1100
Facsimile: (205) 879-4300
Email: brogers@bainbridgemims.com
bterenzi@bainbridgemims.com

Counsel for Michael Shortnacy

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will give notice of such filing to all counsel of record.

/s/ Bruce F. Rogers _____

OF COUNSEL