

**COMMONWEALTH OF KENTUCKY  
FAYETTE CIRCUIT COURT  
FOURTH DIVISION**

Civil Action No. 20-CI-00332

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


**PLAINTIFFS**

vs.

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

**DEFENDANTS**

Order

ENTERED  
ATTEST, VINCENT RIGGS, CLERK  
MAR 13 2023  
FAYETTE CIRCUIT CLERK  
BY  DEPUTY

This matter came before the Court on February 24, 2023, to hear Settlement Class Counsel's Motion to Approve Form and Content of Notice and Return Postcard, to which Objectors Roger Quarles filed a response. The parties having had an opportunity to be heard, and the Court being duly and sufficiently advised, IT IS HEREBY STATED and ORDERED as follows:

1. Settlement Class Counsel were directed to simplify and otherwise revise the Notice letter and the Return Postcard that they had submitted with their Motion in accordance with the concerns expressed and discussion had at the Motion's hearing, and to provide the revised Notice and Return Postcard to counsel present at the 2/24/23 hearing before tendering to the Court. The revised Notice and Return Postcard are attached to this Order as Exhibit 1 and Exhibit 2, respectively.
2. The Court GRANTS the Motion and approves the general form and content of the Notice and Return Postcard attached to this Order as Exhibits 1 and 2. The Court further ORDERS that Settlement Class Counsel are allowed the flexibility to modify and adapt the format and content of the Notice letter and Return Postcard to efficiently and accurately apprise

A TRUE COPY  
ATTEST: VINCENT RIGGS, CLERK  
FAYETTE CIRCUIT COURT

BY  DEPUTY  
Vincent Riggs, Fayette Circuit Clerk



qualified class members of the logistics for filling out and returning their election between the options given to them about a proportionate share in the Fund.

Given under my hand this 2<sup>nd</sup> day of March, 2023.

  
Hon. Julie Muth Goodman  
Judge Fayette Circuit Court

PREPARED and ATTESTED BY the undersigned that this proposed Order with its two (2) exhibits was circulated on 3/1/23 to counsel for parties present at the hearing pursuant to RFCC 19B, that attorney Kevin G. Henry authorized signing the attestation below, and that no response has been received from W. Henry Graddy, IV, counsel for Objectors Roger Quarles *et al.*

/s/ Katherine K. Yunker  
Katherine K. Yunker (KBA # 79592)  
Jason R. Hollon (KBA # 96148)  
MCBRAYER PLLC  
201 E. Main Street, Suite 900  
Lexington, KY 40507-1361  
*Counsel for Settlement Class*

HAVE SEEN, in conformity with the rulings made at the hearing:

/s/ Kevin G. Henry (w/ permission)  
Kevin G. Henry (KBA # 31255)  
STURGILL, TURNER, BARKER &  
MALONEY PLLC  
333 W. Vine Street, Suite 1500  
Lexington, KY 40507  
*Counsel for Burley Tobacco Growers  
Cooperative Association*

**CLERK'S CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this filing has been served on this \_\_\_ day of March, 2023, *via* U.S. Mail, first class, to the following:

~~Robert E. Maclin, III  
 Katherine K. Yunker  
 Jason R. Hollon  
 MCBRAYER PLLC  
 201 E. Main Street, Suite 900  
 Lexington, Kentucky 40507-1361  
 Counsel for Named Plaintiffs and  
 Settlement Class Representatives~~

~~Kevin G. Henry  
 Charles D. Cole  
 STURGILL, TURNER, BARKER & MALONEY  
 PLLC  
 333 West Vine Street, Suite 1500  
 Lexington, Kentucky 40507  
 Counsel for Defendant Burley Tobacco  
 Growers Cooperative Association~~

~~Jeremy S. Rogers  
 DINSMORE & SHOHL LLP  
 101 South Fifth Street, Suite 2500  
 Louisville, Kentucky 40202  
 Counsel for Defendant Burley Tobacco  
 Growers Cooperative Association~~

~~John N. Billings  
 Richard J. Dieffenbach  
 BILLINGS LAW FIRM, PLLC  
 145 Constitution Street  
 Lexington, Kentucky 40507  
 Counsel for Defendant Greg Craddock~~

~~W. Henry Graddy, IV  
 Dorothy T. Rush  
 W.H. GRADDY & ASSOCIATES  
 137 N. Main Street  
 Versailles, Kentucky 40383  
 Counsel for Objectors Roger Quarles  
 et al.~~

And to the following unrepresented objectors to the proposed Settlement, listed on Schedule A of the 6/11/21 Opinion and Order, at the addresses given in their respective objections:

J.B. Amburgey  
 David Barnes  
 Jacob Barnes  
 Robert E. Barton  
 Ben Clifford  
 Lincoln Clifford  
 Wayne Cropper  
 Josh Curtis  
 George M. Darnell  
 Jennifer Darnell  
 Brent Dunaway  
 Michael Furnish  
 William David Furnish  
 Leonard Edwin Gilkison

