

{FILED ELECTRONICALLY}

**COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT
FOURTH DIVISION
CIVIL ACTION NO. 20-CI-00332**

HAYNES PROPERTIES, LLC, et al.

PLAINTIFFS

v.

BTGCA MOTION FOR CREDITORS' BAR ORDER

**BURLEY TOBACCO GROWERS COOPERATIVE
ASSOCIATION, et al.**

DEFENDANTS

** ** * * * * *

The Burley Tobacco Growers Cooperative Association in Liquidation ("BTGCA"), and its Dissolution Committee, by counsel, move the Court to enter a Bar Order to establish a final four-month time period within which any unknown creditors and claimants shall be required to file any purported debts or claims against BGTCa, or be forever barred from participating in the distribution of its remaining funds from liquidation of its assets, before a final distribution to Settlement Class Members. The current fiscal year for BTGCA ends September 30, 2023. There is no reason to keep its books open and to necessitate another set of tax returns for the next fiscal year 2023-24. This case being a certified class action settlement under CR 23.05 with a Court-supervised voluntary liquidation. There is no express limitation for claims in KRS 272.325, but KRS 273.340 provides that in a liquidation of a nonprofit corporation, the Court may issue such a notice and Bar Order to require all creditors and claimants to file claims within four (4) months or be barred. Under the circumstances of this case, that is fair and reasonable.

BTGCA effectively ceased all business other than liquidating its tobacco inventory after the sale of its building in July 2021, consensually terminated its employees with notice and written severance agreements and releases from each, notified all its vendors and fulfilled and paid all office and equipment leases and other known debts. All expenses and commissions from the sale of tobacco

have been paid, and all sales, excise and payroll taxes have been paid. Only professional fees have been incurred after March 2022, so the likelihood is that there are no unpaid creditors or claimants. Sturgill Turner has been receiving BTGCA's mail for nearly a year, and has received no bills that were not already recorded on BTGCA's accounts payable.

BTGCA proposes to have Class Counsel post the Bar Order on the Settlement Class website and BTGCA will publish it in the Lexington-Herald Leader legal notices section. BTGCA will gladly receive input from Class Counsel on the wording of the Bar Order prior to its entry.

Respectfully Submitted,

/s/ Kevin G. Henry

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Committee Members, Al Pedigo, Donald Mitchell
and Eddie Warren*

/s/ Robert E. Maclin, III

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LLC, Mitch and Scott Haynes dba Alvin Haynes &
Sons and S&GF Management, LLC and BTGCA
Dissolution Committee Members, Penny
Greathouse, Mitch Haynes and Scott Haynes*

NOTICE

The foregoing Motion shall come on for hearing on Friday, April 14, 2023 at the hour of 10:00 a.m., or as soon there after as may be heard.

CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2023, the foregoing document was electronically filed with the Clerk of this Court using their filing system and served electronically by the Clerk of this Court upon the following:

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Courtesy Copy (emailed):

Hon. Julie Muth Goodman
c/o Alicia Dean: aliciadean@kycourts.net

/s/ Kevin G. Henry

*Counsel for Defendant, Burley Tobacco
Growers Cooperative Association and
BTGCA Dissolution Committee Members, Al
Pedigo, Donald Mitchell and Eddie Warren*

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FAYETTE CIRCUIT COURT
FOURTH DIVISION
CIVIL ACTION NO. 20-CI-00332**

HAYNES PROPERTIES, LLC, et al.**PLAINTIFFS**

**RENOTICE OF HEARING
ON**

v. **BTGCA'S MOTION FOR CREDITORS' BAR ORDER**

**BURLEY TOBACCO GROWERS COOPERATIVE
ASSOCIATION, et al.**

DEFENDANTS

** ** ** ** ** **

Comes the Defendant, Burley Tobacco Growers Cooperative Association in Liquidation (“BTGCA”), by counsel, and gives notice that the hearing on its Motion for Creditors’ Bar Order previously noticed to be heard April 14, 2023 at 10:00 a.m., **will now be heard on April 28, 2023 at 10:00 a.m.**, or as soon thereafter as counsel may be heard.

Respectfully Submitted,

/s/ Kevin G. Henry

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LLC, Mitch and Scott Haynes dba Alvin Haynes &
Sons and S&GF Management, LLC and BTGCA
Dissolution Committee Members, Penny
Greathouse, Mitch Haynes and Scott Haynes*

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2023, the foregoing document was electronically filed with the Clerk of this Court using their filing system and served electronically by the Clerk of this Court upon the following:

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 Campbell Graddy, David Lloyd and Objector
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*Counsel for Defendant Burley Tobacco
 Growers Cooperative Association*

Courtesy Copy (emailed):

Hon. Julie Muth Goodman
 c/o Alicia Dean: aliciadean@kycourts.net

and via first-class U.S. Mail, postage prepaid, on unrepresented objectors listed on Schedule A of the Opinion and Order entered June 11, 2021, at addresses given in their respective objections or as thereafter updated:

J.B. Amburgey
 Robert E. Barton
 Wayne Cropper
 Jennifer Darnell
 William David Furnish
 Dudley Wayne Hatcher
 Bruce Quarles
 Danny Townsend
 Jarrod Stephens
 Judy Townsend

David Barnes
 Ben Clifford
 Josh Curtis
 Brent Dunaway
 Leonard E. (Eddie) Gilkison
 Steve Lang
 Travis Quarles
 Jerry Rankin
 Addison Thomson

Jacob Barnes
 Lincoln Clifford
 George M. Darnell
 Michael Furnish
 Bill G. Hall
 Berkley Marks
 Steven Quarles
 Richard Sparks
 William A. Thomson

/s/ Kevin G. Henry

*Counsel for Defendant, Burley Tobacco
 Growers Cooperative Association and BTGCA
 Dissolution Committee Members, Al Pedigo,
 Donald Mitchell and Eddie Warren*

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