Billy G. Hall  
 Dudley Wayne Hatcher  
 Steve Lang  
 Berkley Mark  
 Bruce Quarles  
 Steven Quarles  
 Travis Quarles  
 Jerry Rankin  
 Richard Sparks  
 Jarrod Stephens  
 Addison Thompson  
 William A. Thomson  
 Danny Townsend  
 Judy Townsend

  
 \_\_\_\_\_  
 Clerk, Fayette Circuit Court

TD : 000003 of 000006

BTGCA SETTLEMENT CLASS COUNSEL  
classcounsel@mcbayerfirm.com  
www.mcbayerfirm.com



201 EAST MAIN ST., SUITE 900  
LEXINGTON, KY 40507  
1-859-551-3622

\_\_\_\_\_, 2023  
via first class U.S. Mail

Notice I.D. xxx####  
ClassMember\_Name  
AddressLine\_1  
AddressLine\_2  
City, ST ZIP+4

**NOTICE of OPTION**

**DEADLINE: +60 days, 2023 (postmark)**

You are being sent this information and enclosed postcard about an option available to you as a qualified member of the settlement class regarding dissolution of the Burley Tobacco Growers Cooperative Association. The Court order approving the settlement gives to you an option relating to the settlement, which is separate from and does not affect your share in the dissolution proceeds. The option is about a \$1.5 million fund ("the Fund") set aside for a non-profit organization, the Burley and Dark Tobacco Producer Association, Inc. ("the Association"). Please review this letter carefully.

**You have the option to request and be paid individually a proportionate share of the Fund** remaining after the payments to the Association for its first two years of operations and any approved costs of administration of this process. **You also have the option to request that the proportionate share be left in place as part of the grant to the Association.** If you do not send in a response to this notice, the proportionate share will be left in place for the Association. Although the exact amount of a proportionate share is unknown, it is certain that it will be less than \$510 per qualified class member.

This option is a one-time, individual choice to have the proportionate share of the Fund be paid either to you or left as part of the grant to fund the Association. **The deadline for your choice is +60 days, 2023.**

**Instructions**

Use the enclosed pre-addressed postcard to expressly request that a proportionate share of the Fund be paid to you or to the Association. Only one class member and choice per postcard.

In the blanks provided, clearly write the name of the qualified class member and the member's Notice ID (see the top of this notice). Choose whether you want the proportionate share of the Fund to be paid to you or the Association. Sign and date your choice in the blanks

Law Offices: Lexington | Louisville  
Government Affairs: Frankfort | Washington, D.C.  
mcbayerfirm.com



( MCBRAYER )

, 2023  
Page 2 of 2

provided. If you are signing on behalf of a qualified class member — for example, the class member is an Estate or LLC, or you have been granted a power of attorney for the class member — print your name and state by what authority or in what capacity you are signing for the qualified class member. If the information is incomplete or we cannot read what you wrote, then the proportionate share will be paid to the Association.

Put sufficient postage on the postcard for it to be delivered by first-class mail, **postmarked no later than +60 days, 2023.** You may also make a copy of the filled-out postcard and, **by +60 days, 2023,** email that to [classcounsel@mcbrayerfirm.com](mailto:classcounsel@mcbrayerfirm.com) or fax it to 859-xxx-nnnn. If you lose the postcard, or need to update your address, contact the Class Counsel team at [classcounsel@mcbrayerfirm.com](mailto:classcounsel@mcbrayerfirm.com) or by calling 1-866-965-9005 (toll free) or 1-859-551-3622.

Class Counsel will keep a running list of the Notice IDs on the postcards received and post it on the website for the class at <https://www.btgcasettlement.com>.

**Other Information Available**

Information and important documents, like the 7/28/21 Amended Opinion and Order Approving Partial Settlement and copies of this notice and postcard form, are available on the website maintained for the class: <https://www.btgcasettlement.com> (homepage).

Sincerely,

Settlement Class Counsel

Enclosure

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Settlement Class Counsel  
McBrayer PLLC  
201 E. Main Street; Suite 900  
Lexington, KY 40507**

**Qualified Class Member**

\_\_\_\_\_  
Name (*print*)

\_\_\_\_\_  
Notice ID

(*choose one*)

I request that I be paid individually a proportionate share of the remaining Fund.

I request that the proportionate share be left in place as part of a grant to fund the Burley and Dark Tobacco Producer Association, Inc.

\_\_\_\_\_, 2023

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

If the qualified class member is an LLC, corporation, Estate, or partnership, or you are otherwise signing as an authorized representative or power of attorney for the qualified class member, print:

\_\_\_\_\_  
Representative's Name

\_\_\_\_\_  
Capacity/Authorization

Order Exhibit 2